STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

08/18/2020 10:00 A.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA*

AGENDA

No members of the public will be allowed in the BOCC Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Board of County Commissioners are hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com. Public comment may be made by communication through zoom.

***Join Zoom Meeting:** https://zoom.us/j/597519448 **Meeting ID: 597 519 448**

Dial by your location
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Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Clerk's Office at 775-847-0969.

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County

Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda. All matters listed under the consent agenda are considered routine and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Commission Chair reserves the right to limit the time allotted for each individual to speak.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Agenda for August 18, 2020

4. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Minutes for July 21, 2020

5. **CONSENT AGENDA**

   I For possible action, approval of claims in the amount of $912,292.23

   II For possible action, approval of business license first readings:
   - **A. AECOM Design, A Professional Corp. –** Professional / 8985 S. Eastern Ave Ste 130 ~ Las Vegas, NV
   - **B. Atlas Land Development, LLC** – Contractor / 4363 S. Jumbo Way ~ Carson City, NV
   - **C. Jimmy's LLC** – Out of County / 3475 Ormsby Ln. ~ Washoe Valley, NV
   - **D. Road and Highway Builders, LLC** – Contractor / 950 E. Mustang Rd. ~ Sparks, NV
   - **E. Tenaska Power Services Co** – Out of County / 300 E. John Carpenter Freeway Ste 1100 ~ Irving, TX

   III For possible action, approval of Assessor's Recommended Correction to 2019-20 Unsecured Tax Roll per NRS 361.768

6. **PUBLIC COMMENT (No Action)**

7. **DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports**

8. **BOARD COMMENT (No Action - No Public Comment)**

9. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and setting of date for a public hearing on the proposed amended service plan of the TRI GID.

10. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Home-Based Business License for Highland Arms, internet firearm sales. Applicants are Calvin, Pamela, and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521.

11. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Home-Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore.

12. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Business License. Out of county Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV 89081.

13. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

14. **RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD**

15. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of 2nd reading for Liquor License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

16. **DISCUSSION/FOR POSSIBLE ACTION:**

Consideration and possible approval of five-year contract with Lenslock for obtaining body cameras to replace the VieVu cameras for a cost of approximately $20,000.00 per year.

17. **RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS**

18. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T

and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

19. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

20. **DISCUSSION/FOR POSSIBLE ACTION:**

First reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential ; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

21. **DISCUSSION/FOR POSSIBLE ACTION:**

Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

22. **DISCUSSION/FOR POSSIBLE ACTION:**

Approval of business license second readings:

A. **Adelita's Tamales –** Food Truck / 917 Desert Breeze Way ~ Fernley, NV
B. **Denmark Commerce Park Owner's Assoc.** – Non-Profit / 1485 La Briana Ave ~ Reno, NV
C. **G3 Solar, LLC** – Contractor / 272 W 200 N. #200 ~ Lindon, UT
D. **Hammond Homes and Construction LLC** – Contractor / 1780 Lattin Road ~ Fallon, NV
E. **Holder Construction Group LLC** – In-County Contractor / 2555 USA PKWY ~ McCarran, NV
F. **Iconic Concrete LLC** – Contractor / 2740 Beach River Dr ~ Reno, NV
G. **QA Group, LLC** – Out-of-County / 3400 E. Third Ave ~ Foster City, CA

H. **Two Rivers Demolition, Inc.** – Contractor / 2620 Mercantile Dr. ~ Rancho Cordova, CA

23. **PUBLIC COMMENT (No Action)**

24. **ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA**

25. **CALL TO ORDER CLOSED SESSION AS THE 474 FIRE PROTECTION DISTRICT BOARD**

Call to order closed session pursuant to NRS 288.220 for the purpose of conferring with district and county management and legal counsel regarding labor negotiations with the Storey County Firefighters Association IAFF Local 4227. ***This meeting will commence immediately following the regular meeting of the Storey County Board of County Commissioners.***

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.
- In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

  Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

  To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

CERTIFICATION OF POSTING

I, Vanessa Stephens , Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 08/12/2020; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV.

By Vanessa Stephens
Vanessa Stephens Clerk-Treasurer

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 08/19/2020 **Estimate of time required:** 5 min.

Agenda: Consent [ ] Regular agenda [X] Public hearing required [ ]

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1. **Title:** Approval of minutes for July 21, 2020

2. **Recommended motion:** Approve minutes as submitted.

3. **Prepared by: Vanessa Stephens**

   Department: Clerk & Treasurer **Telephone: 775 847-0969**

4. **Staff summary:** Minutes are attached.

5. **Supporting materials:** Attached.

6. **Fiscal impact: N/A**

   Funds Available: Fund: ____ Comptroller

7. **Legal review required: N/A**

   ____ District Attorney

8. **Reviewed by**:

   VH Department Head Department Name: Clerk & Treasurer

   ____ County Manager Other agency review: _____

9. **Board action:**

   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 4

STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, JULY 21, 2020 10:00 A.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

ROLL CALL via zoom: Chairman McBride, Vice-Chairman Carmona, Commissioner Gilman, County Manager Austin Osborne, Clerk & Treasurer Vanessa Stephens, District Attorney Anne Langer, Deputy District Attorney Keith Loomis. HR/Administrative Officer Jen Chapman, Emergency Management Director Joe Curtis, Planner Kathy Canfield, Fire Marshall/Community Development Director Martin Azevedo, Fire Chief Jeff Nevin, Water/Sewer Project Manager Mike Nevin, Community Relations Director Lara Mather, Comptroller Jennifer McCain, Public Works Director Jason Wierzbicki, Human Resources Jeanne Greene, Sheriff Antinoro, Senior Center Director Stacy York, Assessor Jana Seddon and Communications Director Dave Ballard

1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.
Meeting was called to order by Chairman McBride at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE
Chairman McBride led the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for July 21, 2020.
County Manager Austin Osborne requested items 17 and 19 be continued to August 18, 2020, and to remove item 10 from the agenda.

Public Comment: None

Motion: I move to approve the Agenda for July 21, 2020, with the changes requested, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

5. DISCUSSION/POSSIBLE ACTION: Approval of the Minutes for June 16, 2020.
Public Comment: None

Motion: I move to approve the Minutes for June 16, 2020, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

6. CONSENT AGENDA:

I. For possible action, approval of claims in the amount of $1,110,216.57

II. For possible action, approval of business license first readings:

A. Empire Solar Group LLC – Contractor / 9 Exchange Pl. Ste 400 ~ Salt Lake City, UT
B. GROB Systems, Inc. – Out of County / 1070 Navajo Dr. ~ Bluffton, OH
C. Perfect Petals Floral Design – General / 113 S. C St. ~ Virginia City , NV
D. Virginia City Gallery of the West, LLC – Home Business / 334 S. B St. ~ Virginia City, NV
E. Virginia City Motorcycle Company – Home Business / 448 Wagon Wheel Way ~ Dayton, NV
F. **Walker River Construction, Inc.** – Contractor / 31105 Pasture Rd ~ Schurz, NV

III. For possible action, approval of Justice Court Quarterly Report

IV. For possible action, approval of license board first readings:

A. General Business License – Senergy Petroleum LLC, petroleum distributor. 622 S 56th Ave., Phoenix, AZ 85043
B. General Business License – Tahoe House Hotel and Bar – 162 S C St, Virginia City, NV 89440. Applicant is Paul Hoyle
C. General Business License – Silver State Firearms; 1399 Highland Spur, VC Highlands, NV 89521. Applicants: David Cooley and Tony Midmore

Public Comment: None

Motion: I move to approve today's Consent Agenda, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

7. PUBLIC COMMENT (No Action) None

8. DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports

Mike Northan, Project Coordinator:

- The County has taken possession of the depot building. We are working closely with the prior tenant to remove his belongings from the building. Fire suppression plans are being worked on - updates will be given at future meetings.
- Bidding is tomorrow for the Justice Court at the Divide building. Nine general contractors are on the bid registry which should bring good response and competition. A "bid tabulation sheet" will be posted to the County website immediately after receipt of bids.

Jason Wierzbicki, Public Works Director:

- The parking lot work at Lockwood Senior Center and the Waste Management turnaround have been completed.
- Patch work on Lousetown Road has started.

Dave Ballard, Communications Director:

- Working with Motorola and ATT to get everything done on the communications up-grade at the Conference Center building. It looks like "cut-over" will happen in October. We're still several months out for Motorola to get up on the mountain top to rebuild and install radios.
- The vault in the building has been turned into a server room.
- Furniture and flooring are in.

Commissioner Gilman and Vice Chairman Carmona thanked Mr. Ballard for the update and commented that this is an ideal building for Communications.

Mr. Ballard: the changes and upgrades to the building are pretty minimal. It IS an ideal place for them.

Deny Dotson, VCTC Director:

- Reported on traveling he has done during the current situation. It was interesting to see what other areas are doing. He said he is comfortable with what we are doing.
- A lot of areas are saying don't come, wear a mask or you'll be fined, and other areas aren't doing anything.
- Storey County is right in the middle and where it should be in accordance with the guidelines.
- There have been struggles with last minute cancellation of events which is hard on staff, merchants, and businesses.
- Meetings begin tomorrow with VCTC staff, then with County department heads, and a Town Hall meeting on Thursday to discuss special events for the fall. Other event promoters having fall events have been asked to join the Town Hall. This is really to be educational for merchants and others – to see what it takes to put on an event and the struggles being faced.

Lara Mather, Community Relations Director:

- The County has been awarded four grants, all non-matching:
    - State Emergency Response Commission grant - $28,370.12. $4,000 for the local Emergency Response Commission operational expenses. The balance is for 4 hazardous gas detectors for the Fire Department.
    - United We Stand grant - $32,000 to be used for a new compressor for the Fire Department.
    - 2 – Hazardous Materials Emergency Preparedness grants. $8,585 for hazardous materials training (to take place in August), and $1,629.95 for hazardous materials for use by the Fire Department.

Joe Curtis, Emergency Management Director:

- Covid update: Quad County currently has 525 total cases;
- Hand sanitizer stations are working well – businesses are keeping them filled with the sanitizer being provided.
- The next community testing site is Monday, July 27th at Station 72 in the Highlands.
- Approximately 200 people have been tested at various sites. Other testing dates are: August 11th, 8 to 10 PM at Mark Twain Community Center; and, August 28th, at Lockwood Community Center. Testing is for asymptomatic persons. Residents of any of the 4 counties can go to any site.
- The County is obligated to conduct at least two sites per month for up to 2 or more years.

- For two years, work was done to update the County's Hazardous Mitigation Plan. The Plan was approved by the Commission in June, and FEMA has now approved.
- Thunderstorms expected in the area today and tomorrow.

Chairman McBride commented he has seen an up-tick in the wearing of masks. People are becoming more aware of what happens when counties get shut down.

Fire Chief Jeff Nevin:

- Staff is conducting seasonal 30-foot defensible space inspections in Mark Twain, Highlands, and Painted Rock areas.
- A brush engine has been sent to the Badger fire in Yreka per agreement with CalFire.
- An ambulance was sent to the apartment complex fire in Reno yesterday.
- A "battle of the badges" community blood drive will be held July 28th at the Courthouse and the Senior Center.

County Manager Austin Osborne:

- On behalf of Planning: Ms. Canfield is meeting and working very hard on the AT&T cell tower. A SHPO component is causing substantial delay. We are also receiving assistance from Mark Amodei's office, and others, to get this moving along.
- CARES funds for the County have been received from the Governor's Office. Approximately $200,000 could be reinvested back into the business community in the County, mainly affecting Virginia City. Working with NACO, and others, on how to administer and come up with details which will communicated in the next few weeks.
- Town Hall (meetings) will be scheduled soon and will take place via zoom.

9. BOARD COMMENT (No Action – No Public Comment):
Chairman McBride:

- Chris Kiechler recently passed away - a long-time resident and former owner of the Collar Mine.
- Richard Oates, owner of the Canvass Café, also passed away.

10. DISCUSSION/POSSIBLE ACTION: Authorize the county manager to approve proposals from Sierra Builders and Pezzonella-Ferrari Consulting to complete the first phase of structural work to the Virginia City Freight Depot building consisting of structural repairs to the roof and addition of a fire suppression sprinkler system on an hourly basis with total amount not to exceed $199,550.00 for the construction work and $10,854.00 for the engineering design.

Removed from the Agenda

11. DISCUSSION/POSSIBLE ACTION: Approval of Memorandum of Understanding (MOU) between Storey County, Carson City, and the Truckee Meadows Water Authority (TMWA) as a preliminary expression of general intention and to provide the basis for negotiations of a definitive agreement with the State of Nevada with respect to deliveries of water from the State-owned Marlette Lake Water System. A definitive agreement is planned to be reached in two years.

Mr. Osborne explained there is no change to the Marlette agreement. An expired agreement with Carson City states how much water would be allocated to the Comstock and how much to Carson

City. This item is a Memorandum of Understanding – creating a new agreement with Carson City, the State of Nevada – who owns the system, Storey County, and TMWA.

The County is in the middle of the Storey County Water Master Plan process which should be done by the end of the year. This Board and the community will be involved in the ultimate agreement for water use on the Comstock and the other users. Virginia City and the Comstock will have first right of priority on the system as this is the only source of water. This is supported by the State.

Public Comment:
Nicole Barde, Storey County resident: CMI previously received permission to be provided with a certain amount of untreated, or surplus, water. Does this agreement alter the (County's) terms with Carson as to what we get, and would that impact affect what CMI gets?

Chairman McBride: This doesn't alter anything – it is just a study, a Memorandum of Understanding looking to the future.

Mike Nevin said he has looked at this and it in no way affects (the County's) ability to provide CMI water, when needed.

Motion: I, Jay Carmona, approve a Memorandum of Understanding between Storey County, Carson City, and the Truckee Meadows Water Authority (TMWA) as a preliminary expression of general intention and to provide the basis for negotiations of a definitive agreement with the State of Nevada with respect to deliveries of water from the State-owned Marlette Lake Water System, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

12. DISCUSSION/POSSIBLE ACTION: Accept authorization of a contract between Storey County and BELFOR USA, Inc. to furnish materials, equipment, and subcontracted items and to perform COVID-19 deep cleansing and preventative treatment to county buildings in an amount not to exceed $13,000.00. Funding for this program will be paid from CARES Act funds.

Mr. Osborne said the County is looking to do a full deep cleaning of all County buildings and offices as preventative measure to ensure safety of staff and visitors. BELFOR is a company certified to do Covid-19 deep cleaning treatments and measures, which are long lasting. This will be paid out of CARES funds or possibly FEMA reimbursement.

Public Comment: None

Motion: I, Jay Carmona, accept authorization of a contract between Storey County and Belfor USA, Inc., to furnish materials, equipment, and subcontracted items and to perform COVID-19 deep cleansing and preventative treatment to county buildings in an amount not to exceed $13,000. Funding for this program will be paid from CARES Act funds, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

13. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of amendment to lease a portion of the County property on Peru Drive to provide internet service at market rate to the

TRI GID.

Mr. Loomis: The TRI GID has a lease for property on Peru Drive. Part of the lease states the GID obtain its own internet service which they have been unable to do. This is an amendment to that lease stating the County will provide that service at a rate to be determined by the IT department.

Public Comment: None

Motion: I, Jay Carmona, move to approve an amendment of the lease with TRI GID by which the County will provide internet service at a market rate to the GID, **Moved by:** Vice Chairman Carmona **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

14. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of USDA Amendment #2 to the Letter of Conditions for the Hillside Tanks Replacement Project for additional USDA Loan amount of $344,000. Funds are needed to make up the required shortfall to complete the project in its entirety. The amendment also requires the Water Enterprise Fund be responsible for any project cost overruns (project contingency) at an estimate amount of $212,815.

Mike Nevin, Water Project Manager: This project is tied to the Five-Mile water replacement project. Adjustments have been made to the design due to geo-technical information regarding the site. This includes additional retaining walls to hold the larger tanks. Initially it was thought funds might be short, which turned out to be the case. Prior to bid, Cheryl Couch from USDA, indicated there would be sufficient loan funds to make up any shortfall - that amount is just under $344,000. It has been determined that the Water Enterprise Fund, which the loans are paid from, has sufficient unreserved cash to cover the shortfall.

Replacement is necessary due to the infrastructure and age of the superstructure of the tanks which has deteriorated. The Bureau of Safe Drinking Water has directed the County to get this job completed.

USDA has been phenomenal on all sewer and water projects. The interest rate is 1.125% - good news. In addition, the interest rates on other water and sewer obligations, will drop to the 1.125% - providing the loans are closed by September 25th.

The County's bond counsel, Sherman & Howard, has done the pre-work necessary to get the revenue bonds issued and closed properly.

With the additional $344,000, the County will save about $42 in the monthly payment. Over the term of the loans, interest savings will be $371,000.

Cheryl Couch commented, "by the Board approving this item, there will be significant savings". (difficult to hear Ms. Couch).

Chair McBride: The County has a long relationship with Ms. Couch and USDA Rural Development – the go-to agency helping the County out with public works projects, ambulances, and such. This project has been on Mr. Nevin's "back burner" for years. The time has come to replace these tanks being held together "by termites holding hands".

Public Comment:
Sam Toll, Gold Hill resident: Encouraged to see this work moving forward and to see the interest rates come down. With the Gold Hill sewage plant, we are expecting a 5% increase in rates. Will the (interest) savings have direct impact on the amount residents pay for water?

Mr. Nevin: When the rate analysis was conducted, the Commission did tiered rate increases in November for these projects – there is no need seen to modify those rates. As we progress, current rates may be able to be lowered slightly. But no increase at this point.

Comptroller Jennifer McCain: Important, the savings and interest are offset by the additional $344,000 needed to complete the tanks. The savings is smaller than the $360,000+ interest savings.

Chair McBride cautions not to get hopes up for reductions in costs of services, supplies, or taxes – unless there was growth that would offset or pay for it. This is an "enterprise fund" – only paid for by the people who use the water and sewer system.

Mr. Osborne commented increases had not happened for a very long time, so there was a "catch-up" period. Other jurisdictions have regular increases to go with cost of living. Now we're at a point where we should be.

Motion: I, Jay Carmona, motion to approve and sign by Chairman McBride authorization of USDA Amendment #2 to the Letter of Conditions for the Hillside Tanks Replacement Project for additional USDA loan amount of $344,000, and the additional requirement that the Water Enterprise Fund be responsible for any project cost overruns at an estimate amount of $212,815, **Moved by:** Vice Chairman Carmona **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

15. DISCUSSION/POSSIBLE APPROVAL: Consideration and possible approval of award of contract to low bidder, Farr Construction dba Resource Development Corporation for the Hillside Tank Project. This contract is for the low bid in the amount of $2,128,149.00 for the completion of the entire Hillside Tank Project.

Mr. Nevin: this is the approval of the low bid for the Hillside Tank project in the amount of $2,128,149 submitted by Farr Construction. The contractor specializes in water tanks – raw and potable. He is happy to make the recommendation to award this project.

Public Comment: None

Motion: I, Jay Carmona, move to approve and sign by Chairman McBride, the contract award for the Hillside Tank Project in the amount of $2,128,149.00 to Farr Construction dba Resource Development Corporation, **Moved by:** Vice Chairman Carmona **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

16. DISCUSSION/POSSIBLE ACTION: Approval and acceptance of the Trial Court Improvement (TCI) grant from the Nevada Administrative Office of the Courts in the amount of $14,901.60. Project Total is $21,288.00. Match of $6,386.40 to be provided by the Virginia Township Justice Court. This will be used for a baggage scanner and hand-held metal detector for the entrance of the new court facility.

Nick Lazzarino, Bailiff-Court Services Officer, explained this funding will allow the purchase of safety equipment for the new Justice Court facility – specifically, a baggage scanner and a hand-held metal detector for the entrance. These are precautions ensuring safety for the public as well as staff. These items will be used at the new facility.

Vice Chairman Carmona: Are you taking the scanner that is currently in the courtroom? Will this one be replaced?

Mr. Lazzarino: Yes. The body scanner currently used will be taken with the addition of this new equipment. Clerk Stephens has the information regarding purchase (of a new scanner for the courtroom). The Justice Court does have the funds that would be required.

Mr. Osborne commented this is a $21,000 plus expense, however Judge Herrington was able to get a grant of $14,901, leaving $6,386.40 cost which is in the special budget fund.

Mr. Lazzarino: Correct.

Public Comment: None

Motion: I, Jay Carmona, move to approve the trial court improvement grant from the Nevada Administrative Office of the Courts in the amount of $14,901.60 for a baggage scanner and hand-held metal detector for the Justice Court facility. Initial quotes, description of the baggage scanner were provided to the Comptroller during the fiscal year 2020-21 budget process. This grant money will help with the costs facing the County in the construction of the new Justice Court facility, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

17. DISCUSSION/POSSIBLE ACTION: First Reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, eliminations and clarifications, including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

Continued to August 18, 2020

18. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of Resolution No. 20-585, a resolution setting grade and salary range of employees fixed by ordinance or resolution per NRS 245.045 for appointed Storey County officials for the 2020-2021 fiscal year. This resolution removes the budgeted position of Assistant Comptroller and unbudgeted position title of Assistant County Manager and adds budgeted position titles of Fire Marshal/Community Development Director, Dispatch Manager, Information Technology officer, HR Director, HR Generalist and Planning Manager.

Jen Chapman: This is an annual Resolution setting grade and salary range or appoint Storey County officials. Also, removing the two positions indicated and changing or adding Fire Marshal/Community Development Director, Dispatch Manager, Information Technology officer, HR

Director, HR Generalist and Planning Manager. All positions have been included in the budget.

Public Comment: None

Motion: I, Jay Carmona, move to approve Resolution No. 20-585, a resolution setting grade and salary range of employees fixed by ordinance or resolution per NRS 245.045 for appointed Storey County officials for the 2020-2021 fiscal year. This resolution removes the budgeted position of Assistant Comptroller and unbudgeted position title of Assistant County Manager and adds budgeted position titles of Fire Marshal/Community Development Director, Dispatch Manager, Information Technology officer, HR Director, HR Generalist and Planning Manager, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

19. DISCUSSION/POSSIBLE ACTION: Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

Continued to August 18, 2020

20. **DISCUSSION/POSSIBLE ACTION:** Approval of business license second readings:

A. **Ashman Company Auctioneers & Appraisals –** Out of County / 1415 Oakland Blvd. Ste 200 ~ Walnut Creek, CA
B. **Aspen Engineering LLC –** Professional / 4600 Kietzke Ln, # 0-264 ~ Reno, NV
C. **Best Buy Stores LP –** Contractor / 7601 Penn Ave ~ S. Richfield, MN
D. **Drillrite LLC –** Contractor / 233 Springfield Pkwy ~ Spring Creek, NV
E. **Fly Right LLC –** Contractor / 822 Wyoming Avenue ~ Reno, NV
F. **Holistic 20/20 –** Home Business / 326 Rue De La Janue ~ Sparks NV
G. **Hotwire Electric LLC –** Contractor / 310 W. Williams Ave. Ste B. ~ Fallon, NV
H. **Mercury Clean Up, LLC –** Mining / 2443 Fair Oaks Blvd., PMB 516 ~ Sacramento, CA
I. **Pinyon Mountain Studios –** Home Business / 21535 Dortort Dr. ~ Reno, NV
J. **Servpro of Lyon and Storey Counties –** Contractor / 193 Shady Lane ~ Stateline, NV
K. **Shcalo Group Corporation –** Out of County / 58555 Winnowing Cir. ~ N. South Lyon, MI
L. **Siddons Martin Emergency Group, LLC –** General / 3033 Waltham Way ~ McCarran, NV
M. **Cal-Sierra Technologies, Inc. –** Out of County / 39055 Hastings St. Ste. 103 ~ Fremont, CA
N. **CWX Architects Inc –** Out of County / 1680 Montclair Ave. Ste A ~ Reno, NV

Community Development recommends approval of all licenses A through N.

Public Comment: None

Motion: I, Commissioner Carmona, move to approve the second reading of Business Licenses A through N, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

21. RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD

22. DISCUSSION/POSSIBLE ACTION: First reading for approval of an On-Sale Liquor License for the Tahoe House Hotel and Bar; 162 South C Street, Virginia City, NV 89440. Applicant is Paul Hoyle of Lark Lane Hospitality LLC.

Chairman McBride said this is the first reading for the liquor license.

Public Comment: None
Chairman McBride disclosed that he holds a liquor license within proximity of the Tahoe House Hotel voting would be no different than on any other item.

Motion: I, Commissioner Carmona, move to approve the First reading for approval of an On-Sale Liquor License for the Tahoe House Hotel and Bar; 162 South C Street, Virginia City, NV 89440. Applicant is Paul Hoyle of Lark Lane Hospitality LLC, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

23. PUBLIC COMMENT (No Action)

24. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA
The meeting was adjourned by the Chair at 11:14 AM
Respectfully submitted,

By: Vanessa Stephens
Vanessa Stephens Clerk-Treasurer

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 08/18/2020 **Estimate of time required:** 0 min

Agenda: Consent [x] Regular agenda [] Public hearing required [ ]

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1. For possible action, approval of claims in the amount of $912,292.23

2. **Recommended motion:** Approval of claims as submitted.

3. **Prepared by: V Stephens**

Department: Clerk/Treasurer **Telephone: 775 847-0969**

4. **Staff summary:** Please find attached the claims

5. Supporting materials: Attached

6. **Fiscal impact:**

Funds Available: NA Fund: NA __NA__ Comptroller

7. **Legal review required:**

_NA_ District Attorney

8. **Reviewed by**:

____ Department Head Department Name: Comptroller

____ County Manager Other agency review: _____

9. **Board action:**

[ ] Approved [ ] Approved with Modifications
[ ] Denied [ ] Continued

Agenda Item No. 5 I

Payment Reversal Register

APPKT02053 - 2020-07-06 Void Porter 3/15/19

Canceled Payables

Vendor Set: 01 - Storey County Vendors
Bank: AP Bank - AP Bank

Vendor Number	Vendor Name					Total Vendor Amount
404671	PORTER GROUP LLC					-6,000.00
Payment Type	**Payment Number**	**Original Payment Date**	**Reversal Date**	**Cancel Date**		**Payment Amount**
EFT	10014	03/15/2019	06/30/2020	06/30/2020		-6,000.00
Payable Number:		**Description**	**Payable Date**	**Due Date**		**Payable Amount**
INV#19-SC-3		Professional Services Rendered-March 2019	03/15/2019	03/15/2019		6,000.00

Bank Code Summary

Bank Code	Canceled Payables	Payables Left To Pay Again	Total
AP Bank	-6,000.00	0.00	-6,000.00
Report Total:	**-6,000.00**	**0.00**	**-6,000.00**

Payroll Check Register

Report Summary

Pay Period: 7/20/2020-8/2/2020

Packet: PRPKT00775 - 2020-08-07 Payroll sl
Payroll Set: Storey County - 01

Type	Count	Amount
Regular Checks	3	2,238.68
Manual Checks	0	0.00
Reversals	0	0.00
Voided Checks	0	0.00
Direct Deposits	170	365,618.10
Total	**173**	**367,856.78**

Approved by the Storey County Board of Commissioners:

Chairman _____ Commissioner _____ Commissioner _____

Comptroller _____ Date _____

Treasurer _____ Date _____

Vendor History Report

By Vendor Name

Posting Date Range 08/05/2020 - 08/07/2020

Payment Date Range 08/05/2020 - 08/07/2020

Payable Number / Item Description	Description / Units	Price	Post Date / Amount	1099 / Account Number	Payment Number / Account Name	Payment Date	Amount / Dist Amount	Shipping	Tax	Discount	Net	Payment
Vendor Set: 01 - Storey County Vendors												
405424 - Optum Bank, Member FDIC							**10,687.67**	**0.00**	**0.00**	**0.00**	**10,687.67**	**10,687.67**
INV0012215	HSA Contributions		8/7/2020		DFT0000573	8/7/2020	10,587.67	0.00	0.00	0.00	10,587.67	10,587.67
HSA Contributions	0.00	0.00	10,587.67	001-29506-000		Insurances	7,972.67					
				020-29506-000		Rds-Ins	390.00					
				090-29506-000		Wtr-Ins	45.00					
				130-29506-000		Swr-Ins	25.00					
				230-29506-000		VCTC-Ins	345.00					
				231-29506-000		Pipers-Ins	70.00					
				250-29506-000		Fire-Ins	1,699.50					
				270-29506-000		FireMutual-Ins	40.50					
INV0012216	HSA Contributions		8/7/2020		DFT0000574	8/7/2020	100.00	0.00	0.00	0.00	100.00	100.00
HSA Contributions	0.00	0.00	100.00	001-29506-000		Insurances	100.00					
				Vendors: (1)	**Total 01 - Storey County Vendors:**		**10,687.67**	**0.00**	**0.00**	**0.00**	**10,687.67**	**10,687.67**
					Vendors: (1)	**Report Total:**	**10,687.67**	**0.00**	**0.00**	**0.00**	**10,687.67**	**10,687.67**

Check Register

Packet: APPKT02158 - 2020-08-07 PR Payment sl

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP	**Bank**					
405456	Public Employees Retirement	08/07/2020	EFT	0.00	85,966.68	10122
300003	AFLAC	08/07/2020	Regular	0.00	1,217.08	100184
300008	AFSCME Union	08/07/2020	Regular	0.00	633.52	100185
405610	California State Disbursement Unit	08/07/2020	Regular	0.00	291.69	100186
405519	Cigna Health and Life Insurance Con	08/07/2020	Regular	0.00	132,541.72	100187
	Void	08/07/2020	Regular	0.00	0.00	100188
300001	Colonial LIfe & Accident	08/07/2020	Regular	0.00	103.38	100189
404704	DVM INSURANCE AGENCY	08/07/2020	Regular	0.00	83.86	100190
405264	FIDELITY SEC LIFE INS CO	08/07/2020	Regular	0.00	1,373.99	100191
405263	KANSAS CITY LIFE INS CO	08/07/2020	Regular	0.00	760.57	100192
300011	Nevada State Treasurer	08/07/2020	Regular	0.00	4.00	100193
103233	PUBLIC EMPLY RETIREMENT SYSTEM	08/07/2020	Regular	0.00	46.66	100194
300010	State Collection & Disbursement Un	08/07/2020	Regular	0.00	213.43	100195
300006	Storey Co Fire Fighters Assoc	08/07/2020	Regular	0.00	1,300.00	100196
404639	VOYA RETIREMENT INS	08/07/2020	Regular	0.00	8,122.50	100197
300005	Washington National Ins	08/07/2020	Regular	0.00	518.99	100198
300002	Western Insurance Specialties	08/07/2020	Regular	0.00	375.27	100199

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	32	15	0.00	147,586.66
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	3	1	0.00	85,966.68
	35	**17**	**0.00**	**233,553.34**

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner

Comptroller

Date

Treasurer

Date

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	8/2020	233,553.34
			233,553.34

Check Register

Packet: APPKT02159 - 2020-08-07 PR 715 PERs sl

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP Bank						
405456	Public Employees Retirement	08/07/2020	EFT	0.00	38,223.48	10123

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	0	0	0.00	0.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	2	1	0.00	38,223.48
	2	**1**	**0.00**	**38,223.48**

Approved by the Storey County Board of Commissioners:

Chairman

Commissioner

Commissioner

Comptroller

Date

Treasurer

Date

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	8/2020	38,223.48
			38,223.48

Check Register

Packet: APPKT02152 - 2020-07-31 AP Payments cw

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: AP Bank-AP	Bank					
405020	ALL COMSTOCK LLC	07/31/2020	Regular	0.00	4,000.00	100089
400481	ALLISON, MACKENZIE, LTD	07/31/2020	Regular	0.00	850.00	100090
405949	Alpine Lock and Key, Inc.	07/31/2020	Regular	0.00	650.00	100091
403795	ALPINE LOCK INC	07/31/2020	Regular	0.00	304.98	100092
100135	ALSCO INC	07/31/2020	Regular	0.00	571.21	100093
99663	AT&T MOBILITY II LLC	07/31/2020	Regular	0.00	124.13	100094
405113	AXON ENTERPRISE, INC	07/31/2020	Regular	0.00	2,070.00	100095
405786	B & B Collision Incorporated	07/31/2020	Regular	0.00	1,939.09	100096
405275	Belfore USA	07/31/2020	Regular	0.00	11,943.55	100097
403959	BENDER, DEBORAH	07/31/2020	Regular	0.00	44.00	100098
404240	BING CONSTRUCTION CO OF N	07/31/2020	Regular	0.00	1,047.48	100099
405929	Burden, Stephen Cole	07/31/2020	Regular	0.00	1,193.00	100100
403671	BURRELL, SCOTT LEWIS	07/31/2020	Regular	0.00	1,062.00	100101
100476	BURTON'S FIRE INC	07/31/2020	Regular	0.00	103.16	100102
405759	C2M Media LLC	07/31/2020	Regular	0.00	575.00	100103
100510	CARSON CITY JUVENILE PROB	07/31/2020	Regular	0.00	5,742.29	100104
404500	CARSON DODGE CHRYSLER INC	07/31/2020	Regular	0.00	200.90	100105
404216	CARSON VALLEY OIL CO INC	07/31/2020	Regular	0.00	4,625.03	100106
405948	CEMEX Inc.	07/31/2020	Regular	0.00	260.45	100107
403775	CHARM-TEX	07/31/2020	Regular	0.00	101.44	100108
405519	Cigna Health and Life Insurance Com	07/31/2020	Regular	0.00	22,311.08	100109
405134	CMC TIRE INC	07/31/2020	Regular	0.00	3,070.04	100110
404809	COARD PSYCHOLOGICAL	07/31/2020	Regular	0.00	3,312.50	100111
404868	COMPLETE DOCUM MNGMNT SOL	07/31/2020	Regular	0.00	30,134.00	100112
99652	COMSTOCK CHRONICLE (VC)	07/31/2020	Regular	0.00	882.50	100113
403887	COMSTOCK GOLD MILL LLC	07/31/2020	Regular	0.00	183.00	100114
405945	Cross, Joseph S.	07/31/2020	Regular	0.00	100.00	100115
405946	Crouch, John	07/31/2020	Regular	0.00	5.85	100116
404466	DAIOHS USA INC	07/31/2020	Regular	0.00	59.95	100117
403722	DPBH-ENVIRONMENTAL HEALTH	07/31/2020	Regular	0.00	8,179.20	100118
403835	EWING IRRIGATION PRODUCTS, INC	07/31/2020	Regular	0.00	22.95	100119
405947	Faircloth, Heather	07/31/2020	Regular	0.00	22.99	100120
404509	FASTENAL COMPANY	07/31/2020	Regular	0.00	565.01	100121
101485	FERGUSON ENTERPRISES INC	07/31/2020	Regular	0.00	5,001.63	100122
405264	FIDELITY SEC LIFE INS CO	07/31/2020	Regular	0.00	237.52	100123
404778	HAT, LTD	07/31/2020	Regular	0.00	1,364.16	100124
103218	HD SUPPLY CONST SUPPLY LT	07/31/2020	Regular	0.00	1,611.60	100125
403040	HENRY SCHEIN	07/31/2020	Regular	0.00	2,976.67	100126
100889	HOME DEPOT CREDIT SERVICE	07/31/2020	Regular	0.00	14.34	100127
403753	HOT SPOT BROADBAND INC	07/31/2020	Regular	0.00	82.50	100128
405360	Huntington, Elizabeth L.	07/31/2020	Regular	0.00	144.00	100129
102564	HYDRAULIC INDUSTRIAL SERV	07/31/2020	Regular	0.00	35.54	100130
405165	ICS JAIL SUPPLIES, INC	07/31/2020	Regular	0.00	77.97	100131
405726	iT1 Consulting, LLC	07/31/2020	Regular	0.00	19.00	100132
403834	IT1 SOURCE LLC	07/31/2020	Regular	0.00	1,062.29	100133
404583	JAMES C MCLENNAN MDPC	07/31/2020	Regular	0.00	500.00	100134
103317	JBP LLC	07/31/2020	Regular	0.00	1,608.16	100135
405263	KANSAS CITY LIFE INS CO	07/31/2020	Regular	0.00	19.71	100136
404102	LIQUID BLUE EVENTS LLC	07/31/2020	Regular	0.00	675.00	100137
404102	LIQUID BLUE EVENTS LLC	07/31/2020	Regular	0.00	2,300.00	100138
405548	Lumos & Associates, Inc	07/31/2020	Regular	0.00	384.50	100139
102751	LYON CO COMPTROLLER	07/31/2020	Regular	0.00	6,161.25	100140
404363	MA LABORATORIES INC	07/31/2020	Regular	0.00	2,723.79	100141
405077	MACKAY MANSION	07/31/2020	Regular	0.00	498.50	100142

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
405307	Mckechnie, Marla J.	07/31/2020	Regular	0.00	3,502.00	100143
405943	McNett, Henry	07/31/2020	Regular	0.00	900.00	100144
403629	MIGAN, TAMARA	07/31/2020	Regular	0.00	24.77	100145
101335	NEV DEPT TAXATION	07/31/2020	Regular	0.00	78.94	100146
101335	NEV DEPT TAXATION	07/31/2020	Regular	0.00	67.31	100147
101319	NEV PUBLIC DEFENDER	07/31/2020	Regular	0.00	22,787.25	100148
404715	NEVADA ASSOCIATION OF	07/31/2020	Regular	0.00	690.00	100149
405127	O'REILLY AUTO ENTERPRISES LLC	07/31/2020	Regular	0.00	106.66	100150
403895	PETRINI, ANGELO D	07/31/2020	Regular	0.00	283.50	100151
403791	PICTOMETRY	07/31/2020	Regular	0.00	26,066.50	100152
405256	PIPER'S OPERA HOUSE	07/31/2020	Regular	0.00	14.00	100153
101417	POST NEV	07/31/2020	Regular	0.00	1,500.00	100154
403329	PROTECTION DEVICES INC	07/31/2020	Regular	0.00	120.00	100155
404398	RAD STRATEGIES INC	07/31/2020	Regular	0.00	50.00	100156
404134	RAPID SPACE LLC	07/31/2020	Regular	0.00	567.58	100157
402937	RAY MORGAN CO INC (CA)	07/31/2020	Regular	0.00	19.39	100158
403944	RENO TAHOE SPECIALTY INC	07/31/2020	Regular	0.00	90.00	100159
101210	SBC GLOBAL SERVICES INC	07/31/2020	Regular	0.00	4,171.69	100160
405081	SHERMARK DISTRIBUTORS INC	07/31/2020	Regular	0.00	534.00	100161
404187	SHOAF, BRIAN ALLEN	07/31/2020	Regular	0.00	55.50	100162
101632	SIERRA PEST CONTROL INC	07/31/2020	Regular	0.00	55.00	100163
404195	SOUTHERN GLAZERS WINE & S	07/31/2020	Regular	0.00	1,265.10	100164
403234	SPALLONE, DOMINIC J III	07/31/2020	Regular	0.00	100.80	100165
402848	STAFFORD, MARK	07/31/2020	Regular	0.00	6,810.50	100166
405475	Staples Contract & Commercial, Inc	07/31/2020	Regular	0.00	111.72	100167
404871	STAR2STAR COMMUNICATIONS, LL(	07/31/2020	Regular	0.00	2,463.15	100168
403892	SUN PEAK ENTERPRISES	07/31/2020	Regular	0.00	2,258.00	100169
405124	TERRY, SHIRLEY	07/31/2020	Regular	0.00	2,080.00	100170
405185	THATCHER COMPANY	07/31/2020	Regular	0.00	1,816.31	100171
405589	Thompson Garage Doors	07/31/2020	Regular	0.00	262.73	100172
404030	TIJSSELING, DICK G	07/31/2020	Regular	0.00	300.00	100173
103487	UNDERGROUND SERVICE ALERT	07/31/2020	Regular	0.00	150.00	100174
403728	UNITED SITE SERVICES OF NEVADA	07/31/2020	Regular	0.00	1,016.07	100175
405143	UNITED STATES GEOLOGICAL	07/31/2020	Regular	0.00	11,233.34	100176
405735	VC Tours LLC	07/31/2020	Regular	0.00	840.00	100177
403894	VIRGINIA & TRUCKEE RR CO, INC.	07/31/2020	Regular	0.00	2,070.00	100178
103080	WATERS SEPTIC TANK SV DBA	07/31/2020	Regular	0.00	740.00	100179
101809	WEDCO INC	07/31/2020	Regular	0.00	84.80	100180
101921	WESTERN NEV DEVELOP DIST	07/31/2020	Regular	0.00	3,750.00	100181
405919	Williams Scotsman, Inc	07/31/2020	Regular	0.00	7,208.90	100182
403997	WOOD, CORLISS	07/31/2020	Regular	0.00	32.74	100183
404295	WELLS ONE COMMERCIAL CARD	07/31/2020	Bank Draft	0.00	15,937.80	DFT0000570

Bank Code AP Bank Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	122	95	0.00	240,033.16
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	19	1	0.00	15,937.80
EFT's	0	0	0.00	0.00
	141	**96**	**0.00**	**255,970.96**

Approved by the Storey County Board of Commissioners:

Chairman _____ Commissioner _____ Commissioner _____

Comptroller _____ Date _____

Treasurer _____ Date _____

Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash Account	7/2020	255,970.96
			255,970.96

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 08-18-2020 **Estimate of time required:** 0 - 5

Agenda: Consent [X] Regular agenda [ ] Public hearing required [ ]

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1. **Title:** Business License First Readings -- Approval

2. **Recommended motion:** None required (if approved as part of the Consent Agenda) I move to approve all first readings (if removed from consent agenda by request).

3. **Prepared by:** Ashley Mead

   Department: Community Development **Telephone:** 847-0966

4. **Staff summary:** First readings of submitted business license applications are normally approved on the consent agenda. The applications are then submitted at the next Commissioner's meeting for approval.

5. **Supporting materials:** See attached Agenda Letter

6. **Fiscal impact:**

   Funds Available: Fund: ____ Comptroller

7. **Legal review required:**

   ____ District Attorney

8. **Reviewed by:**

   __X__ Department Head Department Name: Community Development

   ____ County Manager Other agency review: _____

9. **Board action:**

   [ ] Approved [ ] Approved with Modifications

   [ ] Denied [ ] Continued

Agenda Item No. 5 II

Storey County Community Development

110 Toll Road ~ Gold Hill Divide
P O Box 526 ~ Virginia City NV 89440

(775) 847-0966 ~ Fax (775) 847-0935
CommunityDevelopment@storeycounty.org

To: Vanessa Stephens, Clerk's office
Austin Osborne, County Manager

August 10, 2020
Via Email

Fr: Ashley Mead

Please add the following item(s) to the **August 18, 2020** COMMISSIONERS Consent Agenda:

LICENSING BOARD
FIRST READINGS:

A. **AECOM Design, A Professional Corp.** – Professional / 8985 S. Eastern Ave Ste 130 ~ Las Vegas, NV
B. **Atlas Land Development, LLC** – Contractor / 4363 S. Jumbo Way ~ Carson City, NV
C. **Jimmy's LLC** – Out of County / 3475 Ormsby Ln. ~ Washoe Valley, NV
D. **Road and Highway Builders, LLC** – Contractor / 950 E. Mustang Rd. ~ Sparks, NV
E. **Tenaska Power Services Co** – Out of County / 300 E. John Carpenter Freeway Ste 1100 ~ Irving, TX

Ec: Community Development
Commissioner's Office
Planning Department
Comptroller's Office
Sheriff's Office

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: August 18, 2020 **Estimate of time required:** 0-5 mins

Agenda: Consent [X] Regular agenda [ ] Public hearing required [ ]

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1. **Title:** For Possible Action – Approval – Assessor's Recommended Correction to 2019-20 Unsecured Tax Roll per NRS 361.768

2. **Recommended motion:** Approval

3. **Prepared by:** Tobi Whitten

   Department: Assessor's Office **Telephone:** 847-0961

4. **Staff summary:** A correction is required for an Unsecured account that was billed in error for assets that were actually assessed to the Secured parcel and billed accordingly. These assets were reported by the taxpayer as Personal Property (Unsecured).

5. **Supporting materials:** Please see attached.

6. **Fiscal impact:** Unknown

   Funds Available: Fund: ____ Comptroller

7. **Legal review required:**

   ____ District Attorney

8. **Reviewed by**:

   ____ Department Head Department Name: Assessor's Office

   ____ County Manager Other agency review: _____

9. **Board action:**

   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 5 III

Jana Seddon

Storey County Assessor

Storey County Courthouse
26 South B Street
P.O. Box 494
Virginia City, NV 89440

(775) 847-0961 Phone
(775) 847-0904 Fax
Assessor@StoreyCounty.org

August 10, 2020

Memo to: Storey County Commissioners

Re: **Unsecured Tax Bill Correction**

The following correction needs to be made to Unsecured account # CM001867 for the 2019-20 tax year. The account was over-assessed due to a reporting error, and it should be adjusted per NRS 361.768. The asset being adjusted off was taxed as Real Property for the same tax year.

2019-20	Original	Adjustment	Amended
Personal Property Acquisition Cost	3,690,047	(2,966,004)	724,043
Personal Property Assessed Value	1,158,719	(912,180)	246,539
Improvements Assessed Value	-	-	-
Abatement (in Assessed Value)	579,360	(456,090)	123,270
2019-20 Unsecured Tax Bill Amt	$ 20,049.88	$ (15,783.91)	**$ 4,265.97**

Please approve this correction, and advise the Treasurer and/or Assessor to make the change and issue an amended bill or refund as necessary.

Thank You,

Tobi Whitten
Deputy Assessor
Storey County Assessor's Office

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: August 18, 2019 **Estimate of time required:** 15 minutes

Agenda: Consent [ ] Regular agenda [X] Public hearing required [ ]

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1. **Title: FOR POSSIBLE ACTION:** Consideration and setting of date for a public hearing on the proposed amended service plan of the TRI GID
2.
3. **Recommended motion:** I _____ (commissioner) move to set the 15th_ day of September 2020, at the hour of 10:30 a.m. as the date for a public hearing to consider possible approval of an amended service plan for the TRI GID and authorize the clerk to publish notice of the hearing and to notify interested parties of the public hearing.

3. **Prepared by:** Keith Loomis

4. **Department:** District Attorney's Office **Telephone:** 847-0964

5. **Staff summary:** See attached

6. **Supporting materials:** Amended Service plan redline and final versions, water rules and sewer rules of the TRI GID.

7. **Fiscal impact:**

Funds Available: Fund: ____ Comptroller

8. **Legal review required:**

__X__ District Attorney

8. **Reviewed by:**

____ Department Head Department Name:
____ County Manager Other agency review: _____

9. **Board action:**
[ ] Approved [ ] Approved with Modifications
[ ] Denied [ ] Continued

Agenda Item No. 9

STAFF SUMMARY

The TRI GID is proposing to amend its service plan to allow the GID to incur debt in the course of its operations and to do other matters related thereto. In order to amend a GID service plan, the proposed amended service plan must be filed with the County Clerk at least ten days before the next meeting of the Board of County Commissioners. On the day of that meeting, the Board is required to set a date for a public hearing on the proposed amended service plan within 30 days of that meeting. NRS 308.070. Once the date is set, the Clerk must notify interested parties of the date, time, location and purpose of the public hearing and have notice of the public hearing published in the newspaper once each week for three consecutive weeks. In this case, Shari Whalen, general manager of TRI GID, submitted the proposed amended service plan to the County Clerk on August 7, 2020. Accordingly, the Board is authorized to set the matter for a public hearing at the Board meeting of August 18, 2020. It is worthy of note that the Board of Trustees of TRI GID has not yet voted to approve the amended service plan, but will hear the proposed amended service plan at its meeting of August 24, 2020.

TRI GENERAL IMPROVEMENT DISTRICT

SERVICE PLAN

FOR WATER AND SEWER SERVICE

(Modified, Revised and Approved as of _____, 2020)

TRI GENERAL IMPROVEMENT DISTRICT SERVICE PLAN FOR WATER AND SEWER SERVICE

I INTRODUCTION

This modified Service Plan ("Service Plan") has been prepared pursuant to NRS Chapter 308, the Special District Control Law~~, and approved by Storey County on _____, 2020 pursuant to Resolution 20_____. It~~. Pursuant to NRS on 308.080(3) the Board of Trustees of TRI General Improvement District approved this Service Plan by Resolution on August 24, 2020 and petitioned the Storey County Board of County Commissioners to approve it. After the public hearing required by NRS 308.070, the Storey County Board of County Commissioners approved this Service Plan on September 15, 2020 pursuant to Resolution _____.

This Service Plan describes the current and future plan for water service and sanitary sewer service, which are the basic powers of TRI General Improvement District ("TRIGID" or the "District") approved by the county and authorized by NRS Chapter 318. The service territory of TRIGID encompasses a tract of land ("service area") known generally as the Tahoe-Reno Industrial Center, including also the Patrick Business Park, the Western 102 Ranch and the Storey County portion of the McCarran Ranch (all collectively referred to as "TRI Center"). All portions of the service area are located in Storey County, Nevada~~.~~ ("County"). Maps and a legal description of the entire service area and the developable portion of the service area for which water and sewer service are planned are shown in Attachments "A-1" and "A-2" of the Appendix to this Service Plan, respectively.

TRI Center is an area of partially ~~undeveloped~~developed land planned by the Storey County Master Plan to be a large industrial business park located in the northern portion of the County, which requires water and sewer service. The developable portion of TRI Center is zoned for industrial and commercial uses (see Attachment "A-2").

General improvement districts are authorized under state law, NRS Chapter 318, to supply water and sanitary sewerage facilities (among other allowed basic powers) to customers. Storey County must approve a service plan, and material modifications thereof, pursuant to NRS Chapter 308. As stated below, on June 5, 2001 the Storey County Board of County Commissioners ("BCC") approved an amended Service Plan for TRIGID ("2001 Service Plan"). This Service Plan is a material modification of the 2001 Service Plan authorized by NRS 308.080(3). It amends, modifies and restates the 2001 Service Plan, which is superseded in its entirety by this Service Plan.

A general improvement district offers an economical and functional method of providing water and sewer services to the service area. This Service Plan demonstrates the public convenience and necessity requiring the creation and continuation of the District. This Service Plan is economically

sound and feasible, conforms to all requirements of law, and does not contravene any of the criteria of NRS 308.060.

II HISTORICAL BACKGROUND

TRIGID was formed on February 1, 2000, pursuant to Ordinance #164 passed by the BCC, in order to furnish the two basic powers of electric power and natural gas facilities. On the same date a service plan for TRIGID was approved by passage of Resolution 00-50.

On February 1, 2000 a Development Agreement was entered into between Storey County, Tahoe-Reno Industrial Center, LLC and DP Operating Partnership, L.P. ("Development Agreement"). The Development Agreement contains provisions for infrastructure construction and utility services, including water and sewer service now provided by TRIGID.

On August 1, 2000, Resolution 00-85 was approved, modifying the TRIGID service plan to add water and sewer service. On August 8, 2001 Ordinance #171 was passed to add the basic powers of water and sewer service.

On June 5, 2001, Ordinance #176 was passed, dissolving and terminating the basic powers of furnishing electric power and natural gas (space heating) facilities pursuant to NRS 318.490-510. The ordinance also approved the expansion of service area to include the Western 102 Ranch and the Patrick Business Park. On the same date Resolution 01-97 was approved, modifying the service plan to delete electric power and natural gas facilities and to add the above-referenced additional service territory for water and sewer service. Thereafter, the remaining services and facilities of TRIGID described in the 2001 Service Plan have been for water and sanitary sewer only. Since TRIGID did not commence operation until May 2001, it never provided gas or electric services.

Prior to May 2001 water and sewer service in the service area for TRI Center was supplied by a private company, TRI Water And Sewer Company, a Delaware corporation, controlled by the master developer, Tahoe-Reno Industrial Center, LLC, ("Master Developer"). A water tank, wells and water distribution lines, as well as sewer distribution lines and temporary sewer disposal systems were constructed to serve the small number of existing industrial customers at that time. All designs and facilities were approved and permitted by the Nevada Division of Environmental Protection ~~Agency~~ ("NDEP") pursuant to state law. TRIGID took over these existing water and sewer facilities and services in May 2001, although TRI Water And Sewer Company remained active in operating the water and sewer facilities for TRIGID as the "Operating Company".

Pursuant to NRS 318.080, after the formation ordinance was adopted, and prior to appointing the first Board of Trustees, the BCC was considered the ex officio Board of Trustees for the District. In that capacity, the BCC was required by NRS 318.080 to establish accounting practices and procedures for the District, auditing practices and procedures to be used by the District, a budget for the District, and management standards for the District. The BCC also was required under the

same statute to appoint the first Board of Trustees (the "Trustees"). On December 19, 2000 the BCC performed these tasks. Thereafter, the elected Trustees have governed the District.

Since June 2001, the water and sewer facilities of TRIGID have grown dramatically as areas of TRI Center have developed. Industrial and commercial facilities on approximately 3,000 acres have been built in TRI Center. While the TRIGID service area is over 85,000 acres, the developable portion in TRI Center is estimated to be approximately 8,~~121~~191 acres. The remaining land is constrained by mountainous topography and not generally anticipated to require water and sewer service by TRIGID (see Attachments "A-1" and "A-2" of the Appendix).

III CURRENT FACILITIES

Over the last ~~17~~19 years, the Master Developer has built and dedicated to TRIGID fully-functional community water and sewer systems. The water system uses groundwater to supply domestic and irrigation water service. As of July 1, 2020, there are seven commercial wells providing water production, including an Arsenic Treatment Plant. Two more wells are under construction. One will be operational by December 2020 and the final ~~wellwill~~well is scheduled to be operational by December 2021. TRIGID currently operates four water zones, with storage tanks, distribution lines and pump stations, to provide domestic and fire flow capacity.

Water, sewer and reclaimed water lines are installed under almost all streets. The reclaimed water lines are currently dry, but ~~many will~~some may be used when the process water system described below is completed. Pump stations boost water and sewage as necessary to operate the system.

The TRIGID wastewater treatment plant ("WWTP") is located on Britain Drive. It currently processes an average of about 700,000 gallons per day of domestic sewage and industrial discharge, with a total capacity of 1.2 million gallons. The WWTP was designed to be sufficient for full buildout of TRI Center, although total capacity required for full buildout of TRI Center can only be estimated at this time. Effluent from the WWTP is pumped into the TRIGID reclaimed water storage reservoir ("Reservoir"). The Reservoir currently has sufficient capacity for existing needs and an expansion is currently ~~underwayas~~under construction as part of the future process water system. No effluent will be discharged into the Truckee River.

NDEP establishes regulations and procedures for TRIGID's water and sewer facilities. NDEP permits are required to build and operate the systems. Farr West Engineering is the District Engineer. TRIGID has ~~hiredcertified~~hired certified operations personnel in order to bring operations and maintenance responsibilities in ~~housewhile~~house, while continuing -to meet state operating standards.

Attachment "A-3" of the Appendix includes 3 maps showing the existing water, sewer and reclaimed water facilities of TRIGID, and some future facilities.

IV CONTRACT WITH OPERATING COMPANY AND GENERAL OPERATING PLAN

Prior to commencement of water and sewer service by TRIGID, Tahoe-Reno Industrial Center, LLC, as the Master Developer of TRI Center, had the responsibility to construct and dedicate, at no charge to TRIGID, water and sewer utility facilities. The Master Developer has continued to carry out this mission. On March 7, 2001 the Trustees entered into an Operating Agreement with TRI Water And Sewer Company~~.~~ ("Operating Company"), a Master Developer-controlled entity. In doing so, the Trustees retained the services of an operating company to oversee and supervise all District activities, and to actually operate and maintain District facilities and services. This arrangement assured delivery of services in the areas of engineering, design, planning, construction, operation and maintenance of the systems and customer service activities for nearly 20 years. Historically, the Operating Company subsidized operating costs and expenses of the District until revenues created positive cash flow. In recent years revenues have exceeded expenses and are expected to continue to do so.

In July 2019, the District hired its first employee~~,~~ and now has a full~~-~~-time staff of four employees. ~~On~~Effective June 30, ~~2010~~2020, the Operating Agreement between the Operating Company and TRIGID was terminated. Effective July 1, 2020, the District is ~~completing~~performing all financial, management, and operational responsibilities independent of the Operating Company. TRIGID staff includes certified operations personnel and a licensed professional engineer. The hiring of TRIGID staff and the termination of the Operating Agreement ~~will~~ effectively ~~end~~ends the phase of TRIGID operation by a Master Developer-controlled entity. Along with the phasing out of the Operating Company, the BCC may elect to assume governance of the District as ex officio trustees pursuant to NRS 318.0953. The District owns all facilities and water rights necessary to provide services to customers. The District has its own legal counsel, ~~and~~ collects its own revenues, and has no debt, thereby avoiding any burden on the Storey County District Attorney ~~or~~, Storey County Treasurer's office or other County departments.

The rules, rates and regulations for water and sewer service (the "Rules") approved by the Trustees, which are currently in effect in the service area, are attached to the Appendix as Attachments "B-1" and "B-2", respectively. The Rules establish rates, fees, charges and service connection provisions. Connection fees are designed to create funding and reserves for infrastructure maintenance, repair and replacement and when sufficient funds from connection fees have been accumulated, in the discretion of the Trustees, the District may construct some facilities for new development. In 2019, revised rates and fees were approved and are attached in Attachment "B-3", superseding the rates and fees stated in the Rules.

As stated above, ~~the Nevada Environmental Protection Agency ("NEPA")~~NDEP is required by state statute and Nevada Administrative Code, NAC 445A, to regulate, approve and permit the design, construction and operation of water and sewer facilities in community systems like those to be operated under this Service Plan by TRIGID. The specifications and requirements for design and operation of water and sewer systems are provided in detail in NAC 445A, and the industry standards incorporated in those regulations are incorporated into this Service Plan by reference.

~~Water rights for water service in the community water system come from groundwater permits issued by the Nevada State Engineer. These permits currently comprise approximately 5,290 acre feet of groundwater currently owned by TRIGID which can be pumped from well fields within the service area and used for new growth as it occurs. All water rights owned by TRIGID as of December 31, 2018 are inventoried in Attachment "B-4", including water rights held for use in the process water system described below. Permit applications are also on file with the Nevada State Engineer for storage and use of effluent from TRIGID's sewer plant for nonpotable uses (e.g., irrigation and industrial applications).~~

V FACILITIES TO BE CONSTRUCTED

Beginning in 2014, a number of companies have purchased land in TRI Center based, in part, on the future ability of TRIGID to supply water for processing and manufacturing needs (e.g., cooling, washing and as a component in manufacturing processes) ("Process Water"). The Master Developer and TRIGID have assembled 10,000 acre feet of water rights for use by these customers as Process Water (see Attachment "B-5"). In order for the Process Water system to be functional, major infrastructure projects are planned or underway to be built and dedicated to TRIGID by the Master Developer and other developers in the next ~~three~~two years, including: a 16-mile effluent pipeline from the Truckee Meadows Water Reclamation Facility ("TMWRF") to TRI Center; an expansion of the Reservoir to have a storage capacity of 2,000 acre feet; storage tanks, pump stations and additional Process Water lines; and induction wells and additional groundwater production wells. Estimated costs of this Process Water infrastructure are in the range of $~~72~~85,000,000. A description and cost breakdown of the Process Water system (not including treatment facilities) is listed in the Appendix as ~~Attachments~~Attachment "C~~-1" and "C-2~~".

As of ~~December 31, 2018~~June 30, 2020, the potable water system, existing components of the reclaimed water system and the sanitary sewer system facilities to serve TRI Center customers have been constructed and dedicated at no charge to TRIGID by the Master Developer. In the future, with limited exceptions, the Master Developer will not be constructing new potable water

and sewer facilities. Water and sewer line extensions, primarily in the Comstock Meadows, Eagle Valley, Patrick and Peru Shelf areas of TRI Center, will be built by developers of those areas and dedicated at no charge to TRIGID. TRIGID will continue to have no debt for these capital improvements. Upgrades to the WWTP will be made by TRIGID from its reserve funds to expand capacity as needed due to continued growth in TRI Center. Repairs, maintenance and replacement costs will be paid to the extent possible by operating revenues and supplemented by reserve funds accumulated from connection fees or components of usage fees.

While the District currently has no debt and developers will continue to build and dedicate new capital improvements, TRIGID may incur debt in the future, as authorized by NRS Chapter 318, or otherwise finance improvements as allowed by state law.

VI WATER RIGHTS

Water rights for domestic water service and some process water uses in the community water system come from groundwater permits issued by the Nevada State Engineer. These permits currently comprise approximately 5,290 acre feet of groundwater currently owned by TRIGID, which can be pumped from well fields within the service area and used for new growth as it occurs. All water rights owned by TRIGID as of June 30, 2020 are inventoried in Attachment "B-4" and "B-5", including water rights held for use in the process water system described herein. Permit applications are also on file with the Nevada State Engineer for storage and use of effluent from TRIGID's sewer plant for nonpotable uses (e.g., irrigation and industrial applications).

On March 7, 2001 a certain Utility Facilities And Dedication Agreement, as amended, ("Banking Agreement") was entered into by and between the Master Developer and TRIGID. One of the purposes of this agreement was to provide for the Master Developer to dedicate water rights to be held by TRIGID for the use of landowners in the District service area. These water rights are inventoried in Attachments "B-4".

For domestic use, 2,290 a.f. of groundwater rights have been set aside pursuant to the following assumptions. All interest in this groundwater has been (or will be) quitclaimed by the Master Developer to TRIGID to fulfill will-serve commitments of domestic needs of its customers.

Current domestic budget	2,290	
Less high water users on domestic system	-655.3269	
Net domestic holdback		1634.6731
8,200 buildable acres at .104 a.f. per acre (per 2017 water audit)	853	
System loss and hydrant use	200	
50% variance	527	

Domestic budget needed	1580 a.f.
Surplus uncommitted groundwater	54.6731

The domestic water requirements in the District service area are based on the following land use assumptions.

Land Inventory Still Owned by Master Developer	386.74[1]
Grading of Master Developer land to Create Developability	100.00[2]
Developable Land Sold to Others	6,616.85[3]
South Valley Acquisition Parcels	1,087.00[4]
Full Buildout Acreage	8,190.59

Notes

1. From maps and APNs of land still owned by Master Developer as of 1/2019
2. Assumes Master Developer will grade and fill currently undevelopable parcels to create pads
3. From TRI Owners Association 1/2019 membership list
4. South Valley not in Development Agreement yet, but sold with up to .5 a.f.a. for 1,087 acres. It is in TRIGID's service territory.

For process water, the allocation of groundwater resources between the domestic water budget and the process water budget is 2290/3000 acre feet, respectively. All component resources of the process water budget are:

Source	AFA
Groundwater	3,000
TRIGID WWTP	2,000
Truckee River	1,000
TWRF Pipeline	4,000
Total	10,000

Currently, all process water resources are fully committed to process water customers pursuant to the following agreements, copies of which are on record with TRIGID.

Water Rights Use Agreement (Nonpotable) between TRI, TRIGID and Supernap Reno, LLC, dated August 7, 2015.

Water Rights Use and Service Agreement For Process Water between TRI, TRIGID and Silver Slate LLC, dated April 10, 2017.

Water Rights Use and Service Agreement For Process Water between TRI, TRIGID and Tesla, Inc., dated October 8, 2018.

Water Rights Use And Service Agreement For Process Water between TRI, TRIGID and Comstock TRIC Associates, LLC, dated August 18, 2017, as amended.

Water Rights Purchase And Use Agreement between TRI, TRIGID and MNCA District LLC, dated March 26, 2018, as amended.

Water Rights Purchase And Use Agreement between TRI, TRIGID and MNCA District LLC, dated August 23, 2018, as amended.

Water Rights Purchase And Use Agreement between TRI, TRIGID and Blockchains, LLC dated January 18, 2018.

Water Rights Purchase And Use Agreement between TRI, TRIGID and Ryze Renewables Reno, LLC, dated August 10, 2018.

When a landowner in TRI Center purchases the use of process water from the Master Developer held by TRIGID, an assignment of the beneifical interest in favor of the landowner in that water is executed and retained in the records of TRIGID. Of the 10,000 a.f. of process water resources, assignments have been made for 5,166.66 a.f., leaving 4,833.34 a.f. still controlled by the Master Developer, pending completion of the purchase price payments with landowners pursuant to certain of the agreements listed above.

VII SERVICE PLAN COMPONENTS REQUIRED BY NRS 308.030

1. Financial Survey (NRS 308.030(1)(a)). Since the District has not, ~~and is not expected to, issue~~issued bonds or otherwise ~~finance~~financed the construction of infrastructure, the financing components of a financial survey ~~are~~have not been applicable. Either the Master Developer ~~has,~~ or ~~future~~other developers ~~will, construct~~have constructed and ~~dedicate~~dedicated capital infrastructure to the District~~, unless the~~. The District ~~can construct all or part~~has created a five-year Capital Improvement Plan, which has been approved by the Trustees. This plan includes

funding near-term capital improvements with existing reserves.. Within three years, the District anticipates that major projects requiring financing may be required; however, it is the District's goal to obtain State Revolving Fund Principal Forgiveness Loans to finance most of the facilities from ongoing revenues.these projects. The District has commenced work on the necessary steps to position the District to obtain this funding within the required timeframe of the approved Five-Year Capital Improvement Plan. The audited financial statements for FY 2016/2017 2018/2019 and FY 2017/2018 are included in Attachments "D-1" and "D-2", respectively. The revenue and expense statement for the first six months of FY2018/2019FY2019/2020 is attached as Attachment "D-3".

2. Preliminary Engineering Survey And Architectural Survey (NRS 308.030(1)(a)). Maps showing existing facilities are attached as Attachment "A-3"" to the Appendix. The description of facilities to be constructed, including engineering specifications, and information on water and sewer facilities design is described in Section V and included in AttachmentsAttachment "C-1" and "C-2", or specified in NAC 445A.

3. Map Of Service Area/Population Information/Assessed Valuation (NRS 308.030(1)(b). The maps of the service area are shown on Attachments "A-1" and "A-2" to the Appendix. The service area may expand by annexation pursuant to the provisions of NRS Chapter 318.

Since the District customers will be industrial and commercial owners and occupants of the TRI Center, there will be few or no residential service connections (watchmen/security personnel and families, and possibly future residences on large parcels on forestry-zoned or agricultural-zoned land). Thousands of employees, workers, and visitors will use services of the District, however, as part of the daily business center activities and uses. The estimate of future residential population ranges from zero to twenty-five (25).

Assessed valuation of parcels in the District can be obtained from review of Assessor's parcels in the Storey County Assessor's office. Assessed valuation is increasing significantly each year due to growth and development in TRI Center. The best information at any time will be the current assessed values of the County Assessor, primarily contained in its Book 5.

4. Facilities To Be Constructed (NRS 308.030(1)(c)). Except as stated otherwise in this Service Plan, developers will construct and dedicate to TRIGID, as necessary, the capital improvements for providing water and sewer services for the service area. The District shall approve design of all capital improvements. NDEP must also approve and permit facilities prior to construction. As stated above, there is not at this time anticipated to be bonding or other debt financing for which the District is liable., although the Trustees retain the discretion to consider debt financing of capital improvements. Therefore, at this time there are no planned interest rates

for financing to charge back to District customers. The District may construct buildings for its use or lease buildings in lieu of construction and may expend funds to purchase easements, as necessary.

Section V describes, and ~~Attachments~~Attachment "C~~-1" and "C-2"~~" are a partial list of, facilities to be constructed in the future for the Process Water system.

5. Standards Of Construction (NRS 308.030(1)(c)). Standards of construction for all facilities in the District will meet or exceed industry norms, specifically the standards provided in Nevada Administrative Code Chapter 445A.

~~In addition, the Development Handbook (Exhibit "C" to the Development Agreement) and the TRI Center CC&Rs describe and regulate the construction, design and installation of water and sewer facilities. The construction standards in those documents incorporate national standards such as uniform and international codes, the Standard Specifications For Public Works Construction, and the Public Works Design Manual (see, Article IV of Development Handbook).~~

6. Services To Be Provided By District (NRS 308.030(1)(c)) - The District ~~and its contractors provide~~provides the following services to customers in the service area:

- design, operate and maintain the water, sewer and process water systems;
- meter reading for water meters (potable and nonpotable);
- billing and remittance processing for water, sewer and process water;
- funding for a limited number of capital improvements, primarily for upgrades of the water, sewer and process water systems;
- rate schedules, line extension rules and rights-of-way policies; and
- production, treatment and supply of water resources and collection, treatment and disposal of sanitary sewage.

District water, sewer and process water operations functions include the necessary design, operations, maintenance, and customer care services to support delivery of services. The District utilizes distribution design services, including material specifications. It performs all routine and emergency operations and maintenance on all of its transmission, production, storage and distribution facilities.

7. Estimate Of Costs (NRS 308.030(1)(c)). The estimated costs as of ~~January 1, 2019~~June 30, 2020 of future facility construction are described in Section V and summarized in ~~Attachments~~Attachment "C~~-1" and "C-2",~~", including the cost of engineering services and legal services, but excepting Process Water treatment facilities, which are still in the planning stage. There will be no cost of acquiring land in TRI Center since the title to real property and easements required will be acquired from developers and dedicated without charge to the District. The cost of right of way for the TMWRF pipeline is itemized in Attachment "C~~-1~~".

8. Indebtedness (NRS 308.030(1)(c)) The District does not currently carry any debt. However, ~~-~~the District will develop a plan to incorporate debt as a mechanism to fund the ~~-~~Capital Improvement Plan. Information on debt financing, information relating to interest, discounts, bonds and securities will be presented to the ~~Board of~~Trustees for approval prior to incurring debt for capital projects.~~Farr West Engineering, the~~ The District Engineer is currently working on an update to the 2019 Rate Study, which includes a capital funding plan.

9. Annual Operation, Maintenance And Other Expenses (NRS 308.030(1)(c)). The financial information in Attachments "D-1", "D-2" and "D-3" provide annual operation and maintenance expenses. Revenue and expenses are expected to grow dramatically as growth occurs in TRI Center.

10. Contracts With Cities Or Towns (NRS 308.030(1)(d). Except as specified below, there are no cities or towns in the District, and there are no proposed arrangements or agreements for the performance of services with a city or town. There are currently no adjacent municipalities and special districts to the District which provide water or sewer service.

However, if the BCC should approve in the future a town, city or special district in the service area, TRIGID may provide water and sewer service to it. In addition, the District may provide wholesale water or sewer service to a future special district outside the current service area (e.g., the Painted Rock area) or within TRI Center.

In addition, TRIGID has entered into two agreements: (i) a certain Effluent Use Agreement with the City of Reno and the City of Sparks dated September 13, 2017 for the transportation by pipeline and the use in TRI Center of up to 4,000 acre feet annually of effluent from TMWRF; and (ii) a certain Return Flow Management Agreement dated June 25, 2018 with the City of Reno, the City of Sparks and the Truckee Meadows Water Authority ("TMWA") for the management of effluent flow supplied to TRIGID by TMWRF and the provision of replacement water to the Truckee River to make up for water transported to TRI Center to supply TRIGID customers with Process Water. These contracts are not attached to this Service Plan due to their bulk, but are available on request from TRIGID.

APPENDIX

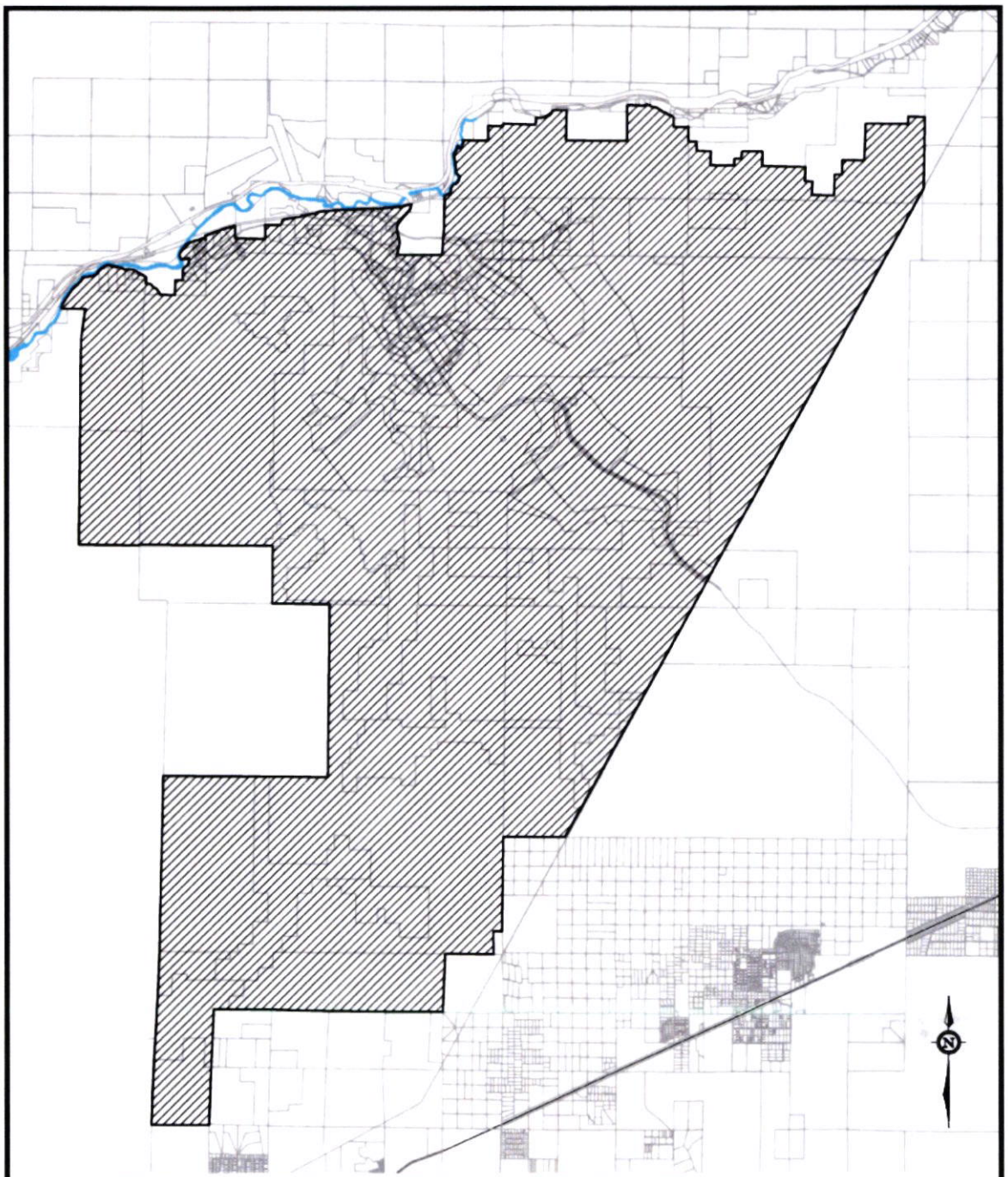
Attachment

A-1 ..... Map of Service Area and Legal Description
A-2 ..... Map of Developable Area
A-3 ..... Maps of Existing Facilities

B-1 ..... Rules, Regulations And Rates For Water Service
B-2 ..... Rules, Regulations And Rates For Sewer Service
B-3 ..... ~~2016~~2019 Revised Rates and Fees
B-4 ..... Water Rights Inventory
B-5 ..... Water Rights Budgets

C~~-1~~ ..... Description and Projected Costs of Off-site ~~Pipeline~~
~~C-2 ..... Description~~ and ~~Projected Costs of~~ On-~~Site~~site Projects

D-1 ..... FY ~~2016/2017~~2018/2019 Audited Financials
D-2 ..... FY 2017/2018 Audited Financials
D-3 ..... Revenue and Expense Statement 1/2020 – 6/~~2018 – 12/2018~~2020



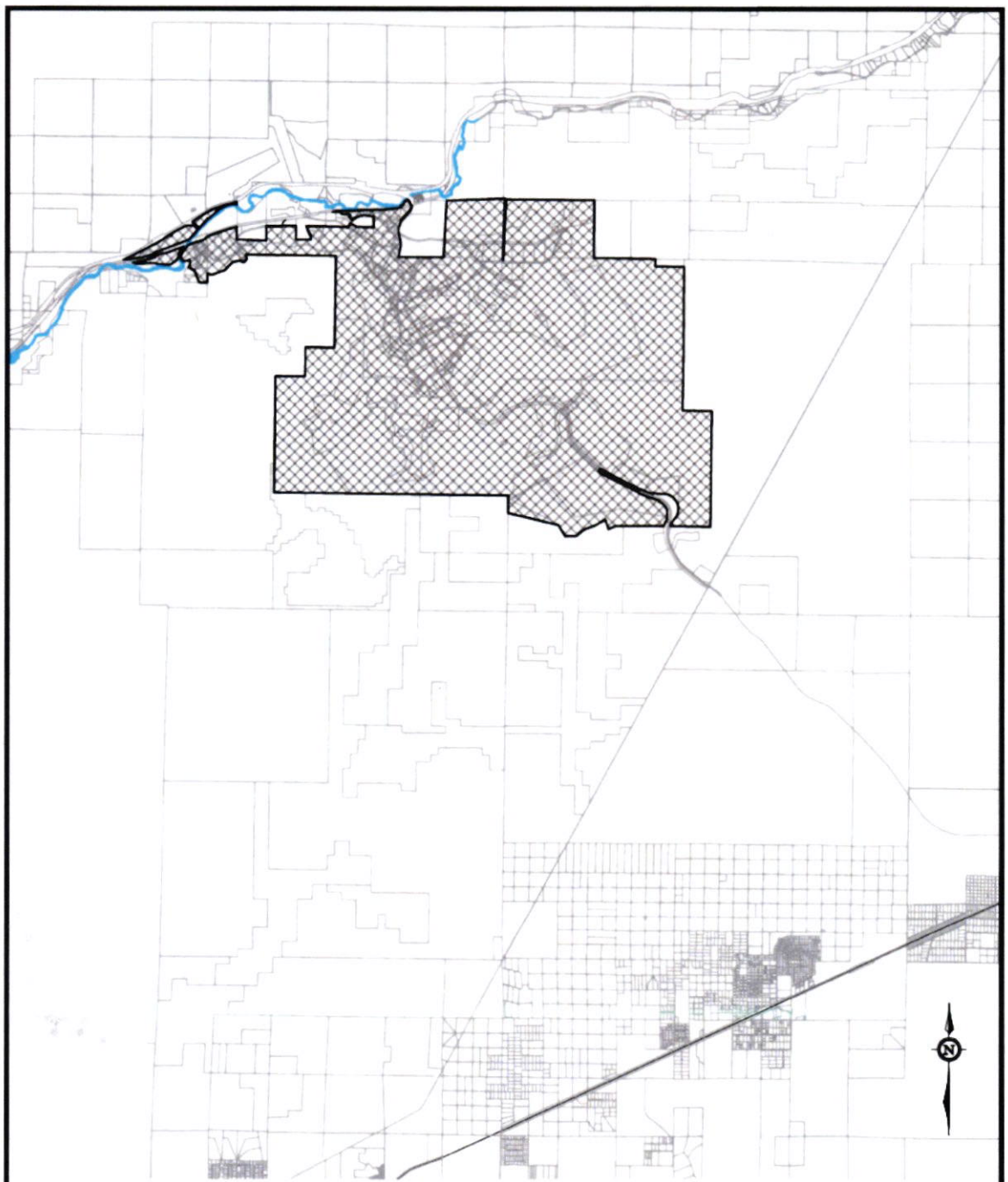
FARR WEST
ENGINEERING
5510 LONGLEY LANE
RENO, NEVADA 89511
PHONE: (775) 851-4788
FAX: (775) 851-0766

TAHOE RENO INDUSTRIAL CENTER

MAP OF TOTAL SERVICE AREA

STOREY COUNTY NEVADA

ATTACHMENT
A-1



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FAX: (775) 851-0766

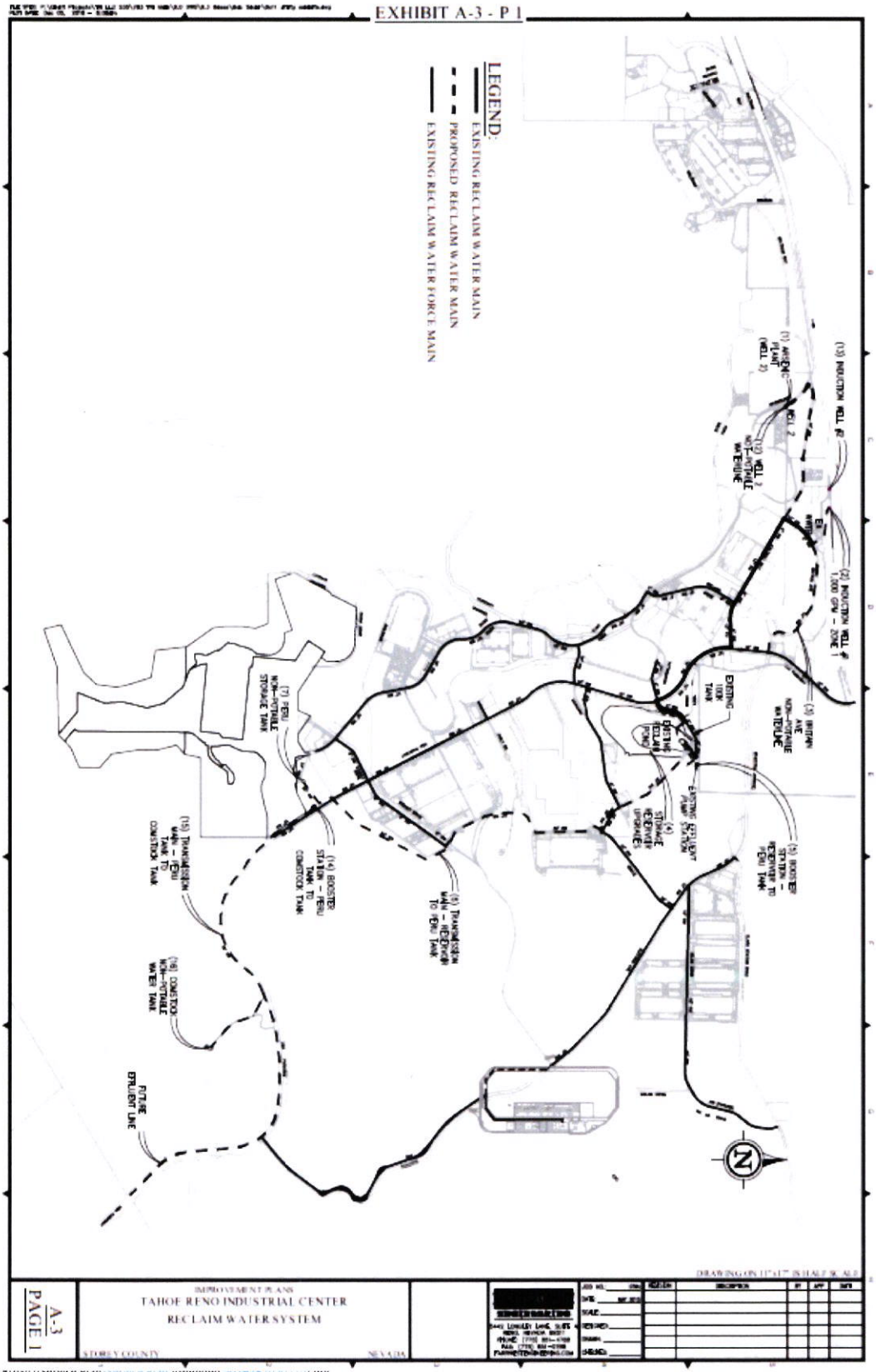
TAHOE RENO INDUSTRIAL CENTER

DEVELOPMENT AGREEMENT AREA

STOREY COUNTY NEVADA

ATTACHMENT
A-2

EXHIBIT A-3 - P 1



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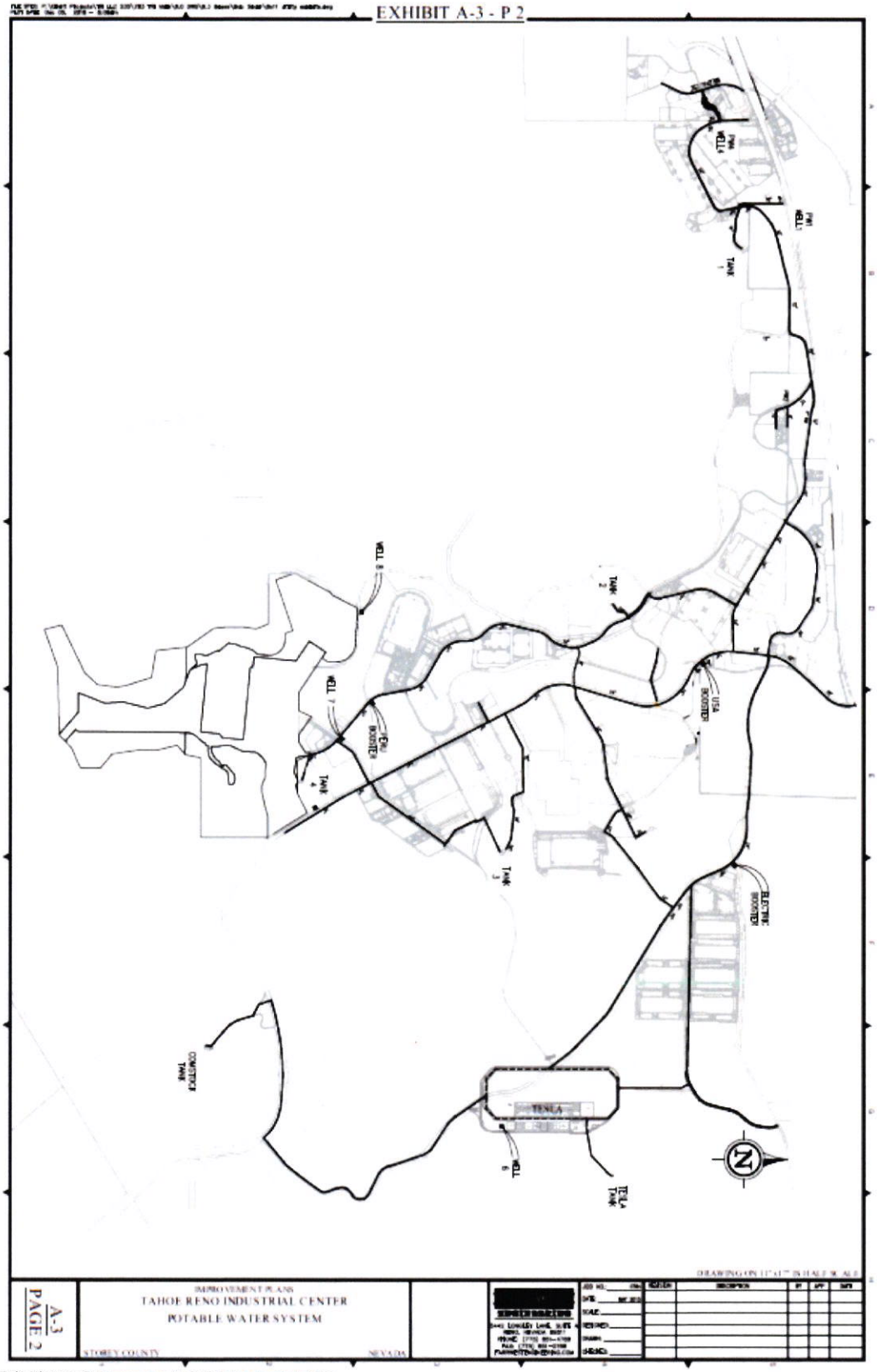

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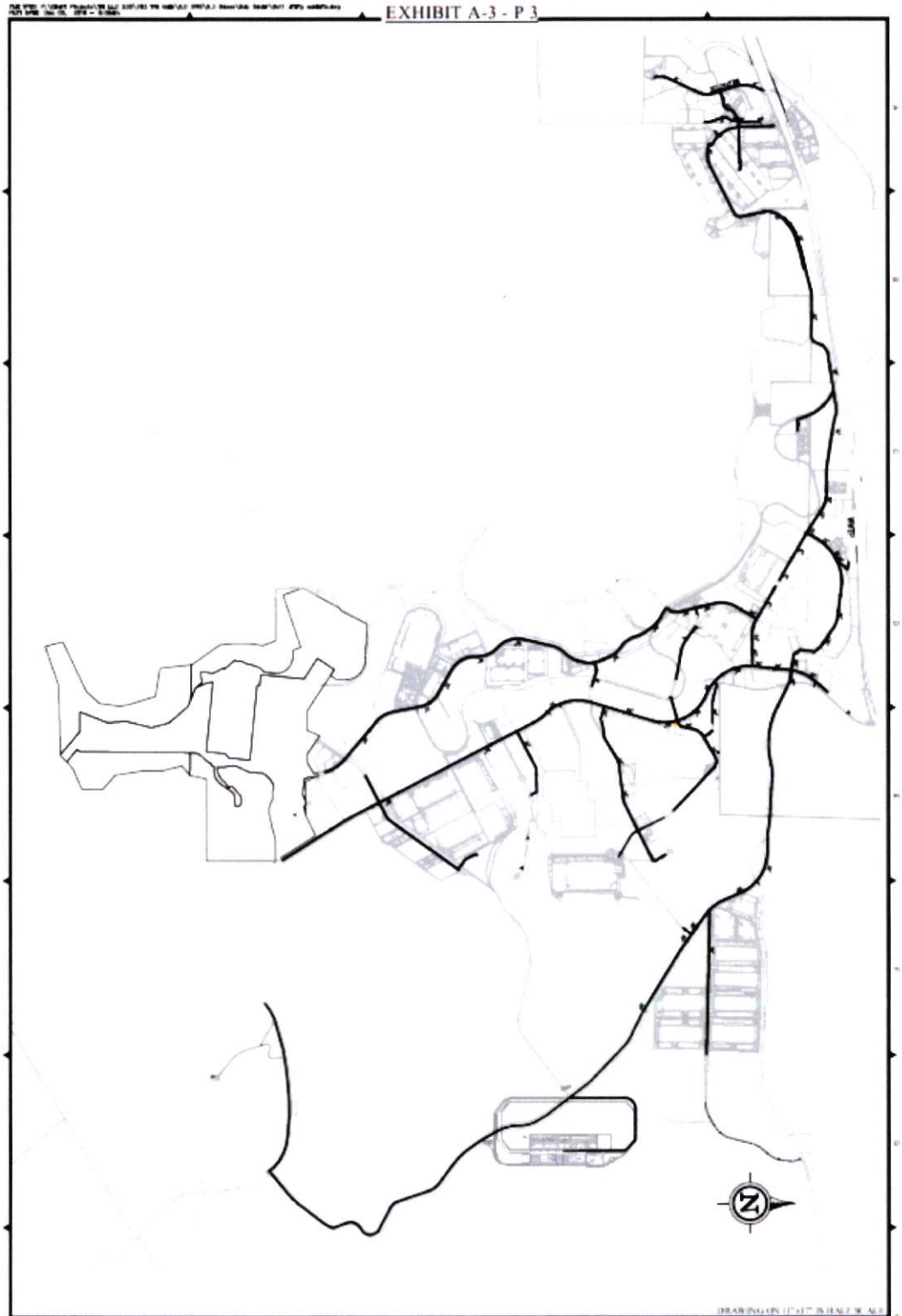

A-3
PAGE 3

IMPROVEMENT PLANS
TAHOE RENO INDUSTRIAL CENTER
SANITARY SEWER SYSTEM

STOREY COUNTY NEVADA

[redacted]

S://Main/

Exhibit "A-1"

Legal Description of TRIGID Service Territory

(Storey County)

Township 19 North, Range 21 East, M.D.B.&M.

Section 1:	Southeast ¼; South ½ Southwest ¼; Northeast ¼ Southwest ¼
Section 12:	All
Section 13:	All
Section 24:	All
Section 25:	All

Township 20 North, Range 22 East, M.D.B.&M.

Section 24:	Southeast ¼ Southeast ¼
Section 25:	All that portion lying Easterly and Southerly of the Truckee River
Section 32:	South ½ Southeast ¼; all that portion of the Southwest ¼ lying South of the Southern Pacific Railroad right-of-way

EXCEPTING THEREFROM that portion of Parcel 1 of Amended Division of Map, filed in the Office of the County Recorder of Storey County, State of Nevada on February 24, 1986, as File No. 57613 of Official Records, lying Westerly of the Westerly line of that certain document entitled:

"Quitclaim Deed of Dedication", recorded August 29, 1996, in Book 111, Page 5, as File No. 078479 of Official Records.

EXCEPTING THEREFROM that portion of Parcel 1 of Amended Division of Map, filed in the Office of the County Recorder of Storey County, State of Nevada on February 24, 1986, as File No. 57613 of Official Records, lying Southwesterly of that certain document entitled:

"Quitclaim Deed of Dedication", recorded August 29, 1996, in Book 111, Page 5 as File No. 078479 of Official Records.

AND EXCEPTING THEREFROM Lot 98-1 of the 1st Parcel Map for Asamera Minerals (U.S.), Inc., filed in the Office of the County Recorder of Storey County, Nevada on September 25, 1998, as File No. 083401 of Official Records.

AND FURTHER EXCEPTING Watham Way as described in that certain document entitled:

"Quitclaim Deed of Dedication", recorded August 29, 1996, in Book 111, Page 5, as File No. 078479 of Official Records.

Section 33: South ½

EXCEPTING THEREFROM Lot 98-4 of the 3rd Parcel Map for Asamera Minerals (U.S.), Inc., filed in the Office of the County Recorder of Storey County, State of Nevada on September 25, 1998, as File No. 083403 of Official Records.

AND FURTHER EXCEPTING Watham Way as described in that certain document entitled:

"Quitclaim Deed of Dedication", recorded August 29, 1996, in Book 111, Page 5 as File No. 078479 of Official Records.

Section 34: South ½ together with an easement for roadway purposes as granted to Asamera Minerals (U.S.), Inc., by Lincoln "Nick" Mansfield by instrument recorded November 16, 1993, in Book 97, Page 919 as Document No. 72801, Official Records of Storey County, Nevada.

Section 36: All

Township 19 North, Range 22 East, M.D.B.&M.

Section 1: All
Section 2: All
Section 3: All
Section 4: All
Section 5: EXCEPTING THEREFROM that portion of Section 5 Township 19 North, Range 22 East, M.D.B.&M., lying Northerly of the Northerly line of Watham Way as described in that certain document entitled:

"Quitclaim Deed of Dedication", recorded August 29, 1996, in Book 111, Page 5 as File No. 078479 of Official Records.

AND FURTHER EXCEPTING THERFROM Lot 98-3 of the 2nd Parcel Map for Asamera Minerals (U.S.), Inc., filed in the Office of the County Recorder of Storey County, Nevada on September 25, 1998, as File No. 083402 of Official Records.

AND FURTHER EXCEPTING Watham Way as described in that certain document entitled:

"Quitclaim Deed of Dedication", recorded August 29, 1996, in Book 111, Page 5 as File No. 078479 of Official Records.

Section 6: Southeast ¼; Southeast ¼ Southwest ¼; Lot 7
Section 7: All
Section 8: All
Section 9: All
Section 10: All
Section 11: All
Section 12: All
Section 13: All
Section 14: All
Section 15: All
Section 16: All
Section 17: All
Section 18: All

Section 19:	All
Section 20:	All
Section 21:	All
Section 22:	All
Section 23:	All
Section 24:	All
Section 26:	West ½
Section 27:	All
Section 28:	All
Section 29:	All
Section 30:	All
Section 33:	All
Section 34:	All
Section 35:	All
Section 36:	South ½

Township 18 North, Range 22 East, M.D.B.&M.

Section 1:	All
Section 2:	All
Section 3:	All
Section 10:	All
Section 11:	All
Section 12:	All
Section 13:	All
Section 14:	All
Section 15:	All
Section 19:	All
Section 20:	All
Section 21:	All
Section 22:	All
Section 23:	All
Section 24:	All
Section 25:	All
Section 26:	All
Section 27:	All
Section 28:	All
Section 29:	All
Section 30:	All
Section 31:	All
Section 32:	All
Section 33:	All
Section 34:	All
Section 35:	All
Section 36:	All, except Lots 2 & 4

Township 17 North, Range 22 East, M.D.B.&M.

Section 2:	All

Section 3: All
Section 4: All
Section 5: All
Section 6: All
Section 7: All
Section 18: All

Township 19 North, Range 24 East, M.D.B.&M.

Section 6: That portion lying and being in Storey County

Township 20 North, Range 23 East, M.D.B.&M.

Section 19: North ½ Southeast ¼; Lots 4, 5, 6, & 7, excepting therefrom all that portion thereof, lying below the natural ordinary high water line of the Truckee River and any portion thereof lying in Washoe County.

Section 21: Lots 1, 2, 3, & 4; the Northwest ¼ Southeast ¼ except that portion lying Northerly of the Truckee Canal; all that portion of the Southeast ¼ Northwest ¼ lying Southerly of the truckee Canal; the Southwest ¼ Northwest ¼; Excepting therefrom all that portion thereof, lying below the natural ordinary high water line of the Truckee River and any portion thereof lying in Washoe County; North ½ Southwest ¼.

Section 23: South ½; South ½ Northeast ¼, excepting therefrom any portion thereof lying North of the South line of the Truckee Canal; Northeast ¼ Northeast ¼.

Section 24: All
Section 25: All
Section 26: All
Section 27: All
Section 28: All
Section 29: All
Section 30: All
Section 31: All
Section 32: All
Section 34: South ½
Section 35: All
Section 36: All

Township 19 North, Range 23 East, M.D.B.&M.

Section 1: All that portion lying within Storey County
Section 2: All
Section 3: All
Section 4: All
Section 5: All
Section 6: All
Section 7: All
Section 8: All

Section 9:	All
Section 10:	All
Section 11:	All
Section 12:	All that portion lying within Storey County
Section 13:	All that portion lying within Storey County
Section 14:	All that portion lying within Storey County
Section 15:	All
Section 16:	All
Section 17:	All
Section 18:	All
Section 19:	All
Section 20:	All
Section 21:	All
Section 22:	All
Section 23:	All that portion lying within Storey County
Section 26:	All that portion lying within Storey County
Section 27:	All that portion lying within Storey County
Section 28:	All
Section 29:	All
Section 30:	All
Section 31:	All
Section 32:	All
Section 33:	All
Section 34:	All that portion lying within Storey County

Township 18 North, Range 23 East, M.D.B.&M.

Section 3:	All that portion lying within Storey County
Section 4:	All that portion lying within Storey County
Section 5:	All
Section 6:	All
Section 7:	All
Section 8:	All
Section 9:	All that portion lying within Storey County
Section 16:	All that portion lying within Storey County
Section 17:	All that portion lying within Storey County
Section 18:	All
Section 19:	All
Section 20:	All that portion lying within Storey County

Township 20 North, Range 24 East, M.D.B.&M.

Section 19:	All
Section 30:	All that portion lying within Storey County
Section 31:	All that portion lying within Storey County

Assessor's Parcel Nos.

04-011-03, 04-041-21, 04-091-16, 04-091-21, 04-091-37, 04-091-39, 04-111-06, 04-131-02, 04-151-09, 04-171-02, 04-181-01, 04-201-04, 04-291-01

EXCEPT THEREFROM THE FOLLOWING:

(A) All that real property as conveyed to King Tolles and Lois Tolles by Deed dated January 14, 1992 and recorded January 21, 1992, at Book 89, Page 64, Document No. 68841, Official Records of Storey County, Nevada. (04-041-10)

(B) All that real property as conveyed to Jim Stevens and Launa Stevens by Deed dated August 27, 1992 and recorded September 4, 1992, at Book 91, Page 972, Document No. 70187, Official Records of Storey County, Nevada. (04-041-24, 04-041-25, and 04-041-26)

(C) All that real property as conveyed to Five Star Land and Livestock, Inc., a Nevada corporation, by Deed dated August 20, 1992 and recorded September 4, 1992, at Book 91, Page 977, Document No. 70189, Official Records of Storey County, Nevada. (04-041-27, 04-041-28, 04-041-29 and 04-041-30)

(D) All that real property as conveyed to Lincoln "Nick" Mansfield by Deed dated November 9, 1993, and recorded November 16, 1993, in Book 97, Page 916, Document No. 72800, Official Records of Storey County, Nevada. (04-091-18)

(E) All that real property as conveyed to Eagle-Pitcher Minerals, Inc., by Deed dated February 17, 1994 and recorded February 22, 1994, in Book 99, Page 344, as Document No. 73440, Official Records of Storey County, Nevada. (04-041-23 and 04-171-03)

EXCEPTING THE FOLLOWING PARCEL
" EAGLE PITCHER PARCELS "

ALL PROPERTY WITHIN

PARCEL '99-13' OF THE MAP OF DIVISION FILED IN THE OFFICE OF THE STOREY COUNTY RECORDERS OFFICE, ON 5-28-1999 BY TRISTATE SURVEYING FOR EAGLE PICHER, FILE NUMBER 85087. SAID PARCEL KNOWN AS THE POR OF SEC 32 W PARCEL

PLUS THE FOLLOWING PARCELS
" EAGLE PITCHER PARCELS "

ALL PROPERTY WITHIN
PARCEL '99-4' OF THE PARCEL MAP FILED IN THE OFFICE
OF THE STOREY COUNTY RECORDERS OFFICE, ON 5-28-1999
BY TRISTATE SURVEYING FOR EAGLE PICHER, FILE NUMBER 85088.
SAID PARCEL KNOWN AS THE FREEWAY WEST PARCEL

INCLUDING ALL PROPERTY WITHIN
PARCEL '04-101-05' OF THE PARCEL MAP FILED IN THE OFFICE
OF THE STOREY COUNTY RECORDERS OFFICE, ON 5-28-1999
BY TRISTATE SURVEYING FOR EAGLE PICHER, FILE NUMBER 85088.
SAID PARCEL KNOWN AS THE FREEWAY EAST/WEST PARCEL

.INCLUDING ALL PROPERTY WITHIN
PARCEL '99-21' OF THE PARCEL MAP FILED IN THE OFFICE
OF THE STOREY COUNTY RECORDERS OFFICE, ON 8-18-1999
BY CFA FOR WESTERN 102 RANCH, INC., FILE NUMBER 85847.
SAID PARCEL KNOWN AS THE WWTP PARCEL

INCLUDING ALL PROPERTY WITHIN
PARCEL '99-9' OF THE PARCEL MAP FILED IN THE OFFICE
OF THE STOREY COUNTY RECORDERS OFFICE, ON 5-28-1999
BY TRISTATE SURVEYING FOR EAGLE PICHER, FILE NUMBER 85090.
SAID PARCEL KNOWN AS THE EP2 TRI PARCEL

INCLUDING ALL PROPERTY WITHIN
PARCEL '99-7' OF THE PARCEL MAP FILED IN THE OFFICE
OF THE STOREY COUNTY RECORDERS OFFICE, ON 5-28-1999
BY TRISTATE SURVEYING FOR EAGLE PICHER, FILE NUMBER 85089.
SAID PARCEL KNOWN AS THE EP 2 TRI PARCEL

McCARRAN RANCH PARCELS

PARCEL ONE:

Situated in the County of Storey, the State of Nevada and being a portion of Sections 1 and 2, Township 19 North, Range 21 East, M.D.B.& M.; Section 6, Township 19 North, Range 22 East, M.D.B.&M.; Section 31, Township 20 North, Range 22 East, M.D.B.&M., being more particularly described as follows:

Commencing at the Section corner, Sections, 2, 3, 10 and 11, Township 19 North, Range 21 East, M.D.B. & M., thence North 0°34'57" East, 1320.00 feet to the point of beginning; thence North 0°34'57" East, 1350.50 feet to the West one-quarter corner of Section 2, Township 19 North, Range 21 East; thence North 06°06'48" East 2647.77 feet to the northwest corner of Section 2, Township 19 North, Range 21 East, thence North 89°57'49" East 502.58 feet to the southeast corner of Section 34, Township 20 North, Range 21 East; thence North 88°57'02" East 2276.91 feet to the North one-quarter corner of Section 2, Township 19 North, Range 21 East; thence North 87°33'33" East 370.66 feet to the South one-quarter corner of Section 35, Township 20 North, Range 21 East; thence South 89°42'47" East 2289.71 feet to the northeast corner of Section 2, Township 19 North, Range 21 East; thence North 89°48'16" East 316.27 feet to the southeast corner of Section 35, Township 20 North, Range 21 East; thence North 89°49'37" East to the one-quarter corner between Section 36, Township 20 North, Range 21 East, and Section 1, Township 19 North, Range 21 East; thence North 02°41'52" East 1291.40 feet to the south one-sixteenth corner on the north-south center line of Section 36, Township 20 North, Range 21 East; thence North 89°55'18" East 2718.60 feet to the south one-sixteenth corner between Section 36, Township 20 North, Range 21 East, and Section 31, Township 20 North, Range 22 East; thence North 06°08'59" East 1301.06 feet to the one-quarter corner between Section 36, Township 20 North, Range 21 East, and Section 31, Township 20 North, Range 22 East; thence South 02°01'48" West 1676.21 feet to the northerly right-of-way line of Interstate 80 freeway; thence along the northerly right-of-way line of Interstate 80 freeway North 59°03'44" East 459.89 feet; thence South 30°56'16" East 30.00 feet; thence North 59°03'44" East 730.00 feet; thence North 30°56'16" West 155.00 feet; thence North 59°03'44" East 220.00 feet; thence South 84°04'05" East 250.00 feet; thence North 59°03'44" East 4103.35 feet; thence a curve to the right; a delta of 15°44'00", and radius of 7127.00 feet; thence North

74°47'44" East 606.38 feet; thence along a curve to the left, a delta of 11°23'21", and a radius of 2873.00 feet; thence leaving the northerly right-of-way line of Interstate 80 freeway South 00°41'02" East approximately 2240 feet to the northerly right-of-way line of the Southern Pacific Railroad; thence southwesterly along the Southern Pacific Railroad northerly right-of-way line to the section line between Sections 31 and 32, Township 20 North, Range 22 East; thence South 02°35'04" East approximately 1800 feet to the section corner common to 31 and 32, Township 20 North, Range 22 East, Sections 5 and 6, Township 19 North, Range 22 East, thence South 00°17'04" East 2635.23 feet to the east one-quarter corner Section 6, Township 19 North, Range 22 East; thence North 89°26'11" West 2672.98 feet to the center of Section 6, Township 19 North, Range 22 East; thence South 01°06'13" East 1329.12 feet to the south one-sixteenth corner of the north-south centerline of Section 6, Township 19 North, Range 22 East; thence North 89°58'23" West 2760.44 feet to the south one-sixteenth corner between Section 1, Township 19 North, Range 21 East, and Section 6, Township 19 North, Range 22 East; thence North 00°42'11" East 1354.42 feet to the one-quarter corner between Section 6, Township 19 North, Range 22 East, and Section 1, Township 19 North, Range 21 East; thence South 89°12'35" West 4105.09 feet to the west one-sixteenth corner on the east-west centerline of Section 1, Township 19 North, Range 21 East; thence South 00°12'01" West 1331.86 feet; thence to the center corner of the southwest one-quarter of Section 1, Township 19 North, Range 21 East; thence South 89°31'20" West 1360.93 feet to the south one-sixteenth corner between Sections 1 and 2, Township 19 North, Range 21 East; thence South 00°10'29" West 1324.43 feet common to section corners 1, 2, 11 and 12, Township 19 North, Range 21 East; thence along the section line between Sections 2 and 11, Township 19 North, Range 21 East, South 89°28'59" West approximately 2000 feet to the center line of the Truckee River; thence southwesterly along the centerline of the Truckee River to the east-west centerline of the southeast one-quarter of Section 10, Township 19 North, Range 21 East; thence westerly along the east-west centerline of the southeast one-quarter of Section 10, Township 19 North, Range 21 East to the southerly right-of-way line of the Southern Pacific Railroad; thence northeasterly along Southern Pacific Railroad right-of-way line to the section line between Sections 10 and 11, Township 19 North, Range 21 East; thence North 0°45'03" West along the section line between Sections 10 and 11, Township 19 North, Range 21 East to the one-quarter corner between 10 and 11, Township 19 North, Range 21 East; thence North 0°02'46" East 2670.06 feet to the section

corner common to Sections 2, 3, 10 and 11, Township 19 North, Range 21 East; thence North 0°34'57" East 660.00 feet along the section line between Sections 2 and 3, Township 19 North, Range 21 East; thence South 89°25'03" East 660.00 feet; thence North 0°34'57" East 660.00 feet; thence North 89°25'03" West 660.00 feet to the point of beginning.

EXCEPTING THEREFROM all mines of gold, silver, copper, lead, cinnabar and other valuable minerals that may exist as reserved by the State of Nevada in various Patents of record.

ALSO EXCEPTING THEREFROM the parcel described as follows: Commencing at the one-quarter corner Section 1, Township 19 North, Range 21 East, and Section 6, Township 19 North, Range 22 East, thence South 47°39'00" East 560.00 feet to the point of beginning: North 80°40'00" East 417.42 feet; thence South 49°24'00" East 626.13 feet; thence South 80°40'00" West 208.71 feet, thence North 49°24'00" West 208.71 feet; thence South 80°40'00" West 208.71 feet; thence North 49°24'00" West 417.42 feet to the point of beginning. Contained entirely within the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 19 North, Range 22 East,

ALSO EXCEPTING THEREFROM that parcel described in the Deed to Monty Baldwin, recorded July 10, 1980, in Book 23, Page 291 Official Records of Storey County, State of Nevada, under File No. 47064.

ALSO EXCEPTING THEREFROM that parcel described in the Deed to David E. Cox and Juanita Cox, husband and wife, recorded July 25, 1988, in Book 65, Page 174, Official Records of Storey County, State of Nevada, under File No. 61911.

ALSO EXCEPTING THEREFROM, Parcels 1, 2 and 3 as shown on the PARCEL MAP of MCCARRAN RANCH filed October 22, 1985 in the Official Records of Storey County, State of Nevada, under File No. 57052.

ALSO EXCEPTING THEREFROM that parcel described in the deed to KAL KAN FOODS, INC., recorded March 3, 1995, in Book 103, Page 962, Official Records of Storey County, State of Nevada, under File No. 75528 and re-recorded June 20, 1995, in Book 105, Page 48, under File No. 75991 R.

ALSO EXCEPTING THEREFROM that portion described in the deed to Storey County, a political subdivision of the State of Nevada, recorded April 2, 1997, in Book 114, Page 280, Official Records of Storey County, State of Nevada, under File No. 79808.

ALSO EXCEPTING THEREFROM any portion thereof lying within Section 32, Township 20 North, Range 22 East, M.D.B. & M.

ALSO EXCEPTING THEREFROM any portion thereof lying within the Southern Pacific Railroad right-of-way.

ALSO EXCEPTING THEREFROM any portion thereof lying in Washoe County.

ASSESSOR'S PARCEL NO. 04-161-10

PARCEL TWO:

Parcel 3 as shown on the PARCEL MAP OF MCCARRAN RANCH filed October 22, 1985 in the Official Records of Storey County, State of Nevada, under File No. 57052.

ASSESSOR'S PARCEL NO. 04-161-09

PATRICK BUSINESS CENTER

ALL PROPERTY WITHIN
Parcel '99-24' of the Parcel Map Filed in the office of the Storey County Recorder's Office, on 6-29-1999 by Western Nevada Survey for DPOP LP, File Number 85481, said parcel known as the DPO MAIN Parcel

ALL PROPERTY WITHIN
Parcel '98-1 A' of the Parcel Map Filed in the office of the Storey County Recorder's Office, on 6-29-1999 by Western Nevada Survey for TRI CENTER LLC, File Number 85483, said parcel known as the ADJUSTED DERM Parcel

ALL PROPERTY WITHIN
Parcel '98-4' of the Parcel Map Filed in the office of the Storey County Recorder's Office, on 9-25-1998 by Tristate Surveying for ASAMERICA MINERALS, File Number 83403, said parcel known as the DERM-BAT Parcel

PARCEL "D"
(Sewer Plant Parcel)

Situate in a portion of the south one-half of the north one-half of Section 34, T. 20 N., R. 22 E., M.D.M., Storey County, Nevada, more particularly described as follows:

Commencing at the west quarter corner of said Section 34;
thence N 01°22'37" E, 1327.71 feet;
thence S 89°00'48" E, 1238.12 feet to the point of beginning:
thence S 89°00'48" E, 2126.85 feet;
thence S 01°21'36" W, 101.03 feet;
thence S 77°26'00" W, 159.58 feet;
thence S 07°55'04" E, 141.23 feet;
thence from a tangent bearing of S 82°04'56" W on a curve to the left having a central angle of 36°33'36", a radius of 1560.00 feet, for an arc distance of 995.42 feet;
thence N 44°28'40" W, 420.00 feet;
thence N 45°31'20" E, 80.00 feet;
thence N 08°19'37" W, 175.76 feet;
thence N 89°00'48" W, 650.00 feet;
thence N 44°06'36" W, 283.32 feet to the point of beginning, containing 16.24 acres, more or less.

WESTERN 102 RANCH PROPERTY

All that certain lot, piece or parcel of land situate in the County of Storey, State of Nevada, described as follows:

PARCEL 1:

The South ½ of the Northwest ¼ and the Southwest ¼ of the Northeast ¼ of Section 34, Township 20 North, Range 22 East, M.D.B.&M.

PARCEL 2:

The Southeast ¼ of the Northeast ¼ of Section 34, Township 20 North, Range 22 East, M.D.B.&M.

Attachment B-1

RULES, REGULATIONS AND RATES OF THE TRI GENERAL IMPROVEMENT DISTRICT FOR WATER SERVICE

ARTICLE 1. GENERAL PROVISIONS

1.1 Purpose. TRIGID has been created by Storey County under Nevada Revised Statutes Chapters 318 and 308 to own, maintain and operate community water and sewer systems to provide service to Customers in the service area, known as Tahoe-Reno Industrial Center, pursuant to Ordinance #171 and Resolution 00-85, both passed on August 8, 2000. TRIGID is not regulated as a public utility by the Nevada Public Utility Commission. TRIGID is a quasi-municipal entity functioning as a political subdivision of the State of Nevada.

1.2 Enterprise. TRIGID will furnish a system used for the provision of fire protection water as well as industrial, domestic and commercial water; and for the collection of domestic, commercial and industrial wastewater and septic tank effluent; including all parts of the enterprise, all appurtenances thereto, and land, easements, rights in land, contract rights and franchises.

1.3 Company. TRIGID has entered into an Operating Agreement dated March 7, 2001 pursuant to which TRI Water And Sewer Company has the rights and obligations to operate TRIGID's water and sewer system facilities in order to fulfill TRIGID's obligations to provide services to Customers, including without limitation system engineering and design, operations and maintenance, administration and customer services, and billing and collections. In the event the Operating Agreement is terminated for any reason, TRIGID may contract with another operating company for some or all services, or TRIGID may operate directly some or all services.

1.4 Separability. If any section, subsection, sentence, clause or phrase of these Rules, Regulations and Charges or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules, Regulations and Charges or the application of such provision to other persons or circumstances. The Board hereby declares that it would have promulgated these Rules or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared to be unconstitutional.

1.5 Words and Phrases. For the purposes of these Rules, Regulations and Charges, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

ARTICLE 2. DEFINITIONS

a. Account Transfer shall mean any change made to a billing account, including but not limited to new ownership or new tenancy.

b. Additional Definitions/UPC. For the purpose of this Rules, additional terms shall have the meanings indicated in Chapter 1 of the latest edition of the Uniform Plumbing Code as prepared by the International Association of Plumbing and Mechanical Officials. Except as expressly stated otherwise in these Rules, all provisions of the latest edition of the Uniform Plumbing Code are incorporated herein by reference.

c. Applicant shall mean the person, business or governmental agency making application for water service to a parcel within service area, including the TRI Owners Association.

d. Application shall be a written request for water service (as distinguished from an inquiry as to the availability of, or charges for, such service) and agreement by Customer to comply with these Rules.

e. Billing Period shall be the period for which a billing is made. It may be for an average month and need not coincide with the calendar month (i.e., may be billed on a cycle of 29 to 31 days).

f. Board shall mean the Board of Trustees of TRIGID.

g. Building shall mean any structure used for human habitation or a place of business, recreation or other purpose requiring water services.

h. Capital Costs shall mean costs of major rehabilitation, expansion or upgrading required as facilities reach the end of their useful life.

i. Capital Outlays shall mean expenditures which result in the acquisition of, or addition to, fixed or capital assets.

j. Construction Water shall mean water delivered through other than a standard service connection for construction purposes.

k. Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of Nevada to perform the type of work to be done under these Rules.

l. Cross Connection shall mean any actual or potential connection between TRIGID's distribution facilities and any source or system which may potentially cause contamination, pollution, or change in water quality by any and all causes.

m. Company shall mean the TRI Water and Sewer Company, a Delaware corporation.

n. Connection Charge shall mean a fee charged in order to compensate TRIGID for the capital costs of investment, maintenance and repair in water plant equipment and related facilities made by TRIGID. The charge is applied to all new users of water facilities in approximate proportion to their anticipated usage and is for the right of service in the system.

o. County shall mean the County of Storey, State of Nevada.

p. Cubic Foot is the volume of water which occupies one cubic foot. The cubic foot is equal to 7.481 gallons.

q. Customer shall mean the person in whose name service is rendered as evidenced by Customer's signature on the application or contract for that service, or in the absence of a signed instrument, by the receipt and payment of bills regularly issued in Customer's name regardless of the identity of the actual user of the service.

r. Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand delivered to the Customer.

s. Delinquent shall mean an account that has not been paid by the 1st day of the calendar month following the due date of payment specified on the bill.

t. Developer shall mean any person engaged in or proposing development of property in the service area.

u. Development shall mean a parcel of property in the service area being improved and requiring water service, including but not limited to installation of service mains to and possibly on the property being improved.

v. Easement shall mean an acquired legal right for the specific use of land owned by others.

w. Employee shall mean any individual employed by TRIGID excluding independent contractors, consultants, and their employees.

x. Gallon is the volume of water which occupies 231 cubic inches.

y. Idler shall mean a length of pipe or spacer installed in lieu of a meter.

z. Inspector shall mean an individual designated to inspect facilities which are the subject of this Rules.

aa. Inter-Connection shall mean any actual or potential connection to Customer piping which will provide water to property or permit use of water for purposes other than that for which a service connection was authorized.

bb. Law is any statute, rule or regulation established by federal, state, County or municipal authorities.

cc. Living Unit shall mean any residence, apartment, or other structure to be occupied for habitational purposes by a single person or family and requiring water service.

dd. Main Classifications:

A. Off-Site Main shall mean a main, regardless of size, which extends from the existing water system to a development, but excluding onsite mains.

B. On-Site Mains shall mean those public mains which are installed specifically to provide service to developments, and generally located within the development's boundaries.

C. Public Mains or TRIGID Mains shall mean those mains which are owned, operated and maintained by TRIGID after completion and acceptance.

D. Private Mains shall mean all water mains not owned by TRIGID after completion.

ee. Metered Service is a service for which charges are computed on the basis of measured quantities of water.

ff. Operation and Maintenance shall mean those functions that result in expenditures during the useful life of the water system facilities for materials, labor, utilities and other items which are necessary for managing and maintaining the water system facilities to achieve the capacity and performance for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement as defined in these Rules.

gg. Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.

hh. Permanent Service is a service which, in the opinion of TRIGID, is of a permanent and established character. The use of water may be continuous, intermittent or seasonal in nature.

ii. Permit shall mean any written authorization required pursuant to this or any other regulation of the service area for the installation or operation of any part of the water system within the service area.

jj. Person shall mean any individual, firm, association, organization, partnership, trust, company, corporation or other entity, and any municipal, political, or governmental corporation, body, or agency, other than TRIGID.

kk. Premises shall mean all of the real property and services to a single integrated activity operating under one name to one or more buildings, locations or services, provided: (a) such building, locations or services are to a single unit of property; or (b) such buildings, locations or services are on two or more units of property immediately adjoining, except for intervening highways, streets, alleys or waterways.

ll. Private Fire Protection shall mean service through a line used to extinguish accidental fires which benefits only one Customer or one class of Customers and is provided as an extra service in addition to normal and customary fire protection provided by TRIGID to all Customers.

mm. Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the water system facilities to maintain the capacity and performance for which such facilities were designed and constructed.

nn. Rules shall mean these Rules, Regulations and Rates Of The TRI General Improvement District For Water Service.

oo. Service Area shall mean the place of use of water rights available to serve the certain areas as designated in Article 13 of these Rules.

pp. Service and Connection Classifications:

A. Combined Services shall mean service connections through which water is obtained for the dual purpose of fire protection and domestic use.

B. Commercial Services shall mean service connections to include, but not limited to, nonindustrial businesses, office buildings, private clubs, motels, hotels, department stores, retail stores, restaurants, clubs, schools and similar Customers.

C. Domestic Services shall mean service connections through which water is obtained for all purposes exclusive of fire protection, but including residential, commercial, and industrial uses.

D. Emergency Service Connection shall mean a temporary service connection required to provide water to safeguard health and protect private or public property, subject to the conditions governing temporary service connections.

E. Industrial Service shall mean service to Customers engaged in warehousing or distribution, or in a process which creates or changes raw or unfinished materials into another form or product (e.g.,factories, mills, manufacturing facilities, assembly plants, machine shops, mines, pumping plants, creameries, canning and packing plants, or processing activities).

F. Interim Services shall mean non-permanent connections for delivery of water for use during the construction of developments, other construction projects, and in certain instances, for emergency service.

G. Non-Standard Connection shall mean a service connection installed at a location not adjacent to the property served and where there will not be a main installed contiguous to the property.

H. Private Fire Service shall mean a service connection through which water is delivered to private property for fire protection exclusively.

I. Residential Service shall mean service to a Customer in a single family dwelling, mobile home or building, or in an individual flat, condominium, or apartment in a multiple family dwelling, or building or portion thereof occupied as the home, residence or sleeping place of one or more persons.

J. Service Connection shall mean the lateral pipe from the point of connection to a TRIGID water main, to and including the curb stop valve and/or meter box.

K. Standard Service Connection or "Permanent Service Connection" shall mean a service connection installed at a location adjacent to the property being served.

L. Temporary Service Connection shall mean a service connection installed at a location not adjacent to the property served and which is subject to removal or relocation at such time as a main is constructed.

qq. Tenant shall mean a person renting or leasing a premise from the Customer or the Customer's selected representative.

rr. TRIGID shall mean TRI General Improvement District, a political subdivision of the State of Nevada, formed and existing as specified in Subsection 1.1 of these Rules.

ss. Water Meter shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by TRIGID.

ARTICLE 3. CONDITIONS OF SERVICE

3.1 Pressures. All applicants for service connections or water service and Customers shall accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and shall hold TRIGID and the Company harmless for any damages arising out of low pressure or high pressure conditions.

3.2 Interruption of Service. TRIGID will endeavor to notify Customers in advance of any interruption in service due to repairs, or other causes. However, in emergency conditions, when notification is not practical, service may be interrupted for indefinite periods of time. All Customers shall hold TRIGID and the Company harmless for any damages arising from interruptions in service caused by repairs, emergencies or conditions beyond the control of TRIGID.

3.3 Area Served. Properties within the boundaries of the service area shall be eligible to receive water from TRIGID in accordance with these Rules and subject to acceptance by TRIGID of a completed application by Customer.

3.4 Main Required. New applications for water service will be accepted only if the water main extends to the property being served, said water being within an off-site right-of-way or easement granted to TRIGID, or

~~TRIGID agrees to extend the water main, unless the Customer agrees to extend all distribution, storage and supply capacity necessary to serve the Customer, subject to the provisions of these Rules.~~

~~3.5 Property Not Adjacent to a Water Main. In order to obtain service to property not immediately adjacent to a water main as required by Article 3.4 above, the applicant will be required to provide a main extension in accordance with the requirements of Article 10, or the applicant may make application for a non-standard service if the property meets the requirements of Article 9.9, and the applicant may be required to comply with the provisions of Article 4.3.~~

~~3.6 Damage to Property. TRIGID and the Company will not be liable for damage to property resulting from water running from open or faulty piping or fixtures on the Customer's property or from interruption or termination of service in accordance with these Rules, Regulations and Charges. Customers who request activation of a service shall be responsible for damage resulting from such activation due to open or faulty piping and fixtures on the Customer's property.~~

~~3.7 Tampering With TRIGID Property. No one except an employee or representative of TRIGID or the Company shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of TRIGID's system; or interfere with the meters or their connections, street mains or other parts of the system.~~

~~3.8 Penalty for Violation. For the failure of the Customer to comply with all or any part of these Rules, the Customer's service may be discontinued, in TRIGID's sole discretion, until the Customer is in compliance. Termination of water service shall be in accordance with Article 11.~~

~~3.9 Waste of Water. No Customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a Customer's premises, or is flowing onto adjacent properties, roads, or drainage ditches seriously affecting the general service or operation of the system, TRIGID may discontinue the service if such conditions are not corrected within twenty-four (24) hours after giving the Customer written notice.~~

~~3.10 Regulation of Water Usage. TRIGID may from time to time require that a watering schedule be followed or use of water be curtailed, or provide incentives for off-peak time watering, by notice to each Customer. Unless a different water schedule is promulgated by TRIGID, the following schedule of restrictions shall apply for outdoor irrigation to all commercial, industrial and other nonresidential Customers:~~

~~A. Customers with odd addresses - Monday and Thursday only;~~
~~B. Customers with even addresses - Tuesday and Friday only;~~
~~C. Watering by spray irrigation shall take place only between the hours of 6:00 p.m. to 6:00 a.m. during allowed days;~~
~~D. Watering by drip irrigation or by hand may take place at any time during allowed days; and~~
~~E. The watering of new lawns for a period of six weeks from the date of planting seed or laying sod or watering vegetation planted for erosion control in an approved project to the extent necessary to reasonably assure establishment thereof.~~

~~3.11 Notices to Customers. Notices from TRIGID to a Customer will normally be given in writing, and either delivered or mailed to Customer at Customer's last known address based on billing records. Where conditions warrant and in emergencies, TRIGID may resort to notification either by telephone, facsimile or messenger. When a Customer is refused service under the provisions of these Rules, TRIGID will notify the Customer promptly of the reason for the refusal to serve and of the right of the Customer to appeal TRIGID's decision to the Board. Failure by the Customer to accept a certified letter notice will not relieve the Customer of responsibility for contents of notice.~~

~~3.12 Notices from Customers. Notice from the Customer to TRIGID may be given by the Customer or Customer's authorized representative in writing at TRIGID's operating office. TRIGID's current operating office (which is subject to change) is:~~

~~TRI General Improvement District~~
~~9475 Double R Boulevard, #11~~
~~Reno, Nevada 89511~~
~~Telephone (775) 852-5700~~
~~Fax: (775) 852-5707~~

~~3.13 Customer's Premises. TRIGID and Company employees and agents shall have the right of access to Customer's property at all reasonable hours for any purpose related to the furnishing of service and protection of water quality and quantity, but will generally not enter upon Customer's premises to engage in repair or alteration of Customer piping and fixtures, since it is a responsibility of Customer to service or repair its piping and fixtures.~~

~~3.14 Special Conditions And Circumstances. In the event that conditions or circumstances arise which are not specifically covered by these Rules or warrant deviation from these Rules, TRIGID may take whatever action, including establishing rates and charges which, in its discretion, is warranted, including execution of contracts and agreements with Customers covering special conditions and circumstances.~~

~~3.15 Effective Date. These Rules shall become effective on the date of signature by the Board.~~

~~3.16 Continuity. Adoption of these Rules shall not be construed as a waiver of any right or obligation under any prior agreement, contract, or commitment of a Customer and TRIGID.~~

~~3.17 Meters. All new services shall have water meters and will be billed according to the metered rate schedule.~~

~~ARTICLE 4. SCHEDULE OF RATES AND CHARGES~~

~~4.1 Link To Monthly Rates And Connection Charges Of Fernley Town Utilities. Rates and connection charges for all water service and connection classifications shall be sums equal to 95% of the monthly rates and connection charges (also referred to as "fees") charged by the Fernley Town Utilities for water service, as may be changed from time to time. TRIGID shall not increase said rates and connection charges unless the Board determines that said rates and connection charges are insufficient to pay, in the case of connection charges, all costs of Capital Outlays (including interest carry); and to pay, in the case of rates, all operating costs of TRIGID, including but not limited to, overhead, salaries and other employee compensation, operating and maintenance expenses, taxes, reserve and replacement, water rights lease or purchase fees, any other fees, expenses and charges normal and customary for water service utility companies. In the event said rates are insufficient to pay all said operating costs, then monthly rates may be raised to a level that will cover all operating costs. Copies of the current Fernley Town Utilities are available upon request at the operating office of TRIGID.~~

~~4.2 Link To Washoe County Ordinance. All fees and charges in Articles 4 and 5 of these Rules, other than the monthly rates and connection charges specified in Article 4.1 above, are adopted from Washoe County Ordinance 999, adopted January 1, 1998 (with some minor amendments), and shall be in effect unless amended by Washoe County, in which case all amendments which have the effect of increasing fees and charges (other than those specified in Section 4.1) shall be immediately incorporated herein by reference as of the effective dates of the amendments.~~

4.3 Build And Dedicate TRIGID System Facilities. If TRIGID determines, in TRIGID's sole discretion, that connection of new service for a Customer will exceed the standard specifications (see, Article 15.2) for existing storage, supply or distribution capacity of TRIGID's water system, or requires additional storage, supply or distribution facilities, TRIGID may in its sole discretion require as a condition of service that the Customer design, permit and construct all additional new water facilities (e.g., wells, pump station, pipelines, valves, storage tanks) necessary to increase said capacity or provide facilities for Customer's use prior to providing water service. Customer shall complete and dedicate to TRIGID without charge all water system facilities as constructed. To the extent that any of said water system facilities are oversized beyond the Customer's needs, TRIGID shall reimburse the Customer from connection charges collected from subsequent Customers using said facilities or provide Customer a credit therefor from connection charges. The basis for reimbursement or credit shall be the difference in actual costs of the water system facilities between the capacity required for the constructing Customer's use and the oversized capacity. No overhead, administrative change, profit or interest on said actual costs will be reimbursable. All design and construction of said facilities must be approved by TRIGID. The constructing Customer shall not be entitled to a credit from the connection charge for all or any portion of the water system facilities so constructed, except as specified in this Article. The procedures specified in Article 10 shall be used for all construction under this Article 4.3. Construction by a third-party developer of off-site water system facilities shall not entitle the Customer to claim a credit or reimbursement for the water system facilities so constructed.

4.4 Charges for Meter Testing. TRIGID will shop-test, preferably in the presence of the Customer, a meter of a size two-inches (2") or smaller, at the request of a Customer and payment of a twenty dollar ($20) fee. If the meter, upon testing, registers no greater than two percent (2%) over the true quantity, the fee shall be forfeited, and all water bills shall be paid as presented. However, if the meter registers more than two percent (2%) of the true quantity, the fee shall be returned, and the amount overcharged during the prior six months, or such portion of the six-month period as the Customer has been responsible for water bills, will be credited to the Customer and another meter substituted for the inaccurate meter. The same procedure shall apply to meters larger than two-inches (2"), except that the meter shall be field-tested.

4.5 Charges for Interim Service. These charges apply to nonmetered services through which water is delivered from an approved fire hydrant connection for use during construction, exclusive of developments which have paid for metered construction water.

A. A hydrant use permit fee of ten dollars ($10.00); and

B. Three dollars ($3.00) for each day, and water is used at rates specified in Article 4.1.

ARTICLE 5. OTHER CHARGES, FEES AND DEPOSITS

5.1 Security Deposit for Service. TRIGID may require a security deposit in the amount of Five Hundred Dollars ($500.00) or one-year's total estimated rates (whichever is less) from all new Customers or applicants, from Customers whose accounts are delinquent on more than one occasion (i.e., two monthly payments overdue) in any one (1) year period, or in situations where TRIGID has cause to believe that a deposit is required to ensure payment of bills. At the end of one year of service, if all accounts have been kept current the amount of the deposit, plus interest accrued at the rate of 4% per annum simple interest, shall be credited to the succeeding months' bill(s). Service must be in place for a minimum of six (6) months for any interest to be accrued. Upon discontinuance of service, any deposit held by TRIGID will be applied to the final billing with any deposit amount refunded to the Customer. If the deposit is applied to a Customer's account because of delinquent bills, all interest accrued will first be applied to delinquent bills. By posting a deposit, the Customer agrees that the deposit is a pledge to make future payments to TRIGID and not payments for future services that are furnished by TRIGID.

Any application for service will not be granted unless full payment has been made for water or sewer services previously rendered to the applicant or Customer by TRIGID, if any. Failure on the part of the Customer to make a deposit within fifteen (15) days after written notice by TRIGID that such deposit be made or service may be discontinued, shall warrant TRIGID in discontinuing the service to the Customer. TRIGID may waive the security deposit requirement, in its sole discretion, or accept alternate security.

5.2 Charges for Disconnection, Reconnection, Account Transfer and Special Reading. If service is discontinued whether at the request of the Customer or initiated by TRIGID for reasons other than those specified in Article 5.10, the Customer shall pay a processing charge of fifteen ($15.00) for disconnection and another fifteen dollars ($15.00) for reconnection. If the Customer requests an account transfer or special meter reading, a processing charge of fifteen dollars ($15.00) shall be charged. Customers must give 24 hours or previous working day's notice for disconnection, reconnection or special reading.

5.3 Installation Fee: The installation fee shall be charged to cover the cost of materials and labor for installing the water service. This fee shall be based on the service size and shall be in the amount shown. The installation fee includes tapping of the main, installation of the service line from the main to the meter, the meter, and the meter box, in accordance with the following table:

Service Size	Installation Fee
3/4" or smaller	$ 750
1"	$ 795
1 1/2"	$ 975
2"	$1,290
Over 2"	Actual Cost, or $1,300, whichever is greater

In the alternative, if all materials and labor are supplied, the installation fee includes setting of meter in a TRIGID approved installation, in accordance with the following table:

Service Size	Installation Fee
3/4" or smaller	$ 80.00
1"	$ 90.00
1 1/2"	$130.00
Over 2"	Actual Cost

TRIGID or Company personnel or agents will do all service connection installations, unless TRIGID approves another means of installation.

5.4 Plan Checking and Inspection Fee. Any applicant, Customer or a Developer requiring approval of plans by TRIGID or desiring plan checking shall pay to TRIGID a deposit reasonably calculated to cover TRIGID's actual costs of providing this service, prior to plan checking or rechecking. The deposit shall be paid prior to performance of any work by TRIGID. Prior to final acceptance of the improvements an accounting of all costs including personnel time, fringe benefits, equipment, materials and overhead shall be made for the plan checking and inspection of the improvements. If the total cost is greater than the deposit, the applicant must pay the difference prior to acceptance and use of the improvements. If the total cost is less, a refund shall be given.

~~5.5 Relocation of Service Connection. An existing service connection may be relocated, if the new service is of like size and will provide a water supply to the same parcel of property, upon application and payment of an installation fee by the Customer.~~

~~5.6 Increase in Size of Service Connections. Enlargement of a service connection to the same property, requiring abandonment of the existing connection and installation of a complete replacement connection of increased size shall be treated as a new service connection and shall be charged accordingly. The fees to be paid by the Customer upon application for increase in size of service connection shall be the installation fee for the size of the larger service being installed and a connection charge which shall be determined by subtracting the connection charge for the size of service being abandoned from the connection charge for the size of service being installed, if any.~~

~~5.7 TRIGID Fire Hydrants Fire Fighting Use. There shall be no charges to governmental agencies for water available through TRIGID fire hydrants for use in fire suppression.~~

~~5.8 Private Use of TRIGID Fire Hydrants. Connections to TRIGID fire hydrants are prohibited unless a water service application is submitted to and approved by TRIGID. The applicant shall pay fees as specified in Article 4.6. Applicants for connections to fire hydrants shall designate the period of time and purposes for which water is to be used. TRIGID shall designate the fire hydrant that the applicant may use. Use of any other fire hydrant by the applicant other than the designated hydrant may result in an additional charge of one hundred dollars ($100.00) for each occurrence, and removal of Customer's or TRIGID's equipment, if any. TRIGID may discontinue the supply and remove its equipment at the expiration of the period so designated or if the supply is used for any purpose other than designated by the applicant. The supply is subject to limitations as to rate of flow and time of use. TRIGID will install all equipment necessary for the connection, unless TRIGID approves other arrangements, and no water will be used until such equipment is installed. In the event that a connection is made to a fire hydrant without authority to do so, the user shall be required to pay an additional charge of One Hundred ($100.00) for each day of use prior to issuance of the permit.~~

~~5.9 Public Agencies Exempted From Deposit Requirements. In lieu of cash deposits or sureties, purchase orders will be accepted from public agencies.~~

~~5.10 Discontinuance Charge. If service is discontinued for non-payment of water bills or other violations of these Rules, the Customer shall pay a turn-off charge according to the schedule below. Before service is restored, all accrued water charges must be paid, in addition to a turn-on charge in an amount equal to the charge for turn-off according to the schedule below. If a Customer has had twelve (12) consecutive months without being disconnected for non-payment of bills or other violations, the discontinuance charge shall revert to the first occurrence charge according to the schedule below.~~

~~Occurrence Of Discontinuance Of Service~~	~~Turn Off And Turn On Charges~~
~~First~~	~~$ 50.00~~
~~Second~~	~~$100.00~~
~~Third~~	~~$200.00~~
~~Fourth and beyond~~	~~$300.00~~

~~Should the Customer reactivate the service without the consent of TRIGID, an additional charge of five hundred dollars ($500.00) will be made for each such occurrence. Service will be considered to have been disconnected when an employee of TRIGID has been dispatched for that purpose. Termination of water service shall be in accordance with Article 11.~~

~~5.11 Fee for Turn-off at Main. Should it became necessary in order to enforce discontinuance of service. To shut off the service at the main, a charge equal to the cost of labor, equipment and materials will be made, but not less than $250.00.~~

~~5.12 Delinquent Accounts. In addition to other provisions of these Rules, there will be a charge for late payment. If payment is not received before it becomes delinquent, a late penalty processing fee and a penalty on the outstanding balance will be charged in accordance with Article 7.3 and the service may be discontinued according to the procedure outlined in Article 11.~~

~~5.13 Unauthorized Use of Private Fire Service. When it is found that a private fire service is being used for purposes other than standby fire protection, TRIGID shall notify the Customer of the unauthorized use. Failure to discontinue unauthorized use will be cause for discontinuance of service. The Customer shall be charged for the water consumed through the unauthorized use, as TRIGID may deem appropriate, consistent with established rates, and in addition Customer shall pay a charge of one hundred dollars ($100.00) per occurrence.~~

~~5.14 Damage to TRIGID Property. Persons causing damage to TRIGID property by any willful or negligent act shall be responsible for payment of all costs incurred. Customers or their contractors, agents and representatives causing damage to TRIGID property shall be strictly liable for payment of all costs caused by such damage.~~

~~5.15 Photocopy Charges. The charge for making photocopies on TRIGID copying equipment shall be $.25 per copy.~~

~~ARTICLE 6. BASIS FOR BILLING~~

~~6.1 Monthly Billing. All services shall be billed on the basis of monthly rates specified in Article 4.1.~~

~~6.2 Meter Readings. Customers are responsible for payment of all water recorded as having passed through a meter regardless of whether the water was put to beneficial use.~~

~~6.3 Owner Responsibility. The Customer shall be ultimately responsible for payment of water bills and fees for its property in the case of nonpayment by a tenant or other occupant.~~

~~ARTICLE 7. TIME AND MANNER OF PAYMENT~~

~~7.1 Issuance of Bills. TRIGID shall read the water meters in the service area monthly, and as soon thereafter as practicable, issue a bill for each service in accordance with these Rules. TRIGID shall send out bills for water used and for which no payment has been received, and shall use the rates and charges established by these Rules to determine the amount.~~

~~7.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the operating office of TRIGID or as specified in the bills.~~

~~7.3 Delinquent Accounts. Accounts not paid in accordance with Article 5.12 are delinquent and shall be charged a late fee of 1.5 percent per month of the outstanding balance plus a basic penalty fee of ten percent (10%) of the delinquent monthly billing.~~

~~7.4 Discontinuance of Service. TRIGID may discontinue service to a Customer having a delinquent bill as specified in Article 11.2.~~

7.5 Represents Lien on Property. Until paid, all rates and charges provided in these Rules which are delinquent constitute a perpetual lien on and against the property served and may be foreclosed upon as provided by law.

7.6 Proration of Service Charges; Minimum Bill. If any opening or closing bill is for a period shorter than the regular billing period, the base rate charge for service shall be reduced in the same proportion as the actual period of use is reduced from the regular billing period.

7.7 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received.

7.8 Checks Not Honored by Bank. Checks presented in payment to TRIGID which are returned by a bank shall be treated as though no payment had been made and a fifty dollar ($50.00) handling charge will be levied by TRIGID plus any additional charges of the bank. Payment in lieu of returned checks may be required to be by cash or equivalent. The Customer must reimburse TRIGID for any returned check fees charged by a bank to TRIGID.

7.9 Multiple Water Bills. For the purpose of computing charges, each meter will be considered separately, and readings of multiple meters will not be combined, except where a battery of smaller meters has been installed in lieu of a larger one for TRIGID's convenience. In such cases, charges will be computed as if the water used has been measured through a single meter.

7.10 Estimated Bills And Nonoperable Meters. If a meter cannot be read because of obstructions or other causes, an estimate shall be made of the quantity of water used, and a bill shall be issued for the estimated service. The next succeeding bill which is based upon actual meter readings will reflect the difference between prior estimates and actual consumption. If a meter is found to be nonoperable, consumption shall be estimated and billed, considering all pertinent factors.

7.11 Billing Adjustments. Where billing adjustments are processed for inaccurate meter recordings or other usage adjustments, if the meter has:

A. under-recorded the usage of water, the adjustment shall be only for the period of the most recent six (6) months of usage.

B. over-recorded the usage, the adjustment in the form of a credit shall be made only for the period of the most recent six (6) months of usage.

A Customer who, because of an adjustment to his bill, owes TRIGID money for service may pay that amount over a three (3) month period. TRIGID shall credit the Customer who was overcharged because of an inaccurate meter not later than thirty (30) days after the overcharge is determined.

7.12 Disputed Bills. In the case of a dispute between a Customer and TRIGID as to the correct amount of any bill rendered by TRIGID for water service furnished to the Customer, the Customer will deposit with TRIGID the amount claimed by TRIGID to be due. Failure on the part of the Customer to make such deposit within fifteen (15) days after written notice by TRIGID that such deposit be made or service may be discontinued, shall warrant TRIGID in discontinuing the service to the Customer without further notice. A billing dispute not resolved to the Customer's satisfaction is subject to the dispute resolution procedures as provided in Article 14.

ARTICLE 8. APPLICATION FOR SERVICE

8.1 Application. Each person applying for a new water service or changes in an existing service, will be required to sign appropriate application forms provided by TRIGID and to pay all required fees and charges. The application form shall include an agreement to abide by all TRIGID rules and regulations and shall require furnishing such information as TRIGID may reasonably require. Each applicant shall describe the type of development proposed for the property.

8.2 Existing Service Connection. Applicants for service through existing service connections shall nevertheless provide required information on application forms provided by TRIGID.

8.3 New Service. The applicant shall provide any and all information which will assist TRIGID in properly sizing and locating a service lateral and meter, including a description of the development, the use of water and plumbing plans of the private facilities, if required. Applications shall be accompanied by payment of the service connection installation fee, plus the connection charge, unless deferred.

8.4 Correct Information. In the event that an applicant provides incorrect information as to the size and location of a service connection or requests a change in the size or location after work has commenced, the applicant shall pay any costs incurred by reason of such corrections and changes.

8.5 Rejection of Application. Applications for service through existing or new service connections accompanied by all required fees and charges may nevertheless be rejected if:

A. The account of the applicant or any other person (e.g., prior Customer, tenant, owner) at the same service location, or the applicant at another location, is delinquent.

B. The purpose of the applicant, in the opinion of TRIGID, is to circumvent discontinuance of service in another name because of nonpayment of water bills.

8.6 Service Outside Service Area Boundary. Only property within the service area boundary is eligible for water service from TRIGID. Property outside the service area must be annexed into the service area before application can be made for water service to the property. Applicant shall pay all costs associated with annexation of property into the service area. The Board may deny any annexation request, in its sole discretion, and the Board shall be expressly prohibited from annexing for retail service any property which is zoned for residential use without the consent and approval of Company and Tahoe-Reno Industrial Center, LLC. The Board may annex, in its sole discretion, any property for wholesale service, and any nonresidential property for retail service.

ARTICLE 9. SERVICE CONNECTIONS

9.1 Size and Water Supply. TRIGID reserves the right to determine the size of the service connection to be installed, giving consideration to the needs of the applicant and the capacity of the main to which the service is to be connected. No service connection shall be approved of a size larger than can be supplied by the main without adversely affecting service to other Customers. In the event an existing main is determined to be inadequate to meet the requirements of an applicant and a main extension will provide for those requirements, provisions of these Rules applying to main extensions will be followed. Whenever two mains are available from which service can be provided, TRIGID shall, at its option, determine the main to which the service connection will be made.

9.2 Location. Service connections shall be installed at right angles to a main and the point of connection shall not be within a street intersection. The curb stop or meter box location shall normally be within the off-site right-of-way or easement adjacent to existing or proposed. curb line. In alleys or easements, curb-stops or meter boxes shall be located at a point as close as practicable to the property line near which the main is

located. All curb stops and meter boxes shall be located outside of driveways and other areas where access by TRIGID employees or representatives for operation and maintenance may be restricted.

9.3 Composition. A standard service connection shall be comprised of a service lateral from the point of connection to the main, to and including meter box or battery thereof. The meter box shall contain a meter riser with integral curb stop and check valve, and a meter.

9.4 Ownership. Service connections, including laterals, to and including curb stops, meter boxes, and other appurtenances, shall upon completion be and remain the property of TRIGID and TRIGID shall be responsible for the maintenance and repair of such facilities, subject to any agreements covering the installation of such facilities. All pipe and fittings on the Customer's side of the curb stop and/or meter box shall be installed by and maintained by the Customer or Customer.

9.5 Private Fire Service. Private fire service shall be restricted to standby for emergency fire protection. TRIGID may require installation of an approved detector check valve.

9.6 Combined Service. Combined service shall be allowed only when so approved by TRIGID.

9.7 Temporary Service. TRIGID may authorize a temporary service connection when the applicant's property is not adjacent to a water main. As a condition to installation of temporary service, the applicant is required to provide assurance satisfactory to TRIGID of the prompt installation of the necessary main extension.

9.8 Emergency Service. Emergency service may be authorized for limited periods of time when the usual source of supply fails or is declared to be potentially harmful, or in other circumstances that endanger health or property. Connections may be provided, at the discretion of TRIGID, to any available outlet from TRIGID facilities.

9.9 Non-Standard Service. Non-standard service may be authorized when, in the opinion of TRIGID, a main extension will not be necessary for orderly development of the system, fire protection, service to other property or other reasons. Non-standard service laterals from curb stop of meter box to the Customer shall normally not be located within an off-site right-of-way. A copy of the recorded easement grant over private property for a service lateral shall be provided to TRIGID's satisfaction.

9.10 Separate Service To Each Separate Ownership. Each living unit or nonresidential service under separate ownership must be provided with a separate service connection, unless TRIGID approves a different connection. Two or more Customers under one ownership and on the same lot or parcel of land may be supplied through the same service connection; provided that for each Customer an additional monthly base rate will be applied to the single service serving said Customer, or a separate service connection may be provided for each building and each charged as a separate service. TRIGID reserves the right to limit the number of parcels or the area of land under one ownership to be supplied by one service connection. Not more than one service connection for domestic or commercial supply shall be installed for one building (other than multi-tenant buildings), except under special conditions. A service connection shall not be used to supply other property of a different owner or to supply property of the same owner across a street or alley. When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

9.11 Installation Of TRIGID Facilities By A Developer. Subject to the provisions of applicable sections of these Rules, the following shall apply to the installation of all facilities by a developer which are to be owned and operated by TRIGID.

A. The developer shall pay to TRIGID prior to the approval of any installation all applicable fees and charges.

B. Plans and specifications for the water system improvements to be constructed by the developer shall be prepared by a Nevada Professional Engineer retained by the developer and shall be approved by TRIGID and the Storey County Fire Department (or its designee) before construction is started.

C. All TRIGID water facilities shall be located within easements or rights-of-way. Water meter boxes shall be located outside of travel lanes and driveways and shall be protected from vehicular traffic, as determined by TRIGID.

D. TRIGID shall have inspected and approved the installation of the water service facilities before service is provided (other than water for construction purposes).

E. Prior to installation, fire hydrants to be connected to a TRIGID main shall be approved by the fire department having jurisdiction.

9.12 Installation By TRIGID. Unless otherwise approved by TRIGID, service connections shall be installed by TRIGID. When warranted by circumstances, TRIGID may permit installation of the service connections by independent contractors. In such event, TRIGID specifications must be adhered to and tapping of a main will be permitted only in the presence of a representative of TRIGID.

9.13 Cross-Connections. No connections shall be permitted between TRIGID water supply system and; 1) any sewer or drainage system; 2) any steam, gas, or chemical line, pipe or conduit; 3) any device, boiler, tank or container whereby any contamination or pollution or any dangerous, impure, unsanitary, or unpotable substance may be introduced into any portion of TRIGID's water supply system by backflow, back-siphonage, or any other method; and 4) any premises where a water supply system other than TRIGID's exists, unless approved by TRIGID. Any connection where possibility of contamination or pollution exists shall be equipped with TRIGID- approved backflow prevention installation constructed, tested, and maintained by TRIGID at the Customer's expense. Any subsequent testing, inspection or maintenance shall be done at the Customer's expense. At the Customer's option, the device may be installed by a properly licensed contractor. The installation must be approved and inspected by a TRIGID representative.

9.14 Service Connection Restrictions. TRIGID reserves the right to prohibit connections to certain mains when, in its opinion, such connections may impair the integrity of such mains or when the location of such connection would not be conducive to orderly development and planning of the distribution system. In such conditions, consideration will be given to main extension or alternate means of supply.

9.15 Relief Valves. As a protection to the Customer's plumbing system, a suitable pressure relief valve must by installed and maintained by the Customer, at its expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and any water heater.

9.16 Back Flow Device. Whenever back flow protection has been found necessary on a water supply line entering a Customer's premises, then any and all water supply lines from TRIGID's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use of the additional water supply lines. The double check valve or other approved back flow protection devices may be inspected and tested periodically for water tightness by TRIGID. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the Customer. The service of water to any premises may be immediately discontinued by TRIGID if any defect is found in the backflow prevention installation or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

~~ARTICLE 10. MAIN EXTENSION~~

~~10.1 General Conditions.~~

~~A. Construction Plans. A person proposing an extension to TRIGID distribution system to provide a water supply to a parcel of property shall submit four (4) prints (24" x 36") of detailed water plans. Such plans shall indicate the size and location (horizontal and vertical) of water mains and other facilities, including all service laterals and fire hydrants. In addition, water plans shall designate boundaries of the applicant's property which will be served by the proposed extension. Water system improvements shall be designed by a professional engineer licensed in Nevada.~~

~~TRIGID will review the water plan and return one (1) print to the applicant indicating any necessary revisions. The applicant shall prepare and submit to TRIGID three (3) copies of the water plan conforming with the revised print. Upon execution of the appropriate agreement by the applicant; payment of applicable charges, fees and deposits; approval of other appropriate governmental agencies, and a preconstruction conference with TRIGID, TRIGID will give the applicant permission to start construction. No water related construction will be started before permission is granted by TRIGID.~~

~~B. Time Limitation. Approval by TRIGID for any main extension shall be valid for a limited time as will any related commitment of existing capacity in a particular main. In the event that construction of the mains covered by any approved plan is not started within one (1) year from the date of approval, the project shall be deemed to have been abandoned, and any subsequent proposal for reactivation shall be treated as a new project. The same shall apply when active construction work within a property is commenced and then discontinued for a period of six (6) months.~~

~~C. Compliance With Specifications. All main extensions, service connections, and appurtenances shall be constructed to conform with TRIGID specifications. Mains shall be sterilized to the satisfaction of TRIGID and activation of the mains for domestic use shall not be permitted until authorized by TRIGID. Connections to existing mains shall be made only in the presence of a representative of TRIGID and at times specified by TRIGID. Shutting down of mains for the purpose of making connections will not be permitted when wet taps are feasible. Mains will be shut down only with the specific approval of TRIGID.~~

~~D. Guarantee. Materials and workmanship shall be guaranteed free of defect for a period of one (1) year from date of acceptance by TRIGID. Upon receipt of notice from TRIGID, the developer or Customer shall immediately cause any defect to be corrected, or shall reimburse TRIGID for the cost of correction.~~

~~E. Rights-of-Way. Water mains and appurtenances shall be located within off-site rights-of-way or within easement grants to TRIGID not less than 20 feet in width or as TRIGID may specify. All rights-of-way or easements shall be recorded prior to release of approved plans.~~

~~F. Minimum Size Of Main. The minimum size of any main to be constructed as a part of TRIGID's distribution system shall be six (6) inches in diameter; except in certain dead end locations where there are no fire hydrants and future extensions are not possible, TRIGID may allow mains four (4) inches in diameter.~~

~~G. Fire Hydrants. Fire hydrant installations shall conform with design and location requirements of the governmental agency having jurisdiction.~~

H. Commitment of Water Supply. Main extensions or other facilities constructed by persons for development of property shall not be considered as reserved for supply to those properties exclusively. Extensions of and connections to such mains for service to others shall be permitted when, in the opinion of TRIGID, such connections will not substantially affect supply to the original development or property.

10.2 Standard Main Extensions.

A. General Conditions. Main extensions proposed for construction under provisions of this Article shall be subject to the general conditions as described in Article 10.1.

B. Size Of Mains. Proposed water main extensions to serve developments, both on-site and off-site, shall be of sufficient size to adequately provide a water supply for the development. TRIGID reserves the right to establish sizes of all mains and appurtenances.

C. Responsibility For Cost. The cost of all main extensions to be constructed under Article 10.2, including service laterals, fire hydrants, and other appurtenances, shall be borne by the developer or Customer.

D. Agreement And Payment Of Fees. Prior to TRIGID's permission to start construction, the developer or Customer shall execute a standard form of agreement with TRIGID and submit payment of all required fees, construction water charges, and other fees and deposits as required by these Rules.

E. Construction By Private Contractor or Developer. Design and preparation of construction drawings shall be done by competent registered professional engineer selected by the applicant. Construction work shall be performed by an experienced, properly licensed and competent person or firm selected by the applicant. In certain circumstances when, in the opinion of TRIGID, the extent of work to be performed is minor and can be accomplished efficiently and economically by TRIGID employees or representatives, TRIGID may elect to perform the work and the applicant shall deposit an amount equivalent to the estimated cost. Upon completion of construction, the differential between estimated and actual costs will be billed or refunded.

F. Completion. Upon completion of the work, the applicant's engineer shall certify that the work was completed according to the plans and specifications, except in the case of work completed by TRIGID. Water service will not be activated until the engineer's certification is submitted to TRIGID and TRIGID accepts the construction.

10.3 Oversized Main Extensions.

A. General Conditions. Main extensions proposed for construction under provisions of this Article shall be subject to the general conditions described in Article 10.1. When applicable, the provisions of this Article 10.3 shall govern over the provisions of Article 4.3.

B. Applicability. For the purpose of this Article, an oversized main is described as a main larger than eight inches (8") and which, in addition to providing an adequate water supply to the proposed development, is required to be of a size which will be capable of meeting future demands for parcels other than Customer's on the distribution system and provide for orderly development of that system. TRIGID reserves the right to determine what constitutes an oversized main.

C. Location of Mains. Oversized mains may be off-site (outside the boundaries of a development) or traverse the interior area or combination thereof.

D. Identification of Mains. TRIGID shall indicate and identify on water plans submitted for a proposed development both the standard and oversized diameters of pipelines to be constructed.

E. Approval by TRIGID Required. Proposals for oversizing of water mains shall be submitted to TRIGID for review and approval. Water plans, conforming with TRIGID's directive, shall then be approved and TRIGID shall enter into an agreement with the developer or Customer, providing for TRIGID's participation in construction costs as hereinafter set forth.

F. Participation In Cost. Participation by TRIGID for the oversizing of a main extension shall be based on the difference in actual cost of pipe, fittings, and valves between the size required for the main extensions and the size required for oversizing, and shall not include trenching and backfilling. The cost difference shall be established by a certified price list from the supplier. Prices quoted on the list shall be the actual prices charged to the buyer. Hydrants installed by the developer on off-site lines shall not be considered as oversizing.

G. Alternate Method Of Payment. TRIGID may, in lieu of a lump sum payment of TRIGID's portion of the construction costs, arrange with the developer or Customer for an alternate method of payment from future hook-ups for a period of ten (10) years.

ARTICLE 11. TERMINATION OF SERVICES

11.1 Customer Request for Termination of Service. A Customer may have service terminated by giving not less than five (5) business days advance notice thereof to TRIGID, and provide a mailing address to which the closing bill will be mailed. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required five (5) business days advance notice. When such notice is not given, the Customer will be required to pay for service until five (5) business days after TRIGID has knowledge that the Customer has vacated the premises or otherwise has terminated service. Failure to notify TRIGID of termination of service shall not relieve the Customer or property owner (if other than the Customer) of responsibility for payment of water bills.

11.2 Termination of Service by TRIGID.

A. For Nonpayment of Bills. A Customer's service may be discontinued for nonpayment of a bill for service furnished if the bill is delinquent, provided TRIGID has given the Customer at least five (5) days prior notice of its intention to discontinue service.
Premises to which charges have become delinquent may be disconnected from the water system. TRIGID shall charge the cost of disconnection of such premises and the cost of reconnection thereto, as provided in Article 5.2, plus the discontinuance charge in Article 5.11, before such premises are reconnected to the water system.

B. For Noncompliance With Rules. TRIGID may discontinue service to any Customer for violation of these Rules after it has given the Customer as least five (5) days written notice of such intention. Where safety of water supply is endangered, or other emergency circumstances exist, service may be discontinued or curtailed immediately without notice.

C. For Inter-Connections, Cross-Connections, or Illegal Connections. Where nonemergency inter-connection, cross-connection, or illegal connection on or from a Customer's premises occurs, TRIGID may discontinue service and/or make such corrections as may be indicated at Customer's expense, if such practices are not remedied within five (5) days after it has given the Customer written notice to such effect.

D. For Unsafe Apparatus or Where Service is Detrimental or Damaging to TRIGID or its Customers. If any unsafe or hazardous condition is found to exist on the Customer's premises, or if any apparatus or illegal or prohibited connections, equipment or otherwise, is found to be detrimental or damaging to TRIGID or its Customers, the service may be discontinued without notice. TRIGID will notify the Customer immediately of the reasons for the discontinuance and the corrective action to be taken by the Customer before service can be restored.

E. For Fraudulent Use of Services. When TRIGID has discovered that a Customer has obtained service by fraudulent means, or has altered the water service for unauthorized use, the service to that Customer may be discontinued without notice. TRIGID may not restore service to such Customer until that Customer has complied with all policies, rules and reasonable requirements of TRIGID and TRIGID has been reimbursed for the full amount of the service rendered and the actual cost that TRIGID incurred by reason of the fraudulent use.

11.3 Restoration Of Service.

A. To Be Made During Regular Working Hours. TRIGID will endeavor to make reconnections during regular working hours on the day of the request, if conditions permit; otherwise, reconnection will be made on the regular working day following the day the request is made.

B. To Be Made At Other Than Regular Working Hours. When a Customer has requested that the reconnection be made at other than regular working hours, TRIGID will reasonably endeavor to so make the reconnection if practicable under the circumstances, but will be under no obligation to do so, unless an emergency exists. Disconnections or reconnections requested by the Customer at other than regular working hours may result in the requirement of payment of additional TRIGID costs in addition to the charges for disconnection and reconnection as outlined in Article 5.2.

11.4 Refusal To Serve.

A. Conditions for Refusal. In addition to the provisions of Article 8.5, TRIGID may refuse an applicant for service under the following conditions:

1. If the applicant for service is not within the boundaries of TRIGID.

2. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing Customers.

3. If the applicant fails to comply with these Rules or other rules as approved by the Board.

4. If, in the judgment of TRIGID, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or flooding, or of such nature that satisfactory service cannot be rendered.

5. Where service has been discontinued for fraudulent use, TRIGID may elect not to serve an applicant until it has determined that all conditions of fraudulent use or practice have been corrected.

6. If the applicant for service is for a residential use.

B. Notification to Customers. When an applicant is refused service under the provisions of this Article, TRIGID will notify the applicant promptly, by procedures specified in Article 3.12, of the reason for the refusal to serve and of the right of the applicant to appeal TRIGID's decision to the

Board. Whenever termination of water service will affect more than one Customer, TRIGID will make reasonable effort to give notice to all Customers.

ARTICLE 12. BACKFLOW AND CROSS CONNECTIONS REGULATIONS

12.1 General Policy.

A. Purpose.

1. The purpose of this Article is to protect any potable water supply operated by TRIGID from the possibility of contamination or pollution by isolating within the Customer's internal distribution system or the Customer's private water system such contaminants or pollutants which could backflow into TRIGID's water systems; and

2. To promote the elimination or control of existing cross-connections, actual or potential, between the Customer's potable water system and nonpotable water system, plumbing fixtures and industrial piping systems; and

3. To provide for the maintenance of a continuing Cross Connection Control Program which will systematically and effectively prevent the contamination or pollution of all potable water systems within the jurisdiction of TRIGID.

This program shall also meet the requirements of the Safe Drinking Water Act Amendments of 1986 Public Law 99-339, Nevada Administrative Code Section 445.404, Uniform Plumbing Code Section 1003, all of the laboratory and field performance specifications of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California (hereinafter referred to as USCFCCC&HR), and the American Water Works Association Manual M14 with AWWA C506-84 Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices, including any existing or future amendments.

B. Responsibility.

1. TRIGID or designee, shall be responsible for the protection of TRIGID potable water system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. If, in the judgment of TRIGID an approved backflow prevention assembly is required at the Customer's water service connection, or within the Customer's private water system, TRIGID or designated agent shall give notice in writing to said Customer to install such an approved assembly(s) at specific locations on the Customer's premises. Immediately upon receipt of the notice, the Customer shall install such assembly at the Customer's sole expense. Failure or refusal on the part of the Customer to make such installation and to have such assembly tested, maintained and in good working order, shall constitute grounds for discontinuing water service without notice to the premises until such requirements have been satisfactorily met.

2. TRIGID shall not be responsible for any loss or damage directly or indirectly, resulting from or caused by the improper or negligent installation, operation, use, repair, or maintenance of, or interfering with, any protective device required by this Article by any Customer or any other person.

3. Customers must share in the responsibility for the protection of the potable water system. Customers must maintain their water piping system so that pollutants do not backflow into TRIGID's water mains. It is also the Customer's responsibility to report any possible hazard that may affect TRIGID water mains. Reports should be made as soon as a hazard is detected to TRIGID's operating office.

12.2 Article 12 Definitions.

A. Accountability. TRIGID is vested with the authority and responsibility of the implementation of an effective cross-connection control program and for the enforcement of the provisions of these Rules.

B. Approved shall mean accepted by TRIGID as meeting an applicable specification stated or cited in this Article, or as suitable for the proposed use.

C. Auxiliary Water Supply shall mean any water supply on or available to the premises other than TRIGID's water supply. These auxiliary water supplies may include water from another potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

D. Backflow shall mean the reversal of the normal flow of water caused by either back-pressure or backsiphonage.

E. Backpressure shall mean the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply system from any source or sources other than the intended source.

F. Backsiphonage shall mean the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

G. Backflow Preventer shall mean an assembly or means designed to prevent backflow. Any assembly used for the purpose of cross connection control shall meet the design and performance specifications as determined by a laboratory and a field evaluation program resulting in an approval by a recognized and USCFCCC&HR approved testing agency for backflow prevention assemblies. Each device shall have properly located resilient seated test cocks for testing. Assemblies must be readily accessible for in-line testing and maintenance.

1. Air-Gap. The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing, fixture, or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one inch.

2. Reduced Pressure Principle Assembly An assembly of two independently acting approved check valves together with a hydraulically operating, mechanically independent differential pressure relief valve located between the check valves and at the same time below the first check valve. These devices must be installed in a location where no part of the assembly will be below grade.

3. Double Check Valve Assembly. An assembly of two independently operating approved check valves with resilient seated shut-off valves on each end of the check valves.

4. Pressure Vacuum Breaker Assembly. This assembly shall include an approved internally loaded check valve and a loaded air opening to atmosphere on the discharge side of the check valve between two resilient seated shut-off valves. This assembly may only be used in irrigation systems that do not inject contaminates into the irrigation systems. Use will be limited to irrigation systems only.

H. Contamination shall mean an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which created an actual or potential hazard to the public health through poisoning or through the spread of disease.

I. Cross-Connection shall mean any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or changeover devices or sliding multiport tube.

J. Cross-Connection Controlled shall mean connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

K. Cross-Connection Control By Containment shall mean the installation of an approved backflow prevention assembly at the water service connection to any Customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the Customer's water system: or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a Customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection.

L. Hazard Degree Of. The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. Hazard-Health. Any condition, device, or practice in the water supply system and its operation which could create, or in the judgment of TRIGID, may create a danger to the health and well-being of any person.

2. Hazard-Plumbing. A plumbing type cross-connection in a Customer's potable water that has not been properly protected by an approved air-gap or approved backflow prevention assembly.

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

4. Hazard-System. An actual or potential threat of severe damage to the physical properties of the public potable water system or the Customer's potable water system or of a

~~pollution or contamination which would have protracted effect on the quality of the potable water in the system.~~

~~M. Industrial Fluids System shall mean any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration that could constitute a health system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and "used waters" originating from the potable water system which may have deteriorated in sanitary quality, chemicals in fluid form; plating acids and alkalines, circulating cooling waters connected to an open cooling tower and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances, contaminated natural water as from well, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerin, paraffins, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.~~

~~N. Pollution shall mean the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.~~

~~0. Water - Potable. Any water which according to recognized standards, is safe for human consumption.~~

~~P. Water - Nonpotable. Water which is not safe for human consumption or which is of questionable potability.~~

~~Q. Water - Service Connection. The terminal end of a service connection from the potable water system; (i.e., where the water purveyor loses sanitary control over the water at its point of delivery to the Customer's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. There should be no unprotected takeoffs from the service line ahead of any meter or any backflow prevention assembly located at the point of delivery to the Customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.~~

~~R. Water - Used. Any water supplied by a water purveyor from a potable water system to a Customer's water system after it has passed through the point of delivery and is not longer under the sanitary control of the water purveyor.~~

~~12.3. Requirements.~~

~~A. Water System.~~

~~1. The water system shall be considered as made up of two parts: The "TRIGID's System" and the "Customer's System".~~

~~2. TRIGID System shall consist of the source facilities and the distribution system, and shall include all those facilities of the water system under the complete control of TRIGID, up to the point where the Customer's System begins.~~

~~3. The source shall include all components of the facilities utilized in the production, treatment, storage, and delivery of water to the distribution system.~~

4. The distribution system shall include the network of conduits accepted by TRIGID for the delivery of water from the source to the Customer's System.

5. The Customer's System shall include those parts of the facilities beyond the termination of TRIGID's distribution System which are utilized in conveying TRIGID-delivered domestic water to points of use.

B. Policy.

1. No water service connection to any premises shall be installed or maintained by TRIGID unless the water supply is protected as required by state laws and regulations and this Article. Service of water to any premises shall be discontinued by TRIGID if a backflow prevention assembly has been removed, bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

2. The Customer's System shall be open for inspection at reasonable times to authorized representatives of TRIGID, to determine whether cross-connections or other or sanitary hazards exist. When such a hazard becomes known, TRIGID may deny or discontinue service to the premises by providing for a physical break in the service line, until the Customer has corrected the condition(s) in conformance with state law and local ordinances relating to plumbing and water supplies and any regulations adopted pursuant thereto.

3. An approved backflow preventer shall be installed on each service line to a Customer's System whenever the following conditions exist:

a. In the case of premises having an auxiliary water supply which is not acceptable as an additional source, TRIGID System shall be protected by installing an approved backflow preventer in the service line appropriate to the degree of hazard.

b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to TRIGID System, TRIGID System shall be protected against backflow from the premises by installing an approved backflow preventer in the service line appropriate to the degree of hazard.

c. In the case of premises having: (1) internal cross-connection that cannot be permanently corrected or controlled; or (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, TRIGID System shall be protected by installing an approved backflow preventer in the service line.

d. Any Customer wishing to fill water trucks or other equipment shall fill out an application for service and that equipment may be inspected by an approved representative of TRIGID. An approved truck fill must be installed before

~~filling from the potable water supply. Violation of this section shall result in a $500.00 charge and disqualification from service.~~

~~C. Type of Backflow Preventer.~~

~~The type of backflow preventer required shall depend upon the degree of hazard which exists as follows:~~

~~1. Where there is an auxiliary system a minimum of a reduced pressure principle assembly will be required.~~

~~2. Where there is any pollution hazard, TRIGID System shall be protected with a minimum of an approved double check valve assembly.~~

~~3. Where there is any health hazard, TRIGID System shall be protected by an approved air gap or an approved reduced pressure principle assembly. Hospitals, sewage treatment plants and structures with chemical additives in fire sprinkler systems are examples of these type of premises.~~

~~4. Where access is denied or is impossible or impractical to make a cross-connection survey, TRIGID System shall be protected with an approved air gap or an approved reduced pressure principle assembly.~~

~~D. Approval Required.~~

~~Any backflow preventer required herein shall be of a model, size, and location approved by TRIGID.~~

~~1. It is desirable to locate the assembly immediately following the meter or service connection. A plan shall be submitted for review and the approval by TRIGID.~~

~~2. Approved assembly installations shall be protected against freezing.~~

~~E. Inspection.~~

~~The installed backflow prevention device shall be tested at least once a year. In those instances where the hazard is deemed great enough, testing may be required at more frequent intervals.~~

~~The Customer may have the device tested by: (1) a certified tester, approved by TRIGID; or (2) may elect to employ TRIGID to test, if TRIGID agrees to provide this service.~~

~~If the certified tester is used, he shall submit evidence of the test results in a format approved by TRIGID within ten (10) working days of the test date. In the event a device fails and cannot be repaired or replaced with an approved device, TRIGID shall be notified immediately.~~

~~If TRIGID conducts the test, the Customer will be charged a fee for the cost of testing. TRIGID will notify the Customer prior to testing the device and will send the Customer a copy of the results.~~

~~F. Schedule of Rates and Charges.~~

~~TRIGID will track the status of each device and notify the Customer when the device is due to be tested.~~

1. Initial tests for newly installed devices shall be conducted by TRIGID, during construction, at no charge.

2. If TRIGID tests the backflow prevention device, a fee of $20.00 shall be charged when the device is tested.

G. Exclusions.

All presently installed backflow prevention assemblies which do not meet the requirements of this Article, but which were approved devices for the purposes described herein at the time of installation and which have been property maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these Rules so long as TRIGID is satisfied that they will protect TRIGID System. Whenever such a device is moved, removed, or requires more than minimum maintenance, or when TRIGID finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this Article. Any plumbing improvements requiring a building permit will require that these Rules be observed.

ARTICLE 13. SERVICE AREAS

13.1 Intention. The intent of these Rules is to establish rules, regulations and rates for water service supplied hereunder only to areas allowed by TRIGID's service territory for retail service and for wholesale service. No other areas shall be served by TRIGID. Otherwise, TRIGID shall establish the service area, based on its ability to serve and as provided by law and these Rules.

13.2 Wholesale Service. TRIGID may enter into an agreement with a person who is a regulated public utility company, a governmental entity authorized by law to provide retail water service, or an accommodator under NRS 704.030 to provide wholesale water service to said person, provided said person provides retail water service outside TRIGID's retail service area in a manner allowed by law.

ARTICLE 14. DISPUTES, RELIEF, APPEALS, REVIEWS

14.1 Relief on Application. When any person by reasons of special circumstances is of the opinion that any provision of these Rules is unjust, inequitable or improper as applied to his premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application be approved, the Board may suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

14.2 Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of these Rules should be suspended or modified as applied to a particular premise and may order such suspension or modification for any such premises during the period of such special circumstances, or any part thereof.

14.3 Review by the Board. These Rules shall be reviewed by the Board on a periodic basis to ensure that the provisions of these Rules are kept up to date, and that the charges and fees set out in Articles 4 and 5 are adequate to meet the costs of operating the water facilities and recovering the cost of Capital Outlays.

~~14.4 Adjustment of Complaints. The Board shall have the power of discretion in the interpretation and application of these Rules, including adjustments or rebate of charges, if in the Board's opinion, the intent of the Rules would not be accomplished and an injustice would result by their strict application.~~

~~14.5 Ruling Final. All rulings of the Board shall be final, unless appealed in writing as provided in this Article within thirty (30) days.~~

~~14.6 Billing Disputes. Any dispute regarding the payment of any bill, charge or fee demanded by TRIGID is subject to relief and review as provided in this Article 14.~~

~~14.7 Right To Arbitration. Any request for relief made pursuant to Article 14.1 or other dispute arising from these Rules shall be subject to arbitration, and be decided by arbitration in accordance with the Rules of the American Arbitration Association currently in effect, unless the parties mutually agree otherwise. Notice of demand for arbitration shall be filed in writing with the Board and with the American Arbitration Association.~~

~~14.8 Limitation on Claim. A demand for arbitration shall be barred unless made within thirty (30) days after the ruling of the Board, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such claim would be barred by the applicable statute of limitations.~~

~~14.9 Claims And Timely Assertion Of Claims. A party who files a notice of demand for arbitration must assert in the demand all claims then known to that party on which arbitration is permitted to be demanded. When a party fails to include a claim through oversight, inadvertence or excusable neglect, or when a claim has not matured or been acquired subsequently, the arbitrator or arbitrators may permit amendment. Otherwise, all unasserted claims are barred.~~

~~14.10 Judgment On Final Award. The award rendered by the arbitrator or arbitrators shall be binding and final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.~~

~~ARTICLE 15. WATER SERVICE AND WATER RESOURCES~~

~~15.1 Customer Provision Of Water Rights. All water rights necessary for water service to a Customer will be dedicated to TRIGID by Customer, and water rights will be allocated by TRIGID to each of Customer's uses based on the submittal of building plans in sufficient detail to show the water quantities needed, based on dedication amounts established by TRIGID. If actual annual use of water by a Customer as verified by metering exceeds the amount of water rights provided to TRIGID by Customer for water service, Customer shall after notice by TRIGID either dedicate to TRIGID the additional water rights to make up the shortfall, or reduce its water consumption during the next year so as not to exceed in actual usage the amount dedicated. TRIGID reserves the right to discontinue water service to a Customer who by actual usage exceeds the amount of water rights dedicated, if the Customer has in the previous year also exceeded by actual usage the amount of water rights dedicated and after notice by TRIGID has failed to either reduce its water consumption or to dedicate additional water rights to make up the shortfall. In the event Customer uses less water on an annual basis than has been dedicated for Customer's use, Customer shall not be entitled to a refund or rebate of water rights or money for the extra water rights not used by Customer. All water rights dedicated to TRIGID or purchased from TRIGID for any Customer's use shall be the sole asset of TRIGID and Customer shall have no interest therein nor right to any claim of value or use for the unused excess amount of water rights so dedicated.~~

~~15.2 Will Serve Commitment. Upon provision of adequate water rights to TRIGID's satisfaction, approval of Customer's plans and specifications, and compliance with these Rules, TRIGID will issue to Customer a~~

~~written will serve commitment for each development use of Customer. Unless Customer is required to build and dedicate water system facilities in accordance with Article 4.3 or Article 10, TRIGID agrees to cause the construction, at its sole cost and expense, of well improvements, water tanks, water lines and other water facilities deemed necessary by TRIGID in order to provide water service to Customer. TRIGID agrees to deliver water to Customer for Customer's beneficial purposes. TRIGID shall provide for Customer's use on its designated property standard water service specifications of: (a) water quality treated in accordance with all applicable laws and requirements for domestic, commercial and industrial use; (b) a fire flow rate at the point of delivery of at least 3,000 gallons per minute with fire storage capacity of not less than 360,000 gallons; (c) annual water quantity not exceeding the amount provided by Customer pursuant to Article 15.1 above; and (d) for each acre served (excluding fire flow and fire demand) one gallon per minute in distribution supply at 40 psi, with 500 gallons per day of storage, with a peaking factor of 2. Water supply capacity requirements of a Customer exceeding these standard design specifications will require, in TRIGID's discretion, additional water system improvements to be made at Customer's sole cost and expense (and in addition to standard connection charges paid) pursuant to Article 4.3, Article 10 or another contractual arrangement satisfactory to TRIGID. Customer's shall be obligated: (a) to use the water only on Customer's parcel for beneficial purposes not exceeding the amount of Customer's water rights utilizing conservation measures (and re-use of effluent) as may be required by TRIGID or the Nevada State Engineer; and (b) to use water conservation devices such as in-line aerators and flow restrictors, landscaping adapted to the desert environment, and best available water management practices. The use of any ground water or surface water (other than water provided by TRIGID) within the service area of TRIGID without TRIGID's consent is prohibited. In addition, no Customer shall without TRIGID's consent apply for, contract to use or own, or hold water rights subject to a permit issued by the Nevada State Engineer or a claim from the Orr Ditch Decree (U.S. vs. Orr Ditch Co., et. al, Equity Docket No. A-3, in the District Court of the United States in and for the District of Nevada), which permit or claim has a point of diversion or a place of use on any portion of the real property located in Storey County or Lyon County formerly known as the Asamera Ranch, or known as the Tahoe-Reno Industrial Center or in TRIGID's retail or wholesale service area.~~

~~15.3 Nonpotable Water. The parties acknowledge that water irrigation lines for use of untreated surface water or sanitary sewer effluent will be installed as part of TRIGID water system in certain areas of TRIGID's service area, and Customer shall be required to construct a separately metered water irrigation system for landscaping (and any other use for which nonpotable water can be used) which will allow the use of nonpotable water in those areas in which nonpotable water is made available by TRIGID or off-site nonpotable water facilities are installed for future Customer service. The parties intend that, if available and economically feasible, nonpotable water shall be used for all irrigation purposes (and other nonpotable water uses) possible in the service area, as determined by TRIGID in its sole discretion.~~

~~RULES, REGULATIONS AND RATES OF THE TRI GENERAL IMPROVEMENT DISTRICT FOR WATER SERVICE~~

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Attachment B-2

RULES, REGULATIONS AND RATES OF THE TRI GENERAL IMPROVEMENT DISTRICT FOR SEWER SERVICE

ARTICLE 1. GENERAL PROVISIONS

1.1 Purpose. TRIGID has been created by Storey County under Nevada Revised Statutes Chapters 318 and 308 to own, maintain and operate community water and sewer systems to provide service to Customers in the service area, known as Tahoe-Reno Industrial Center, pursuant to Ordinance #171 and Resolution 00-85, both passed on August 8, 2000. TRIGID is not regulated as a public utility by the Nevada Public Utility Commission. TRIGID is a quasi-municipal entity functioning as a political subdivision of the State of Nevada.

1.2 Enterprise. TRIGID will furnish a system used for the provision of fire protection water as well as industrial, domestic and commercial water; and for the collection of domestic, commercial and industrial wastewater and septic tank effluent; including all parts of the enterprise, all appurtenances thereto, and land, easements, rights in land, contract rights and franchises.

1.3 Company. TRIGID has entered into an Operating Agreement dated March 7, 2001 pursuant to which TRI Water And Sewer Company has the rights and obligations to operate TRIGID's water and sewer system facilities in order to fulfill TRIGID's obligations to provide services to Customers, including without limitation system engineering and design, operations and maintenance, administration and customer services, and billing and collections. In the event the Operating Agreement is terminated for any reason, TRIGID may contract with another operating company for some or all services, or TRIGID may operate directly some or all services.

1.4 Separability. If any section, subsection, sentence, clause or phrase of these Rules, Regulations and Charges or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules, Regulations and Charges or the application of such provision to other persons or circumstances. The Board hereby declares that it would have promulgated these Rules or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared to be unconstitutional.

1.5 Words and Phrases. For the purposes of these Rules, Regulations and Charges, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

1.6 Water Rights. All water rights arising from wastewater entering the TRIGID system shall belong solely to TRIGID, and no Customer shall perform any act which impairs or disputes TRIGID's ownership thereof.

ARTICLE 2. DEFINITIONS

A. Account Transfer shall mean any change made to a billing account, including but not limited to new ownership or new tenancy.

B. Additional Definitions/UPC. For the purpose of these Rules, additional terms shall have the meanings indicated in Chapter 1 of the latest edition of the Uniform Plumbing Code as prepared by the International Association of Plumbing and Mechanical Officials. Except as expressly stated otherwise in these Rules, all provisions of the latest edition of the Uniform Plumbing Code are incorporated herein by reference

~~C. Applicant shall mean the person, business or governmental agency making application for a permit for sewer or plumbing installation or to discharge wastewater into any sewer, including the TRI Owners Association.~~

~~D. Application shall be a written request for sewer service (as distinguished from an inquiry as to the availability of, or charges for, such service) and agreement by Customer to comply with these Rules.~~

~~E. Billing Period shall be the period for which a billing is made. It may be for an average month and need not coincide with the calendar month (i.e. may be billed on a cycle of 29 to 31 days).~~

~~F. Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter (mg/L).~~

~~G. Board shall mean the Board of Trustees of TRIGID.~~

~~H. Building shall mean any structure used for human habitation or a place of business, recreation or other purposes requiring wastewater disposal services.~~

~~I. Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain extends three (3) feet outside the inner face of the building wall.~~

~~J. Building Sewer shall mean that portion of any sewer beginning at the building drain and extending to the property line or to a private sewage disposal system.~~

~~K. Capital Costs shall mean costs of major rehabilitation, expansion or upgrading required as facilities reach the end of their useful life.~~

~~L. Capital Outlays shall mean expenditures which result in the acquisition of, or addition to, fixed or capital assets.~~

~~M. Collection System shall mean the system of sewers, manholes, pump stations and appurtenances receiving liquid wastes from buildings and premises for transmission to the treatment facility.~~

~~N. Combined Sewer shall mean a sewer intended to receive both surface runoff and sewage.~~

~~O. Commercial Building shall mean any building, structure or facility or a portion thereof, devoted to the purposes of trade or commerce, such as a store or office building.~~

~~P. Commercial User shall mean all business and service establishments defined in Article 2.78 A and B.~~

~~Q. Company shall mean the TRI Water and Sewer Company, a Delaware corporation.~~

~~R. Compatible Pollutant shall mean BOD, COD, suspended solids, pH, total phosphorus, total nitrogen, and fecal coliform bacteria, plus additional pollutants identified in the Plant National~~

~~Pollutant Discharge Elimination System (NPDES) permit if the treatment works were designed to treat such pollutants, and in fact do remove such pollutants to an acceptable concentration or loading.~~

~~S. Connection Charge shall mean a fee charged in order to compensate TRIGID for the capital costs of investment, maintenance and repair in sewer plant equipment and related sewer facilities made by TRIGID. The charge is applied to all new users of sewer facilities in approximate proportion to their anticipated usage and is for the right of service in the system.~~

~~T. Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of Nevada to perform the type of work to be done under a Permit.~~

~~U. County shall mean the County of Storey, Nevada.~~

~~V. Cubic Foot is the volume of water which occupies one cubic foot. The cubic foot is equal to 7.481 gallons.~~

~~W. Customer shall mean the person in whose name service is rendered as evidenced by its signature on the application or contract for that service, or in the absence of a signed instrument, by the receipt and payment of bills regularly issued in Customer's name regardless of the identity of the actual user of the service.~~

~~X. Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand delivered to the Customer.~~

~~Y. Delinquent shall mean an account that has not been paid by the 1st day of the calendar month following the due date of payment specified on the bill.~~

~~Z. Developer shall mean any person engaged in or proposing development of property in the service area.~~

~~AA. Development shall mean a parcel of property being improved and requiring installation of sewer collection lines, including but not limited to installation of service mains to and possibly on the property being improved.~~

~~BB. Discharge shall mean the addition of any substance to the sewer system.~~

~~CC. Discharger shall mean any person who discharges or causes a discharge to a TRIGID sewer.~~

~~DD. Domestic Wastewater shall mean the spent water from building water supply to which has been added the waste materials of restrooms, kitchen, laundry and other discharge sources.~~

~~EE. Easement shall mean an acquired legal right for the specific use of land owned by others.~~

~~FF. Employee shall mean any individual employed by TRIGID excluding independent contractors, consultants, and their employees.~~

~~GG. Fixture shall mean any sink, tub, shower, water closet or other facility connected by drain to the sewer.~~

~~HH. Fixture Unit is defined and has that weighted value assigned in the latest edition of the Uniform Plumbing Code.~~

~~II. Floatable Oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by pretreatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.~~

~~JJ. Gallon is the volume of water which occupies 231 cubic inches.~~

~~KK. Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.~~

~~LL. Governmental User shall include legislative, judicial, administrative, and regulatory activities of federal, state and local governments.~~

~~MM. Incompatible Pollutants shall mean any pollutant which is not a compatible pollutant as defined in these Rules.~~

~~NN. Industrial/Commercial Discharger shall mean a discharger with water-carried waste and wastewater other than wastewater from domestic sources, and shall include all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes quantities of waste from human and nonhuman origin.~~

~~OO. Industrial User shall include any non-governmental, non-residential user of TRIGID owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services.~~

~~PP. Infiltration shall mean the water which enters the sewer lines from the ground, usually through pipe and manhole joints.~~

~~QQ. Inflow shall mean the water discharged into the wastewater system from any such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, drains from springs, manhole covers, cross-connections from storm sewers and combined sewers, and surface runoff.~~

~~RR. Inspector and Industrial Waste Inspector shall mean a person authorized by TRIGID to inspect wastewater generation, conveyance, processing and disposal facilities.~~

~~SS. Institutional User shall include social, charitable, religions, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.~~

~~TT. Interference shall mean inhibition or disruption of the wastewater facilities treatment processes or operations which contribute to a violation of any requirements of the Plant NPDES permit. The term includes prevention of sewage sludge use or disposal of TRIGID in accordance with Section 405 of the Act, 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 TRIGID.~~

~~UU. Lateral Sewer shall mean the portion of TRIGID sewer lying within a right of way open to the public connecting a building sewer to the main sewer.~~

~~VV. Law is any statute, rule or regulation established by federal, state, County or municipal authorities.~~

~~WW. Living Unit shall mean any residence, apartment, or other structure to be occupied for habitational purposes by a single person or family and requiring sanitary sewer service.~~

~~XX. Main Sewer shall mean a TRIGID sewer line designed to accommodate more than one lateral sewer.~~

~~YY. Metered Service is a service for which charges are computed on the basis of measured quantities of water or wastewater.~~

~~ZZ. Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.~~

~~AAA. New Source shall mean any source, the construction of which is commenced after the publication of an applicable discharge limitations (covers federal categorical changes).~~

~~BBB. Nitrogen or Total Nitrogen shall mean the total of all nitrogen forms (sometimes referred to as "TNK"), including organic and inorganic nitrogen, nitrate and nitrite. The total nitrogen is expressed as N and is determined by the appropriate procedures in "Standard Methods".~~

~~CCC. Normal Domestic Wastewater shall mean wastewater that has a five day average BOD concentration of not more than 240 mg/l, a suspended solids concentration of not more than 170 mg/l, a total phosphorous concentration as P of not more than 8.0 mg/l and a total nitrogen concentration as N of not more than 26.0 mg/l.~~

~~DDD. Operation and Maintenance shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in these Rules.~~

~~EEE. Outside Sewer shall mean a sanitary sewer beyond the limits of TRIGID sewer service area not subject to the control or jurisdiction of TRIGID.~~

~~FFF. Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.~~

~~GGG. Permanent Service is a service which, in the opinion of TRIGID, is of a permanent and established character. The use of the sewer may be continuous, intermittent or seasonal in nature.~~

~~HHH. Permit shall mean any written authorization required pursuant to this or any other regulation of the service area for the installation or operation of any wastewater works.~~

~~III. Person shall mean any individual firm, association, organization, partnership, trust, company, corporation or entity, and any municipal, political, or governmental corporation, district, body, or agency other than TRIGID.~~

~~JJJ. pH shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7}.~~

~~KKK. Phosphorus or Total Phosphorus includes orthophosphates and condensed phosphates (soluble and insoluble) and organic and inorganic species. The total phosphorus is expressed as P and is determined by the appropriate procedures in "Standard Methods".~~

~~LLL. Plant shall mean the wastewater treatment plant(s) of TRIGID.~~

~~MMM. Plumbing Outlet shall mean any part of a plumbing system to which a fixture is attached.~~

~~NNN. Plumbing System shall mean all plumbing fixtures and traps; all soil, waste, vent pipes, and all sanitary sewer pipes within a building and building drain.~~

~~OOO. Premises shall mean all of the real property and services to a single integrated activity operating under one name to one or more buildings, locations or services, provided: (a) such building, locations or services are to a single unit of property; or (b) such buildings, locations or services are on two or more units of property immediately adjoining, except for intervening highways, streets, alleys or waterways.~~

~~PPP. Private Sewer shall mean a sewer serving an independent wastewater disposal system not connected with TRIGID sewer and which accommodates one or more buildings or industries.~~

~~QQQ. Properly Shredded Garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in TRIGID sewers, with no particle greater than ½ inch in any direction.~~

~~RRR. Public Sewer shall mean a sewer lying within an easement, highway, road, street, avenue, alley, way, public place or right of way and which is owned or controlled by or under the jurisdiction of TRIGID.~~

~~SSS. Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.~~

~~TTT. Residential Equivalent shall mean 25 weighted fixture units as defined in the latest edition of the Uniform Plumbing Code.~~

~~UUU. Residential User shall mean any contributor to TRIGID's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.~~

~~VVV. Rules shall mean these Rules, Regulations and Rates Of The TRI General Improvement District For Sewer Service.~~

WWW. Sanitary Sewer shall mean a sewer which carries liquid and water carried wastes from residences, commercial users, industrial users, and other users together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

XXX. Septic Tank Effluent shall mean the supernatant liquid waste discharged by an approved septic tank, containing no solid waste material.

YYY. Service Area shall mean the sewer service area as designated in Article 13 of these Rules.

ZZZ. Service Classification shall mean:

A. Commercial Unit - Group I Service: Service to office buildings, retail sales and services establishments, private clubs, motels or hotels, or portions thereof, without kitchen, laundry or other facilities (excepting toilet facilities) which require wastewater disposal services.

B. Commercial Unit - Group II Service: Service to all commercial buildings not in Group I, or portions thereof, and shall include but not be limited to, nonindustrial businesses, department stores, restaurants, clubs and schools.

C. Industrial Service: Service to customers engaged in warehousing or distribution, or in a process which creates or changes raw or unfinished materials into another form or product (factories, mills, manufacturing facilities, machine shops, mines, pumping plants, creameries, canning and packing plants, or processing activities as well as all other nonresidential uses not covered by Subsections A and B above).

D. Residential Service: Service to a customer in a single family dwelling, mobile home or building, or in an individual flat, condominium, or apartment in a multiple family dwelling, or building or portion thereof occupied as the home, residence or sleeping place of one or more persons.

AAAA. Service Connection is the point of connection of the Customer's piping with TRIGID's facilities.

BBBB. Sewage is the spent water of a community. The preferred term is "wastewater".

CCCC. Sewer shall mean a pipe or conduit that carries wastewater.

DDDD. Side Sewer shall mean the sewer line beginning three (3) feet outside the foundation wall of any building and terminating at the main sewer and shall include the building sewer and lateral sewer together.

EEEE. Sludge shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works as determined by TRIGID.

FFFF. Standard Methods refers to the most current edition of "Standard Methods for the Examination of Water and Wastewater", prepared by American Public Health Association, American Water Works Association and Water Pollution Control Federation.

GGGG. Storm Sewer or Storm Drain shall mean a sewer which carries storm water, groundwater, subsurface water, or unpolluted water from any source.

HHHH. Storm Water shall mean excess water entering sewers during rainfall, snowfall, or following and resulting therefrom.

IIII. Suspended Solids shall mean total suspended matter (sometimes referred to as "TSS") that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

JJJJ. Tenant shall mean a person renting or leasing a premise from the owner or the owner's selected representative.

KKKK. Treatment Works shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

LLLL. TRIGID shall mean TRI General Improvement District, a political subdivision of the State of Nevada, formed and existing as specified in Subsection 1.1 of these Rules.

MMMM. Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not benefit by discharge to the sanitary sewers and wastewater treatment facilities provided.

NNNN. Useful Life shall mean the estimated period during which a treatment works will be operated.

OOOO. User Charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

PPPP. Waste includes sewage and all other substances, liquid, solid, gaseous, or radioactive, associated with human or animal origin, or from producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to and for the purposes of disposal.

QQQQ. Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings,

industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

RRRR. Wastewater Facilities shall mean the structures, equipment and processing required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

SSSS. Wastewater Treatment Works shall mean an arrangement of devices and structures for treating wastewater, compatible industrial wastes and sludge. Sometimes used as synonymous with "Publicly Owned Treatment Works" or "wastewater treatment plant" or "water pollution control plant" or "sewer system".

TTTT. Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

UUUU. Water Meter shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by TRIGID.

ARTICLE 3. CONDITIONS OF SERVICE

3.1 Area Served. Properties within the boundaries of the service area specified in Article 13 shall be eligible to receive wastewater collection service from TRIGID in accordance with these Rules and subject to acceptance by TRIGID of a completed application by Customer.

3.2 Penalty for Violation. For the failure of the Customer to comply with all or any part of these Rules, the Customer's service may be discontinued until the Customer is in compliance. Termination of sewer service shall be in accordance with Article 9.

3.3 Notices to Customers. Notices from TRIGID to a Customer will normally be given in writing, and either delivered or mailed to Customer at Customer's last known address. Where conditions warrant and in emergencies, TRIGID may resort to notification either by telephone, facsimile or messenger. When a Customer is refused service under the provisions of these Rules, TRIGID will notify the Customer promptly of the reason for the refusal to serve and of the right of the Customer to appeal TRIGID's decision to the Board. Failure by the Customer to accept a certified letter notice will not relieve the Customer of responsibility for contents of notice.

3.4 Notices from Customers. Notice from the Customer to TRIGID may be given by Customer or by Customer's authorized representative in writing at TRIGID's operating office. TRIGID's current operating office (which is subject to change) is:

TRI General Improvement District
9475 Double R Boulevard, #11
Reno, Nevada 89511
Telephone: (775) 852-5700
Facsimile: (775) 852-5707

3.5 Customer's Premises. TRIGID and Company employees shall have the right of access to Customer's property at all reasonable hours for any purpose related to the furnishing of service, industrial waste inspection, and protection of water quality and quantity. Employees will generally not enter upon

~~Customer's premises to engage in repair or alteration of Customer's piping and fixtures, since it is the responsibility of Customer to service or repair its piping and fixtures.~~

~~3.6 Special Conditions And Circumstances. In the event that conditions or circumstances arise which are not specifically covered by these Rules or warrant deviation from these Rules, TRIGID may take whatever action, including establishing rates and charges which, in its discretion, is warranted, including execution of contracts and agreements with Customers covering special conditions and circumstances.~~

~~3.7 Effective Date. These Rules shall became effective on the date of signature of the Board.~~

~~3.8 Continuity. Adoption of these Rules shall not be construed as a waiver of any right or obligation under any prior agreement, contract, or commitment of Customer and TRIGID.~~

~~3.9 Meters. All new services shall have water meters and will be billed according to the metered rate schedule.~~

~~3.10 Interruption of Service. TRIGID will endeavor to notify Customers in advance of any interruption in service due to repairs, or other causes. However, in emergency conditions, when notification is not practical, service may be interrupted for indefinite periods of time. All Customers shall hold TRIGID and the Company harmless for any damages arising from interruptions in service caused by repairs, emergencies or conditions beyond the control of TRIGID.~~

~~3.11 Tampering With TRIGID Property. No one except an employee or representative of TRIGID or the Company shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of TRIGID's system; or interfere with the meters or their connections, street mains or other parts of the system.~~

~~ARTICLE 4. SCHEDULE OF RATES AND CHARGES~~

~~4.1 Link To Monthly Rates And Connection Charges Of Fernley Town Utilities. Rates and connection charges for wastewater service shall be sums equal to 95% of the monthly rates and connection charges (also referred to as "fees") charged by the Fernley Town Utilities for sewer service, as may be changed from time to time. TRIGID shall not increase said rates and connection charges unless the Board determines that said rates and connection charges are insufficient to pay, in the case of connection charges, all costs of Capital Outlays (including interest carry); and to pay, in the case of rates, all operating costs of TRIGID, including but not limited to, overhead, salaries and other employee compensation, operating and maintenance expenses, taxes, reserve and replacement, water rights lease or purchase fees, any other fees, expenses and charges normal and customary for water service utility companies. In the event said rates are insufficient to pay all said operating costs, then monthly rates may be raised to a level that will cover all operating costs. Copies of the current Fernley Town Utilities are available upon request at the operating office of TRIGID.~~

~~4.2 Link To Washoe County Ordinance. All fees and charges in Articles 4 and 5 of these Rules, other than the monthly rates and connection charges specified in Article 4.1 above, are adopted from the Washoe County Sewer Service Ordinance, as amended, and shall be in effect unless amended by Washoe County, in which case all amendments which have the effect of increasing fees and charges (other than those specified in Section 4.1) shall be immediately incorporated herein by reference as of the effective dates of the amendments.~~

4.3 Build And Dedicate TRIGID System Facilities. If TRIGID determines, in TRIGID's sole discretion, that connection of new service for a Customer will exceed the standard specifications (see, Article 8.9) for existing capacity of TRIGID's sewer system, or requires additional distribution, treatment or effluent storage facilities, TRIGID may in its sole discretion require as a condition of service that the Customer design, permit and construct all additional new sewer facilities (e.g., pump station, pipelines, valves) necessary to increase said capacity or provide facilities for Customer's use prior to providing sewer service. Customer shall complete and dedicate to TRIGID without charge all sewer system facilities as constructed. To the extent that any of said sewer system facilities are oversized beyond the Customer's needs, TRIGID shall reimburse the Customer from connection charges collected from subsequent Customers using said facilities or provide Customer a credit therefor from connection charges. The basis for reimbursement or credit shall be the difference in actual costs of the sewer system facilities between the capacity required for the constructing Customer's use and the oversized capacity. No overhead, administrative change, profit or interest on said actual costs will be reimbursable. All design and construction of said facilities must be approved by TRIGID. The constructing Customer shall not be entitled to a credit from the connection charge for all or any portion of the sewer system facilities so constructed, except as specified in this Article. The procedures specified in Article 10 shall be used for all construction under this Article 4.3. Construction by a third-party developer of off-site sewer system facilities shall not entitle the Customer to claim a credit or reimbursement for the water system facilities so constructed.

ARTICLE 5. OTHER CHARGES, FEES AND DEPOSITS

5.1 Security Deposit for Service. TRIGID may require a security deposit in the amount of Five Hundred Dollars ($500.00) or one-year's total estimated rates (whichever is less) from all new Customers or applicants, from Customers whose accounts are delinquent on more than one occasion (i.e., two monthly payments overdue) in any one (1) year period, or in situations where TRIGID has cause to believe that a deposit is required to ensure payment of bills. At the end of one year of service, if all accounts have been kept current the amount of the deposit, plus interest accrued at the rate of 4% per annum simple interest, shall be credited to the succeeding months' bill(s). Service must be in place for a minimum of six (6) months for any interest to be accrued. Upon discontinuance of service, any deposit held by TRIGID will be applied to the final billing with any deposit amount refunded to the Customer. If the deposit is applied to a Customer's account because of delinquent bills, all interest accrued will first be applied to delinquent bills. By posting a deposit, the Customer agrees that the deposit is a pledge to make future payments to TRIGID and not payments for future services that are furnished by TRIGID.

Any application for service will not be granted unless full payment has been made for water or sewer services previously rendered to the applicant or Customer by TRIGID, if any. Failure on the part of the Customer to make a deposit within fifteen (15) days after written notice by TRIGID that such deposit be made or service may be discontinued, shall warrant TRIGID in discontinuing the service to the Customer. TRIGID may waive the security deposit requirement, in its sole discretion, or accept alternate security.

5.2 Work to be Inspected. All sewer facilities construction work shall be inspected by TRIGID to insure compliance with all TRIGID requirements. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the sewer system until all work has been completed, inspected, approved and accepted by TRIGID.

5.3 Wastewater Inspection Certificate and Monitoring Fees. The fees for a wastewater inspection certificate and monitoring shall be based on the actual time spent on inspection and monitoring. Fees for the wastewater inspection certificate shall be the actual cost of the wastewater inspection and certificate, plus a

~~billing and processing fee of $15.00. The minimum charge for a wastewater inspection certificate shall be $50.00. Fees for monitoring shall be the actual cost of monitoring, plus a billing and processing fee of $15.00.~~

~~5.4 Plan Checking and Inspection Fee. Any applicant, Customer or developer requiring approval of plans by TRIGID or desiring plan checking shall pay to TRIGID a deposit reasonably calculated to cover TRIGID's actual costs of providing this service, prior to plan checking or rechecking. The deposit shall be paid prior to performance of any work by TRIGID. Prior to final acceptance of the improvements an accounting of all costs including personnel time, fringe benefits, equipment, materials and overhead shall be made for the plan checking and inspection of the improvements. If the total cost is greater than the deposit, the applicant must pay the difference prior to acceptance and use of the improvements. If the total cost is less, a refund shall be given.~~

~~5.5 Relocation of Service Connection. An existing service connection may be relocated, if the new service is of like size and will provide a sewer service to the same parcel of property, upon application and payment of applicable fees by the Customer.~~

~~5.6 Increase in Size of Service Connections. Enlargement of a service connection to the same property, requiring abandonment of the existing connection and installation of a complete replacement connection of increased size shall be treated as a new service connection and shall be charged accordingly. The fees to be paid by the Customer upon application for increase in size of service connection shall be a connection charge which shall be determined by subtracting the connection charge for the size of service being abandoned from the connection charge for the size of service being installed, if any.~~

~~5.7 Structure Under Construction. For the purposes of these Rules, until a structure has installed plumbing fixtures the structure shall be considered under construction and disconnected from the sewer system of TRIGID. No charges otherwise provided herein will be accrued during this period.~~

~~5.8 Public Agencies Exempted From Deposit Requirements. In lieu of cash deposits or sureties, purchase orders will be accepted from public agencies.~~

~~5.9 Delinquent Accounts. In addition to other provisions of these Rules, there will be a charge for late payment. If payment is not received before it becomes delinquent, a late penalty processing fee and a penalty on the outstanding balance will be charged in accordance with Article 7.3 and the service may be discontinued according to the procedure outlined in Article 9.~~

~~5.10 Damage to TRIGID Property. Persons causing damage to TRIGID property by any willful or negligent act shall be responsible for payment of costs incurred. Customers or their contractors, agents and representatives causing damage to TRIGID property shall be strictly liable for payment of all costs caused by such damage.~~

~~5.11 Photocopy Charges. The charge for making photocopies on TRIGID copying equipment shall be $.25 per copy.~~

~~5.12 Charges for Account Transfer and Special Reading. If the Customer requests an account transfer or special meter reading, a processing charge of Fifteen Dollars ($15.00) shall be charged. Customers must give 24-hours or previous working day's notice for special reading.~~

~~5.13 Basis for Billing. All services shall be billed on the basis of monthly rates specified in Article 4.1. Customers are responsible for payment based on all water recorded as having passed through a meter~~

~~regardless of whether the water was put to beneficial use. The Customer shall be ultimately responsible for payment of sewer bills and fees for its property in the case of nonpayment by a tenant or other occupant.~~

~~ARTICLE 6. MAIN EXTENSION~~

~~6.1 General Conditions.~~

~~A. Construction Plans. A person proposing an extension to TRIGID distribution system to provide sewer service to a parcel of property shall submit four (4) prints (24" x 36") of detailed plans. Such plans shall indicate the size and location (horizontal and vertical) of mains and other facilities, including all service laterals. In addition, plans shall designate boundaries of the applicant's property which will be served by the proposed extension. Sewer system improvements shall be designed by a professional engineer licensed in Nevada.~~

~~TRIGID will review the plans and return one (1) print to the applicant indicating any necessary revisions. The applicant shall prepare and submit to TRIGID three (3) copies of the plans conforming with the revised print. Upon execution of the appropriate agreement by the applicant; payment of applicable charges, fees and deposits; approval of other appropriate governmental agencies, and a preconstruction conference with TRIGID, TRIGID will give the applicant permission to start construction. No sewer related construction will be started before permission is granted by TRIGID.~~

~~B. Time Limitation. Approval by TRIGID for any main extension shall be valid for a limited time as will any related commitment of existing capacity in a particular main. In the event that construction of the mains covered by any approved plan is not started within one (1) year from the date of approval, the project shall be deemed to have been abandoned, and any subsequent proposal for reactivation shall be treated as a new project. The same shall apply when active construction work within a property is commenced and then discontinued for a period of six (6) months.~~

~~C. Compliance With Specifications. All main extensions, service connections, and appurtenances shall be constructed to conform with TRIGID specifications. Activation of the mains shall not be permitted until authorized by TRIGID. Connections to existing mains shall be made only in the presence of a representative of TRIGID and at times specified by TRIGID. Mains will be shut down only with the specific approval of TRIGID.~~

~~D. Guarantee. Materials and workmanship shall be guaranteed free of defect for a period of one (1) year from date of acceptance by TRIGID. Upon receipt of notice from TRIGID, the developer or Customer shall immediately cause any defect to be corrected, or shall reimburse TRIGID for the cost of correction.~~

~~E. Rights-of-Way. Sewer mains and appurtenances shall be located within off-site rights-of-way or within easement grants to TRIGID not less than 20 feet in width or as TRIGID may specify. All rights-of-way or easements shall be recorded prior to release of approved plans.~~

~~F. Commitment of Sewer Service. Main extensions or other facilities constructed by persons for development of property shall not be considered as reserved for supply to those properties exclusively. Extensions of and connections to such mains for service to others shall be permitted~~

~~when, in the opinion of TRIGID, such connections will not substantially affect service to the original development or property.~~

~~6.2 Standard Main Extensions.~~

~~A. General Conditions. Main extensions proposed for construction under provisions of this Article shall be subject to the general conditions as described in Article 6.1.~~

~~B. Size Of Mains. Proposed main extensions to serve developments, both on-site and off-site, shall be of sufficient size to adequately provide sewer service for the development. TRIGID reserves the right to establish sizes of all mains and appurtenances.~~

~~C. Responsibility For Cost. The cost of all main extensions to be constructed under Article 6.2, including service laterals and other appurtenances, shall be borne by the developer or Customer.~~

~~D. Agreement And Payment Of Fees. Prior to TRIGID's permission to start construction, the developer or Customer shall execute a standard form of agreement with TRIGID and submit payment of all required fees, charges and deposits as required by these Rules.~~

~~E. Construction By Private Contractor or Developer. Design and preparation of construction drawings shall be done by competent registered professional engineer selected by the applicant. Construction work shall be performed by an experienced, properly licensed and competent person or firm selected by the applicant. In certain circumstances when, in the opinion of TRIGID, the extent of work to be performed is minor and can be accomplished efficiently and economically by TRIGID employees or representatives, TRIGID may elect to perform the work and the applicant shall deposit an amount equivalent to the estimated cost. Upon completion of construction, the differential between estimated and actual costs will be billed or refunded.~~

~~F. Completion. Upon completion of the work, the applicant's engineer shall certify that the work was completed according to the plans and specifications, except in the case of work completed by TRIGID. Sewer service will not be activated until the engineer's certification is submitted to TRIGID and TRIGID accepts the construction.~~

~~6.3 Oversized Main Extensions.~~

~~A. General Conditions. Main extensions proposed for construction under provisions of this Article shall be subject to the general conditions described in Article 6.1. When applicable, the provisions of this Article 6.3 shall govern over the provisions of Article 4.3.~~

~~B. Applicability. For the purpose of this Article, an oversized main is described as a main larger than eight inches (8") and which, in addition to providing an adequate sewer service to the proposed development, is required to be of a size which will be capable of meeting future demands for parcels other than Customer's on the distribution system and provide for orderly development of that system. TRIGID reserves the right to determine what constitutes an oversized main.~~

~~C. Location of Mains. Oversized mains may be off-site (outside the boundaries of a development) or traverse the interior area or combination thereof.~~

D. Identification of Mains. TRIGID shall indicate and identify on plans submitted for a proposed development both the standard and oversized diameters of pipelines to be constructed.

E. Approval by TRIGID Required. Proposals for oversizing of water mains shall be submitted to TRIGID for review and approval. Plans, conforming with TRIGID's directive, shall then be approved and TRIGID shall enter into an agreement with the developer or Customer, providing for TRIGID's participation in construction costs as hereinafter set forth.

F. Participation In Cost. Participation by TRIGID for the oversizing of a main extension shall be based on the difference in actual cost of pipe, fittings, and valves between the size required for the main extensions and the size required for oversizing, and shall not include trenching and backfill. The cost difference shall be established by a certified price list from the supplier. Prices quoted on the list shall be the actual prices charged to the buyer.

G. Alternate Method Of Payment. TRIGID may, in lieu of a lump sum payment of TRIGID's portion of the construction costs, arrange with the developer or Customer for an alternate method of payment from future connection charges of other Customers for a period of ten (10) years.

ARTICLE 7. TIME AND MANNER OF PAYMENT

7.1 Issuance of Bills. TRIGID shall issue a monthly bill for each service in accordance with these Rules. TRIGID shall send out bills for sewer service and for which no payment has been received, and shall use the rates and charges established by these Rules to determine the amount.

7.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the operating office of TRIGID or as specified in the bills.

7.3 Delinquent Accounts. Accounts not paid in accordance with Article 5.10 are delinquent and shall be charged a late fee of 1.5 percent per month of the outstanding balance plus a basic penalty fee of ten percent (10%) of the delinquent monthly billing.

7.4 Discontinuance of Service. TRIGID may discontinue service to a Customer having a delinquent bill as specified in Article 9.2.

7.5 Represents Lien on Property. Until paid, all rates and charges provided in these Rules which are delinquent constitute a perpetual lien on and against the property served and may be foreclosed upon as provided by law.

7.6 Proration of Service Charges; Minimum Bill. If any opening or closing bill is for a period shorter than the regular billing period, the base rate charge for service shall be reduced in the same proportion as the actual period of use is reduced from the regular billing period.

7.7 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received.

7.8 Checks Not Honored by Bank. Checks presented in payment to TRIGID which are returned by a bank shall be treated as though no payment had been made and a fifty dollar ($50.00) handling charge will be levied by TRIGID plus any additional charges of the bank. Payment in lieu of returned checks may be required to

be by cash or equivalent. The Customer must reimburse TRIGID for any returned check fees charged by a bank to TRIGID.

7.9 Estimated Bills And Nonoperable Meters. If a meter cannot be read because of obstructions or other causes, an estimate shall be made of the quantity of water used, and a bill shall be issued for the estimated service. The next succeeding bill which is based upon actual meter readings will reflect the difference between prior estimates and actual consumption. If a meter is found to be nonoperable, consumption shall be estimated and billed, considering all pertinent factors.

7.10 Billing Adjustments. Where billing adjustments are processed for inaccurate meter recordings or other usage adjustments, if the meter has:

A. under-recorded the usage of water, the adjustment shall be only for the period of the most recent six (6) months of usage.

B. over-recorded the usage, the adjustment in the form of a credit shall be made only for the period of the most recent six (6) months of usage.

A Customer who, because of an adjustment to their bill, owes TRIGID money for service may pay that amount over a three (3) month period. TRIGID shall credit the Customer who was overcharged because of an inaccurate meter not later than thirty (30) days after the overcharge is determined.

7.11 Disputed Bills. In the case of a dispute between a Customer and TRIGID as to the correct amount of any bill rendered by TRIGID for service furnished to the Customer, the Customer will deposit with TRIGID the amount claimed by TRIGID to be due. Failure on the part of the Customer to make such deposit within fifteen (15) days after written notice by TRIGID that such deposit be made or service may be discontinued, shall warrant TRIGID in discontinuing the service to the Customer without further notice. A billing dispute not resolved to the Customer's satisfaction is subject to the dispute resolution procedures as provided in Article 14.

ARTICLE 8. APPLICATION FOR SERVICE

8.1 Application. Each person applying for a new sewer service or changes in an existing service, will be required to sign appropriate application forms provided by TRIGID and to pay all required fees and charges. The application form shall include an agreement to abide by all TRIGID rules and regulations and shall require furnishing such information as TRIGID may reasonably require. Each applicant shall describe the type of development proposed for the property.

8.2 Existing Service Connection. Applicants for service through existing service connections shall nevertheless provide required information on application forms provided by TRIGID.

8.3 New Service. The applicant shall provide any and all information which will assist TRIGID in properly sizing and locating a service lateral, including a description of the development, the use of water and plumbing plans of the private facilities, if required. Applications shall be accompanied by payment of any deposit, applicable fees, plus the connection charge, unless deferred.

8.4 Correct Information. In the event that an applicant provides incorrect information as to the size and location of a service connection or requests a change in the size or location after work has commenced, the applicant shall pay any costs incurred by reason of such corrections and changes.

8.5 Rejection of Application. Applications for service through existing or new service connections accompanied by all required fees and charges may nevertheless be rejected if:

A. The account of the applicant or any other person (e.g., prior Customer, tenant, owner) at the same service location, or the applicant at another location, is delinquent; or

B. The purpose of the applicant, in the opinion of TRIGID, is to circumvent discontinuance of service in another name because of nonpayment of sewer bills.

8.6 Service Outside Service Area Boundary. Only property within the service area boundary is eligible for sanitary sewer service from TRIGID. Property outside the service area must be annexed into the service area before application can be made for sanitary sewer service to the property. Applicant shall pay all costs associated with annexation of property into the service area. The Board may deny any annexation request, in its sole discretion, and the Board shall be expressly prohibited from annexing for retail service any property which is zoned for residential use without the consent and approval of Company and Tahoe-Reno Industrial Center, LLC. The Board may annex, in its sole discretion, any property for wholesale service, and any nonresidential property for retail service.

8.7 Design, Construction of New Connections, Inflow Sources. No new connection shall be made to TRIGID sewer system unless the same is properly designed and constructed complying with the Uniform Plumbing Code. All inflow sources including but not limited to roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains and springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage shall not be permitted to be connected to the sewer system.

8.8 Prohibition against Altering Connections. No person may bypass, adjust, or alter any piping arrangement (including metering devices) from a premise connecting to the sewer without the prior written consent of TRIGID.

8.9 Will Serve Commitment. Upon approval of Customer's application for service and compliance with all provisions of these Rules, TRIGID will issue to Customer a written will serve commitment for each sewer use of Customer. Unless Customer is required to build and dedicate sewer system improvements in accordance with Article 4.3 or Article 6, TRIGID agrees to cause the construction, at its sole cost and expense, of all community sewer system facilities deemed necessary by TRIGID in order to provide sewer service to Customer. TRIGID shall provide for Customer's use on it designated property standard sewer system specifications of 500 gallons per day per acre of average daily capacity, with a peaking factor of 2. Sewer capacity requirements of a Customer exceeding these standard design specifications will require, in TRIGID's discretion, additional sewer system improvements to be made at Customer's sole cost and expense (and in addition to standard connection charges paid) pursuant to Article 4.3, Article 6 or another contractual arrangement satisfactory to TRIGID.

ARTICLE 9. TERMINATION OF SERVICES

~~9.1 Customer Request for Termination of Service. A Customer may have service terminated by giving not less than five (5) business days advance notice thereof to TRIGID, and provide a mailing address to which the closing bill will be mailed. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required five (5) business days advance notice. When such notice is not given, the Customer will be required to pay for service until five (5) business days after TRIGID has knowledge that the Customer has vacated the premises or otherwise has terminated service. Failure to notify TRIGID of termination of service shall not relieve the Customer or property owner (if other than the Customer) of responsibility for payment of sewer bills.~~

~~9.2 Termination of Service by TRIGID.~~

~~A. For Nonpayment of Bills. A Customer's service may be discontinued for nonpayment of a bill for service furnished if the bill is delinquent, provided TRIGID has given the Customer at least five (5) days prior notice of its intention to discontinue service.~~

~~Premises to which charges have become delinquent may be disconnected from the sewer system. TRIGID shall charge the cost of disconnection of such premises and the cost of reconnection thereto, plus the discontinuance charge before such premises are reconnected to the sewer system.~~

~~B. For Noncompliance With Rules. TRIGID may discontinue service to any Customer for violation of these Rules after it has given the Customer as least five (5) days written notice of such intention. Where safety of water supply or water quality is endangered, or other emergency circumstances exist, service may be discontinued or curtailed immediately without notice.~~

~~C. For Infiltration, Cross-Connections, or Illegal Connections. Where nonemergency infiltration, discharge of harmful waste, inter-connection, cross-connection, or illegal connection on or from a Customer's premises occurs, TRIGID may discontinue service and/or make such corrections as may be indicated at Customer's expense, if such practices are not remedied within five (5) days after it has given the Customer written notice to such effect.~~

~~D. For Unsafe Apparatus or Where Service is Detrimental or Damaging to TRIGID or its Customers. If any unsafe or hazardous condition is found to exist on the Customer's premises, or if any apparatus or illegal or prohibited connections, equipment or otherwise, is found to be detrimental or damaging to TRIGID or its Customers, the service may be discontinued without notice. TRIGID will notify the Customer immediately of the reasons for the discontinuance and the corrective action to be taken by the Customer before service can be restored.~~

~~E. For Fraudulent Use of Services. When TRIGID has discovered that a Customer has obtained service by fraudulent means, or has altered sewer service for unauthorized use, the service to that Customer may be discontinued without notice. TRIGID may not restore service to such Customer until that Customer has complied with all policies, rules and reasonable requirements of TRIGID and TRIGID has been reimbursed for the full amount of the service rendered and the actual cost that TRIGID incurred by reason of the fraudulent use.~~

~~9.3 Restoration Of Service.~~

~~A. To Be Made During Regular Working Hours. TRIGID will endeavor to make reconnections during regular working hours on the day of the request, if conditions permit; otherwise, reconnection will be made on the regular working day following the day the request is made.~~

B. To Be Made At Other Than Regular Working Hours. When a Customer has requested that the reconnection be made at other than regular working hours, TRIGID will reasonably endeavor to so make the reconnection if practicable under the circumstances, but will be under no obligation to do so, unless an emergency exists. Disconnections or reconnections requested by the Customer at other than regular working hours may result in the requirement of payment of additional TRIGID costs in addition to the charges for disconnection and reconnection.

9.4 Refusal To Serve.

A. Conditions for Refusal. In addition to the provisions of Article 8.5, TRIGID may refuse an applicant for service under the following conditions:

1. If the applicant for service is not within the boundaries of TRIGID.

2. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing Customers.

3. If the applicant fails to comply with these Rules or other rules as approved by the Board.

4. If, in the judgment of TRIGID, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or flooding, or of such nature that satisfactory service cannot be rendered.

5. Where service has been discontinued for fraudulent use, TRIGID may elect not to serve an applicant until it has determined that all conditions of fraudulent use or practice have been corrected.

6. When the collection lines, disposal systems, or treatment facilities do not have capacity or the capability to receive and/or treat sewage, septic tank effluent, or liquid waste without contamination of the ground or surface waters of the basin or the watershed of the Truckee River, or in violation of Health Department requirements.

7. If the applicant for service is for a residential use.

B. Notification to Customers. When an applicant is refused service under the provisions of this Article, TRIGID will notify the applicant promptly, by procedures specified in Article 3.3, of the reason for the refusal to serve and of the right of the applicant to appeal TRIGID's decision to the Board. Whenever termination of water service will effect more than one Customer, TRIGID will make reasonable effort to give notice to all Customers.

ARTICLE 10. REGULATION OF WASTEWATER DISCHARGE

10.1 Purpose and Policy. The portions of these Rules regarding wastewater discharge regulation impose uniform requirements for discharges into TRIGID's wastewater collection system and enable TRIGID to comply with any applicable state and federal water quality standards, limitations and pretreatment standards, to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged. These regulations provide a means for determining wastewater volumes, constituents, and characteristics, the issuance of inspection certificates to certain users, and enforcement.

~~10.2 Administration. Except as otherwise provided herein, TRIGID shall administer, implement and enforce the provisions of this regulation of wastewater discharge. Any powers granted or duties imposed upon TRIGID may be delegated by TRIGID to persons acting in the beneficial interest of or in the employment of TRIGID.~~

~~10.3 Dischargers Subject to These Regulations. All wastewater dischargers, domestic and industrial/commercial, to TRIGID sewer system are subject to the wastewater regulations, inspection, enforcement and charges provided in these Rules.~~

~~ARTICLE 11. WASTEWATER REGULATIONS~~

~~11.1 Discharges Prohibited from Sanitary Sewers. Sewage, waste, or any matter having any of the following characteristics shall not, under any conditions, be discharged into, be placed where they might find their way into, or be allowed to run, leak or escape into any part of TRIGID sewer system:~~

~~A. Any gasoline, benzene, naphtha, solvent, fuel oil, or any other liquid, solid, or gas that would cause or tend to cause flammable or explosive conditions to result in the sewage system;~~

~~B. Any waste containing or causing the promotion of toxic or poisonous solids, liquids, or gases that, alone or in combination with other waste substances may create a hazard for humans, animals, or the environment, interfere with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the wastewater system;~~

~~C. Any waste having a pH lower than 5.5 pH units or having any corrosive or detrimental characteristic that may cause injury to wastewater collection or treatment systems including structures and equipment; any waste with a pH greater than 9.0 pH units or high enough to cause alkaline incrustations on sewer walls or other adverse effects on the wastewater systems.~~

~~D. Any solids or viscous wastes that may cause deposition, obstruction, damage or reduction of flow in the sewer, be detrimental to proper wastewater treatment plant operations, or other interference. These objectionable substances include, but are not limited to: asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, bones, hair fleshings, entrails, paper, dishes, paper cups, milk containers, or other similar paper products, either whole or ground;~~

~~E. Any inflow sources, including rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, and water from yard fountains, ponds or law sprays, or any other uncontaminated water. It is unlawful to connect any sewer lateral to TRIGID's wastewater facilities which would allow infiltration discharges in excess of two hundred gallons per day per pipe diameter inch per mile of length;~~

~~F. Any water added for the purpose of diluting waste;~~

~~G. Any petroleum or mineral-based cutting oils commonly called soluble oil, exceeding 100 mg/L;~~

~~H. Any nonbiodegradable oil, petroleum oil, or refined petroleum products exceeding 100 mg/L except as regulated by the state or federal government;~~

~~I. Any radioactive, radiological, or chemical/biological warfare, waste or material exceeding 100 mg/L except as regulated by the state or federal government;~~

~~J. Any waste, including oxygen demanding pollutants, released in a discharge of such volume or strength as to cause interference in the wastewater treatment facilities;~~

~~K. Matter of any nature at a temperature above one hundred fifty degrees Fahrenheit;~~

~~L. Animal or vegetable greases, oil or matter containing animal or vegetable grease or oil of any nature in excess of three hundred milligrams per liter;~~

~~M. Any matter that would be poisonous to or inhibit the biological organisms associated with any sewage treatment process, and which, in the opinion of TRIGID, might interfere with the satisfactory operation of any treatment facility or any portion of the sewer system.~~

~~11.2 Administration - Determination of Prohibited Discharge. TRIGID shall make all discretionary determinations as may be required to administer these Rules and shall recover the cost incurred in making such determinations from the discharger.~~

~~11.3 Prohibition on Unpolluted Water. Unpolluted water including, but not limited to, process cooling water, blowdown from cooling towers or evaporator coolers, and swimming pool water, shall not be discharged through direct or indirect connection into TRIGID sewer system unless an inspection certificate is issued by TRIGID for such discharge. TRIGID may approve the discharge of such water when no reasonable alternative method of disposal is available and such discharge does not violate other sections of these Rules.~~

~~If a certificate is granted for the discharge of such water into the wastewater facilities, the user shall pay the applicable charges and fees and shall meet such other conditions required by TRIGID.~~

~~11.4 Exclusions from Sanitary Sewers. In addition to the matter excluded heretofore, all surface drainage water shall be excluded from all parts of the sewer system designated by TRIGID as the sanitary sewer system.~~

~~11.5 Septic Tank Waste. It is unlawful to discharge any septic tank or cesspool waste to TRIGID sewer system unless specifically authorized in writing by TRIGID. The time and place for the specific discharge and required characteristics of the matter discharged shall be designated by TRIGID. No discharge shall violate any section of these Rules.~~

~~11.6 Limitations on the Use of Garbage Grinders, and Required Use of Grease Traps and Interceptors. Waste from garbage grinders shall not be discharged into TRIGID's wastewater facilities except when the wastes are generated in preparation of food normally consumed on the premises and the grinders shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the wastewater facilities, and to a size not to exceed one-half inch in any dimension. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse. All scullery or dish table wastes shall not be put through a garbage grinder unless the discharge is through an approved grease interceptor.~~

~~All waste discharged from establishments which may generate grease shall install and maintain a grease interceptor. Sizing specifications for grease traps and interceptors are outlined in Chapter 7 and Appendix H of the Uniform Plumbing Code. TRIGID may waive the required minimum size grease interceptor. The design, operation and sizing of all grease traps and interceptors must be approved by TRIGID.~~

~~Grease traps, interceptors and sand/oil separators shall be constructed to prevent any bypass of matter prohibited in the wastewater system. Sand/oil separators shall be a minimum capacity of 1,000 gallons except when otherwise specified in Appendix I of the Uniform Plumbing Code.~~

~~The introduction of emulsifiers, bacteria, enzymes or any other product into the grease trap or interceptor which could cause oil and grease to pass through the trap or interceptor is prohibited. Grease traps and interceptors shall be cleaned regularly to ensure proper operation.~~

~~11.7 Limitations on Point of Discharge. No person shall discharge any substances directly into a manhole or other opening in a TRIGID sewer other than through an approved building sewer unless he has been issued a permit by TRIGID. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by TRIGID.~~

~~11.8 Limitations on Wastewater Strength. No person shall discharge wastewater containing constituents in excess of:~~

~~Constituent~~	~~Maximum Concentration~~
~~Alkali~~	~~430 mg/L~~
~~Arsenic~~	~~.05 mg/L~~
~~Barium~~	~~4.0 mg/L~~
~~BOD~~	~~240 mg/L~~
~~Boron~~	~~1.00 mg/L~~
~~Cadmium~~	~~0.01 mg/L~~
~~Chloride~~	~~110 mg/L~~
~~Chromium~~	~~0.05 mg/L~~
~~Copper~~	~~0.05 mg/L~~
~~Cyanide~~	~~0.23 mg/L~~
~~Fluoride~~	~~4.0 mg/L~~
~~Iron~~	~~5.0 mg/L~~
~~Lead~~	~~0.30 mg/L~~
~~Manganese~~	~~0.70 mg/L~~
~~Mercury~~	~~0.01 mg/L~~
~~Nickel~~	~~1.80 mg/L~~
~~pH~~	~~7-9 mg/L~~
~~Phenol~~	~~.005 mg/L~~
~~Phosphorus~~	~~8 mg/L~~
~~Selenium~~	~~0.04 mg/L~~
~~Silver~~	~~0.05 mg/L~~
~~Sulfate~~	~~240 mg/L~~
~~TDS~~	~~500 mg/L~~
~~TKN~~	~~40 mg/L~~
~~TSS~~	~~240 mg/L~~
~~Zinc~~	~~1.0 mg/L~~

~~Pesticides and Herbicides~~	~~Maximum Concentration~~
~~Total chlorinated hydrocarbons~~	~~0.005 mg/L~~
~~Chlordane~~	~~0.005 mg/L~~
~~Lindane~~	~~0.005 mg/L~~
~~Heptachlor~~	~~0.005 mg/L~~
~~Methoxychlor~~	~~0.005 mg/L~~
~~Taxaphene~~	~~0.005 mg/L~~
~~2-4D~~	~~0.005 mg/L~~
~~2-4-5T~~	~~0.005 mg/L~~
~~Parathion~~	~~0.0016 mg/L~~
~~Malathion~~	~~0.004 mg/L~~
~~Guthion~~	~~0.004 mg/L~~

~~11.9 Revision of Wastewater Regulations. Effluent limitations promulgated by any federal, state or local law, and regulations and guidelines promulgated thereunder, shall apply in any instance where they are more stringent than those in these regulations.~~

~~Limitations on wastewater strength in Article 11.8 may be supplemented with more stringent limitations pursuant to Article 12 of these Rules.~~

A. If TRIGID determines that the limitations in Article 11.8 of these Rules may not be sufficient to protect the operation of the sewer system.

B. If TRIGID determines that the limitations in Article 11.8 may not be sufficient to enable TRIGID sewer system to comply with water quality standards or effluent limitations specified in any federal, state or local permit.

C. If any matter of any nature may be discharged into the sewer system, which discharge might reasonable be considered a violation of these Rules, the controlling characteristic of such matter shall be determined to the satisfaction of TRIGID. The responsibility of initiating such determinations of any costs involved and of submitting the results of the determinations to TRIGID for its approval lie solely with the party of parties desiring to discharge the matter into the sewer system. Verification of these results and the decision as to whether or not a permit shall be issued shall be the responsibility of TRIGID. The adoption of different rules or policies subsequent hereto does not constitute a waiver of TRIGID's right to regulate or prohibit the discharge of any matter.

11.10 Accidental Discharges. Customers shall notify TRIGID immediately upon accidentally discharging waste in violation of these Rules to enable TRIGID to take proper measures to reduce the impact of the discharge. This notification must be followed by a detailed written statement within fifteen (15) days of the date of occurrence.

11.11 Excessive Discharge. No Customer shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations enforceable under these Rules.

11.12 Cooling Water. Except as expressly permitted by TRIGID or these Rules, facilities using water for cooling shall not discharge the cooling water to the wastewater system or storm drain system. Recirculation of such cooling water shall be required.

11.13 Pretreatment. Industrial/commercial process water shall be pretreated, if necessary, to meet discharge requirements of these Rules. If process water can be recirculated or reused, equipment shall be installed to accomplish the recirculation or reuse.

11.14 Identification of Process Chemicals. All process chemicals and industrial wastes shall be properly labeled for identification purposes.

ARTICLE 12. WASTEWATER INSPECTION CERTIFICATES

12.1 Certificate for Industrial/Commercial Dischargers. Industrial/Commercial dischargers connected to the TRIGID sewer system shall obtain a wastewater inspection certificate from TRIGID. No industrial/commercial discharger may discharge without such a certificate. TRIGID shall require certificates for the following categories of industrial/commercial dischargers:

A. Dischargers whose effluent strength (BOD5, suspended solids, total phosphorus and total nitrogen) exceeds the local domestic wastewater concentrations.

B. Dischargers using an unmetered water source.

C. All industrial dischargers for which national pretreatment standards have been established under federal, state or local law and regulations and guidelines promulgated thereunder;

D. Other dischargers as determined by TRIGID to require special regulation or source control.

12.2 Certificate Application

A. To obtain a wastewater inspection certificate the industrial/commercial user shall complete and file with TRIGID an application in the form prescribed by TRIGID. The application may require the following information:

1. Name, address and Standard Industrial Classification (S.I.C.) number or numbers of applicants;

2. Estimated volume of wastewater to be discharged;

3. Wastewater constituents and characteristics as prescribed by TRIGID;

4. Time and duration of discharge;

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location and elevation as required by TRIGID;

6. Description of business activities including type of products, raw materials used, variation in operation, and number and duties of employees;

7. Any other information as may be deemed by TRIGID to be necessary to evaluate the certificate application.

B. TRIGID will evaluate the data furnished by the discharger. After evaluation, inspection, and approval of all the data required, TRIGID may issue a wastewater inspection certificate subject to terms and conditions provided herein.

C. Before a new industrial/commercial discharger is allowed, the discharger must first obtain a wastewater inspection certificate from TRIGID. Violation of this provision shall subject the discharger to enforcement and charges as provided in these Rules.

D. Fees for wastewater inspection certificates and monitoring shall be as stated in Article 5.3 of these Rules.

12.3 Terms and Conditions

A. Duration of Inspection Certificates. Wastewater inspection certificates shall be issued for a specified time period not to exceed one year. A certificate may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by TRIGID thirty (30) days prior to the expiration of the certificate, the certificate shall be extended until such notice is made. The terms and conditions of the certificate may be subject to modification and change by TRIGID during the life of the certificate as limitations or requirements as identified in Article 10 of these Rules are modified and changed. The user shall be informed of any proposed changes in

~~their certificate at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the certificate shall include a reasonable time schedule for compliance.~~

~~B. Certificate Conditions. Wastewater inspection certificates shall be expressly subject to all provisions of these Rules and all other applicable regulations, user charges and fees established by TRIGID. Certificates may contain the following:~~

~~1. the unit charge or schedule of user charges and fees for the wastewater to be discharged to a sewer;~~

~~2. limits on the average and maximum wastewater constituents and characteristics;~~

~~3. limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;~~

~~4. requirements for installation and maintenance of inspection and sampling facilities;~~

~~5. specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;~~

~~6. compliance schedules;~~

~~7. requirements for submission of technical reports or discharge reports;~~

~~8. requirements for maintaining and retaining records relating to wastewater discharge as specified by TRIGID, and affording TRIGID access thereto;~~

~~9. requirements for notification to TRIGID of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the sewer system.~~

~~10. requirements for notification of sludge discharges;~~

~~11. pretreatment of wastes before discharge;~~

~~12. relocation of discharge points;~~

~~13. prohibition of discharge of certain wastewater constituents;~~

~~14. notification to TRIGID of any new introduction of wastewater constituents or any substantial change in the volume or character of wastewater discharge;~~

~~15. development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements.~~

~~16. other conditions necessary to accomplish the purpose of these Rules.~~

~~The certificate may include a time schedule which allows the discharger time to meet the conditions of the certificate. The industrial/commercial discharger, who has been issued~~

a certificate, will be responsible for all costs required to comply with conditions of the certificate.

C. Change of Certificate Terms and Conditions. TRIGID may change any or all terms and conditions of a discharge certificate for cause. TRIGID shall specify a reasonable compliance period to comply with any required changes in the certificate.

D. Transfer of a Certificate. Wastewater inspection certificates are issued to a specific user for a specific corporation. A wastewater inspection certificate shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

12.4 Trade Secrets. When requested by the persons furnishing a report, the portions of the report or other documents which might disclose secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report or other documents shall be available for use by TRIGID, federal agency or state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

12.5 Monitoring Facilities, Reports and Access by Industrial Waste Inspector. TRIGID may require discharger, at their own expense, to construct, operate and maintain monitoring facilities and equipment, and to submit monitoring reports in order to allow inspection, sampling and flow measurement. The monitoring facility will normally be required to be located on the discharger's premises outside of the building. There shall be accommodations to allow safe and immediate access for the Industrial Waste Inspector, as may be required by TRIGID. No person shall prevent, or attempt to prevent, any such entrance or obstruct or interfere with any such officer or employee of TRIGID while so engaged.

12.6 Inspection. TRIGID, Industrial Waste Inspector, or government officials or employees, shall have the right of entry for inspection purposes of the facilities discharging to TRIGID's sewer system to ascertain compliance with TRIGID's sewer regulations or any federal, state or local law. Person or occupants of premises where wastewater is created or discharged shall allow TRIGID or its representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any other duties as called for in these Rules. TRIGID or its representative will verify the discharge flows and strength reported by discharger, or to determine compliance with these Rules. Inspection, measurement and sampling may be conducted periodically by the Industrial Waste Inspector. TRIGID may install, maintain and operate sampling and measuring equipment on the premises of the discharger. Where a discharger has security measures in force which would require proper identification and clearance before entry into the user's premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification the Industrial Waste Inspector will be permitted to enter without delay for the purposes of performing the specific responsibilities of these Rules.

12.7 Pretreatment of Sewage. When at any time it becomes necessary or desirable to discharge into the sewer system any matter from any source which does not conform to the requirements outlined in Articles 10 or 11 of these Rules, it is required that before such matter may be discharged into the sewer system, the producer thereof shall pretreat same at their own expense to a degree that will produce an effluent which does conform to the requirements. Such pretreatment plants shall be understood to include grease traps, chemical or biochemical plants, sedimentation chambers and any other devices which effect a change of any nature in the characteristics of the matter being treated. Any and all such devices and equipment shall not be put into operation without a written permit of approval issued by TRIGID and shall be provided with all necessary features of construction to permit inspection of operations and testing of material passing

through them, and shall be open to the inspection of TRIGID at any time, but the producer, in lieu of the treatment of the sewage as hereinabove provided for, may, with the written approval of TRIGID being first obtained, discharge the sewage, waste or other matter into the sewage system, subject to the provisions of Article 10, and subject to the payment of the additional cost of the treatment thereof, as provided for in these Rules.

TRIGID may require users of TRIGID's sewer system to pretreat wastewater. Users shall make wastewater acceptable under the limitations established herein before discharging into any wastewater facility. Any facilities required to pretreat wastewater to a level acceptable to TRIGID shall be provided and maintained at the user' s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to TRIGID for review and shall be approved by TRIGID before construction of the pretreatment facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these Rules. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by TRIGID.

12.8 Monitoring Equipment Construction and Report Requirements.

A. Monitoring facilities and equipment may be required of any sewer user in order to allow inspection, sampling and flow measurement of the building sewer, or internal drainage system. When more than one sewer user can discharge into a common building sewer, TRIGID may require installation of a separate monitoring facility for each user. Also, when, in the judgment of TRIGID, there is significant difference in wastewater constituents and characteristics produced by different operations of a single user, TRIGID may require that separate monitoring facilities be installed for each separate discharge. Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by TRIGID, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. TRIGID, however, when such a location would be impractical or cause hardship to the user, may allow the facility to be constructed in the public street or public sidewalk area.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for the Industrial Waste Inspector, such as a gate secured with a TRIGID lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the sewer user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with TRIGID's requirements. When, in the judgment of TRIGID, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within ninety (90) days following written notification unless a time extension is otherwise granted by TRIGID.

B. Within ninety (90) days following the date for final compliance with applicable discharge limitations, or in case of a new source following commencement of the introduction of wastewater into TRIGID sewer system, any commercial/industrial discharger subject to such discharge

~~limitations shall submit to TRIGID a report indicating the nature and concentration of all pollutants in the discharge from the affected commercial or industrial establishment. The discharger's report will include reporting on the discharge from any regulated processes which are limited by the discharge limitations and the average and maximum daily flow from these process units in the user facility which are limited by such standards or discharge limitations. The report shall state whether the applicable limitations are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the sewer user into compliance with the applicable limitations. The submitted report shall be signed by an authorized representative of the industrial/commercial user and certified to be a qualified professional.~~

~~C. Any user subject to a discharge limitation after the compliance date of such discharge limitation, or, in the case of a new source after commencement of the discharge into TRIGID sewer system shall submit to TRIGID during the months of June and December, unless requirement more frequently by TRIGID, a report indicating the nature and concentration of pollutants in the effluent which are limited by such discharge limitations. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported, as required under the certificate. At the discretion of TRIGID, and in consideration of such factors as local high or low flow rates, holidays, budgets and cycles, TRIGID may agree to alter the months during which the above reports are to be submitted.~~

~~TRIGID may impose mass limitations on users which are using dilution to meet applicable discharge limitations or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by the discharge limitations in the effluent of the sewer user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature of concentration, or production and mass, where requested by TRIGID, of pollutants contained therein which are limited by such applicable pretreatment standards. The frequency of monitoring shall be prescribed in the inspection certificate. All analyses shall be performed in accordance with procedures established in standard methods or other procedures approved TRIGID.~~

~~12.9 Violation Notice. In the event of a minor or potential hazard, the Industrial Waste Inspector shall issue a notice to the discharger to remedy the hazard. Said notice shall require the discharger to submit to TRIGID within ten days a detailed plan and time schedule of specific action the discharger will take in order to correct or prevent a violation. If the discharger fails to submit an acceptable plan, fails to comply with the notice, or fails to comply with the plans submitted, the discharger shall be in violation of these Rules.~~

~~12.10 Cease and Desist Order. In the event of a discharge or potential discharge threatens the operation of the TRIGID sewer system, or endangers the health or safety of any person, TRIGID shall issue a cease and desist order to the discharger. If the discharger fails to obey said order immediately, the Industrial Waste Inspector may take such action pursuant to these Rules as may be necessary to insure compliance.~~

~~12.11 Enforcement Procedures.~~

~~A. When discharge of wastewater has taken place in violation of these Rules or the provisions of a wastewater inspection certificate, TRIGID, Industrial Waste Inspector, or other duly authorized TRIGID employee, may issue a cease and desist order and direct those persons not complying with such prohibitions, limits, requirements, or provisions, to: comply forthwith, comply in accordance with a time schedule set forth by TRIGID, or take appropriate remedial, or preventative action.~~

B. Any user who violates the following conditions of this title, or applicable state and federal regulations, is subject to having their certificate revoked by TRIGID for:

1. failure of a user to factually report the wastewater constituents, flow and/or characteristics of their discharge;

2. failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

3. refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

4. violation of conditions of a wastewater inspection certificate.

12.12 Indemnity. Any person who violates or aids or abets the violation of any provisions of these regulations, requirements, or conditions set forth in certificates duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable to indemnify, defend and hold harmless TRIGID in the full amount of any penalty or judgment rendered against TRIGID which is attributable to, or results from, such violation.

12.13 Falsifying of Information. Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with TRIGID, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules, is declared to be in violation of these Rules, and subject to the charges imposed under these Rules, or subject to the procedures specified in these Rules.

ARTICLE 13. SERVICE AREAS

13.1 Intention. The intent of these Rules is to establish rules, regulations and rates for sewer service supplied hereunder only to areas allowed by TRIGID's service territory for retail service and for wholesale service. No other areas shall be served by TRIGID. Otherwise, TRIGID shall establish the service area, based on its ability to serve and as provided by law and these Rules.

13.2 Wholesale Service. TRIGID may enter into an agreement with a person who is a regulated public utility company, a governmental entity authorized by law to provide retail water service, or an accommodator under NRS 704.030 to provide wholesale water service to said person, provided said person provides retail water service outside TRIGID's retail service area in a manner allowed by law.

ARTICLE 14. DISPUTES, RELIEF, APPEALS, REVIEWS

14.1 Relief on Application. When any person by reasons of special circumstances is of the opinion that any provision of these Rules is unjust, inequitable or improper as applied to their premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to their premises. If such application be

~~approved, the Board may suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.~~

~~14.2 Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of these Rules should be suspended or modified as applied to a particular premise and may order such suspension or modification for any such premises during the period of such special circumstances, or any part thereof.~~

~~14.3 Review by the Board. These Rules shall be reviewed by the Board on a periodic basis to ensure that the provisions of these Rules are kept up to date, and that the charges and fees set out in Articles 4 and 5 are adequate to meet the costs of operating the water facilities and recovering the cost of Capital Outlays.~~

~~14.4 Adjustment of Complaints. The Board shall have the power of discretion in the interpretation and application of these Rules, including adjustments or rebate of charges, if in the Board's opinion, the intent of the Rules would not be accomplished and an injustice would result by their strict application.~~

~~14.5 Ruling Final. All rulings of the Board shall be final, unless appealed in writing as provided in this Article within thirty (30) days.~~

~~14.6 Billing Disputes. Any dispute regarding the payment of any bill, charge or fee demanded by TRIGID is subject to relief and review as provided in this Article 14.~~

~~14.7 Right To Arbitration. Any request for relief made pursuant to Article 14.1 or other dispute arising from these Rules shall be subject to arbitration, and be decided by arbitration in accordance with the Rules of the American Arbitration Association currently in effect, unless the parties mutually agree otherwise. Notice of demand for arbitration shall be filed in writing with the Board and with the American Arbitration Association.~~

~~14.8 Limitation on Claim. A demand for arbitration shall be barred unless made within thirty (30) days after the ruling of the Board, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such claim would be barred by the applicable statute of limitations.~~

~~14.9 Claims And Timely Assertion Of Claims. A party who files a notice of demand for arbitration must assert in the demand all claims then known to that party on which arbitration is permitted to be demanded. When a party fails to include a claim through oversight, inadvertence or excusable neglect, or when a claim has not matured or been acquired subsequently, the arbitrator or arbitrators may permit amendment. Otherwise, all unasserted claims are barred.~~

~~14.10 Judgment On Final Award. The award rendered by the arbitrator or arbitrators shall be binding and final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.~~

~~RULES, REGULATIONS AND RATES OF THE TRI GENERAL IMPROVEMENT DISTRICT FOR SEWER SERVICE~~

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Attachment B-3

RESOLUTION 2016-01 CHANGING CERTAIN RATES AND CHARGES FOR WATER AND SEWER SERVICE BY TRI GENERAL IMPROVEMENT DISTRICT

WHEREAS, Storey County (the "County") by and through the Board of County Commissioners (the "BCC"), approved on February 1, 2000 pursuant to Resolution 00-50 a service plan for the TRI General Improvement District ("TRIGID" or "District") within the County to supply electric power and space heating to customers. On the same date Ordinance No. 164 was passed by unanimous vote of the Board creating TRIGID.

WHEREAS, the County by and through the BCC approved on July 18, 2000 pursuant to Resolution 00-85 a service plan modification for TRIGID to supply water and sewer services to customers. On the same date Ordinance No. 171 passed by unanimous vote of the BCC to add basic powers of furnishing water service and sewer service.

WHEREAS, the Tahoe-Reno Industrial Center ("TRI Center") is an area planned by the Storey County Master Plan to be a large industrial business park located in the northern portion of the County, in which water and sewer service is provided by TRIGID.

WHEREAS, general improvement districts are authorized under state law, NRS Chapter 318, to supply water and sanitary sewerage facilities to customers, and NRS 318.197 and 318.199 specify criteria to create rates, tolls, charges and services by a general improvement district for water and sewer service.

WHEREAS, on March 15, 2016 a Notice of Hearing and a Utility Rate Analysis Report dated March 10, 2016 ("Rate Study") prepared by Farr West Engineering, District Engineers for TRIGID, was mailed to all customers. Said Notice of Hearing and Rate Study are attached to this Resolution as Exhibit "A".

WHEREAS, the Rate Study analyzed revenue and expenditures of TRIGID and existing rates and charges of TRIGID to customers, in order to recommend proposed rates and charges that meet the future level of TRIGID expenditures.

WHEREAS, pursuant to NRS 318.199, a 30 days' notice of a public hearing by the TRIGID Board of Trustees (the "Board") on proposed rates and charges for water and sewer service, set for April 27, 2016 at 7:00 p.m. at the Storey County Administrative Center, 1705 Peru Drive, McCarran, Nevada 89434, was published in the Comstock Chronicle on March 18, 2016.

WHEREAS, on April 18, 2001 the Board adopted Resolution 2001-04 Establishing Rates, Tolls, Charges And Services For Water And Sewer Service By TRI General Improvement District, which approved the following:

- Rules, Regulations And Rates Of The TRI General Improvement District For Sewer Service

- Rules, Regulations And Rates Of The TRI General Improvement District For Water Service

These documents are referred to as the "Sewer Rules" and the "Water Rules", respectively, the provisions of which are incorporated into the Resolution by reference.

WHEREAS, an open public hearing on the adoption of amended rates and charges was held by the Board on April 27, 2016 at 7:00 p.m. within the District at the Storey County Administrative Center, located at 1705 Peru Drive, McCarran, Nevada 89434. The general public and TRIGID customers were given the opportunity to testify and comment, as well as to submit data, views or arguments orally or in writing at the hearing, whereupon the Board discussed and deliberated the proposed rates and charges.

WHEREAS, after discussion, upon motion made, seconded and unanimously approved, the Board made the following findings and passed the following resolutions.

Findings. The Board finds as follows.

1. Pursuant to NRS 318.197 and 318.199 the Board of Trustees of TRI General Improvement District may establish rates and charges for water and sewer service and may set new and changed rates and charges from time to time.
2. Pursuant to NRS 318.199(2) the Board caused the Notice of Hearing and the Rate Study proposing to change certain rates and charges for water and sewer service to be mailed by regular mail to all users (customers) of TRIGID more than 30 days prior to the scheduled hearing date.
3. Pursuant to NRS 318.199(3) notice was given by publication in a newspaper published in Storey County, the Comstock Chronicle, and said notice was not placed in that portion of the newspaper where legal notices and classified advertisements appear and the type used in the headline of the notice was not smaller than 18 point.
4. Pursuant to NRS 318.199(4), all users of water and sewer service in TRIGID were afforded a reasonable opportunity to submit data, views or arguments orally or in writing, both before the hearing set for 7:00 p.m. on April 27, 2016 and at said hearing.
5. The Board, having considered the Rate Study and all other data, views and arguments submitted, finds that in order for TRIGID to meet future obligations to provide water and sewer service and to pay expenditures of TRIGID to provide said services it is required that rates and charges be changed as proposed in the Rate Study.

6. Sections 4.1 of the Water Rules and the Sewer Rules provide that the Board may raise water and sewer rates when current rates are insufficient to pay all operating costs and the monthly rates proposed in the Rate Study raise rates to a level that are projected to cover all operating costs.

Resolutions: The Board therefore passes the following resolutions.

RESOLVED, that rates and charges specified below are the new and changed rates and charges of TRIGID.

Table of Monthly Meter Fees Based on Size and Monthly Usage Fees

Meter Size	Water Service	Sewer Service	Hydrant Service
3/4"	$ 19.49	$ 20.18	
1"	$ 34.62	$ 24.86	
1-1/2"	$ 59.64	$ 39.99	
2"	$ 90.10	$ 74.58	$ 55.22
4"	$ 266.15	$ 215.87	
6"	$ 518.48	$ 348.21	
8"	$ 820.98	$ 556.79	
10"	$ 1,430.40	$ 1,540.43	
Usage Per 1,000 gallons	$ 2.59	$ 1.98	$ 2.59

The revised industrial wastewater surcharge structure shall be based on the following equation:

$$\frac{\$}{1{,}000\ \text{gal}} = 1.98 + (BOD - 240) \times (0.0019334) + (TSS - 240) \times (0.0155) + (TKN - 40) \times (0.0097502)$$

BOD = 5 day Biological Oxygen Demand, mg/l
TSS = Total Suspended Solids, mg/l
TKN = Total Kjeldahl Nitrogen, mg/l

RESOLVED, that all rates and charges specified above shall increase by 5% per annum commencing on July 1, 2017 and continuing on July 1st of each subsequent year, unless the Board by subsequent resolution shall amend or change said rates or charges.

RESOLVED, that any rates, tolls, charges, services to be performed or products to be furnished which are currently in place other than the new and changed rates and charges established above remain unchanged.

RESOLVED, that the effective date of these resolutions shall be May 1, 2016.

MOTION MADE BY TRUSTEE KANG AND SECONDED BY TRUSTEE BARNES.

THOSE VOTING AYE: KANG, BARNES, THOMPSON

THOSE VOTING NAY: NONE

TRUSTEES OF THE TRI GENERAL IMPROVEMENT DISTRICT

By: _____
Kris Thompson, President

By: Robert M. Sader
Robert M. Sader, Secretary

RESOLUTION 2019-01 CHANGING CERTAIN RATES AND CHARGES FOR WATER AND SEWER SERVICE BY TRI GENERAL IMPROVEMENT DISTRICT

WHEREAS, Storey County (the "County") by and through the Board of County Commissioners (the "BCC"), approved on February 1, 2000 pursuant to Resolution 00-50 a service plan for the TRI General Improvement District ("TRIGID" or "District") within the County to supply electric power and space heating to customers. On the same date Ordinance No. 164 was passed by unanimous vote of the Board creating TRIGID.

WHEREAS, the County by and through the BCC approved on July 18, 2000 pursuant to Resolution 00-85 a service plan modification for TRIGID to supply water and sewer services to customers. On the same date Ordinance No. 171 passed by unanimous vote of the BCC to add basic powers of furnishing water service and sewer service.

WHEREAS, the Tahoe-Reno Industrial Center ("TRI Center") is an area planned by the Storey County Master Plan to be a large industrial business park located in the northern portion of the County, in which water and sewer service is provided by TRIGID.

WHEREAS, general improvement districts are authorized under state law, NRS Chapter 318, to supply water and sanitary sewerage facilities to customers, and NRS 318.197 and 318.199 specify criteria to create rates, tolls, charges and services by a general improvement district for water and sewer service.

WHEREAS, on September 27, 2019 and October 25, 2019 a Notice of Hearing and information on how to obtain a Utility Rate Analysis Report dated October 21, 2019 ("Rate Study") prepared by Farr West Engineering, District Engineers for TRIGID was made available to all customers. Said Notice of Hearing and Rate Study are attached to this Resolution as Exhibit "A".

WHEREAS, the Rate Study analyzed revenue and expenditures of TRIGID and existing rates and charges of TRIGID to customers, in order to recommend proposed rates and charges that meet the future level of TRIGID expenditures.

WHEREAS, pursuant to NRS 318.199, a 30 days' notice of a public hearing by the TRIGID Board of Trustees (the "Board") on proposed rates and charges for water and sewer service, set for November 4, 2019, 2016 at 2:00 p.m. at the Storey County Administrative Center, 1705 Peru Drive, McCarran, Nevada 89434, was published in the Comstock Chronicle on October 4, 2019.

WHEREAS, on April 18, 2001 the Board adopted Resolution 2001-04 Establishing Rates, Tolls, Charges And Services For Water And Sewer Service By TRI General Improvement District, which approved the following:

- Rules, Regulations And Rates Of The TRI General Improvement District For Sewer Service

- Rules, Regulations And Rates Of The TRI General Improvement District For Water Service

These documents are referred to as the "Sewer Rules" and the "Water Rules", respectively, the provisions of which are incorporated into the Resolution by reference.

WHEREAS, an open public hearing on the adoption of amended rates and charges was held by the Board on November 4, 2019 at 2:00 p.m. within the District at the Storey County Administrative Center, located at 1705 Peru Drive, McCarran, Nevada 89434. The general public and TRIGID customers were given the opportunity to testify and comment, as well as to submit data, views or arguments orally or in writing at the hearing, whereupon the Board discussed and deliberated the proposed rates and charges.

WHEREAS, after discussion, upon motion made, seconded and unanimously approved, the Board made the following findings and passed the following resolutions.

Findings. The Board finds as follows.

1. Pursuant to NRS 318.197 and 318.199 the Board of Trustees of TRI General Improvement District may establish rates and charges for water and sewer service and may set new and changed rates and charges from time to time.
2. Pursuant to NRS 318.199(2) the Board caused the Notice of Hearing to be mailed by regular mail to all users (customers) of TRIGID more than 30 days prior to the scheduled hearing date.
3. Pursuant to NRS 318.199(3) notice was given by publication in a newspaper published in Storey County, the Comstock Chronicle, and said notice was not placed in that portion of the newspaper where legal notices and classified advertisements appear and the type used in the headline of the notice was not smaller than 18 point.
4. Pursuant to NRS 318.199(4), all users of water and sewer service in TRIGID were afforded a reasonable opportunity to submit data, views or arguments orally or in writing, both before the hearing set for 2:00 p.m. on November 4, 2019 and at said hearing.
5. The Board, having considered the Rate Study and all other data, views and arguments submitted, finds that in order for TRIGID to meet future obligations to provide water and sewer service and to pay expenditures of TRIGID to provide said services it is required that rates and charges be changed as proposed in the Rate Study.
6. Sections 4.1 of the Water Rules and the Sewer Rules provide that the Board may raise water and sewer rates when current rates are insufficient to pay all operating costs and

the monthly rates proposed in the Rate Study raise rates to a level that are projected to cover all operating costs.

Resolutions: The Board therefore passes the following resolutions.

RESOLVED, that rates and charges specified below are the new and changed rates and charges of TRIGID.

Table of Monthly Meter Fees Based on Size and Monthly Usage Fees

Meter Size	Water Service	Sewer Service	Hydrant Service
3/4"	$26.51	$27.44	$75.10
1"	$47.08	$33.81	
1-1/2"	$81.11	$54.39	
2"	$122.54	$101.43	
4"	$361.96	$293.58	
6"	$705.13	$473.57	
8"	$1,116.53	$757.23	
10"	$1,945.34	$2,094.98	
Usage Per 1,000 Gallons	$3.52	$2.69	$3.52

The revised industrial wastewater surcharge structure shall be based on the following equation:

$$\frac{\$}{1000gal} 2.69 + (BOD - 240) \times (0.00263) + (TSS - 240) \times (0.00211) + (TKN - 40) \times (0.01326)$$

BOD = 5 day Biological Oxygen Demand, mg/l
TSS = Total Suspended Solids, mg/l
TKN = Total Kjeldahl Nitrogen, mg/l

RESOLVED, that any rates, tolls, charges, services to be performed or products to be furnished which are currently in place other than the new and changed rates and charges established above remain unchanged.

RESOLVED, that the effective date of these resolutions shall be November 4, 2019.

MOTION MADE BY J. Barnes AND SECONDED BY L. Armas.

THOSE VOTING AYE: J. Barnes, L. Armas, K. Thompson

THOSE VOTING NAY: none

TRUSTEES OF THE TRI GENERAL IMPROVEMENT DISTRICT

By: _____
Kris Thompson, President

SOURCE
Water Right Inventory

EXHIBIT B-4

UNDERGROUND WATER

Well No. or WR Name	Permit/ Application	Status	Cert.	Cubic Feet Second	Acre Feet	Reduced From	MoU	Combined Duty	Notes	Owner Name	PCW Dates	PBU Dates	Notes
	No.		No.	(cfs)	(AFA)	(AFA)		(AFA)			Date	Date	
31149	31149	CER	9673	0.11	3.36		OM			TRI General Improvement District			
31285	31285	CER	9655	0.05	2.24		OM			TRI General Improvement District			
Well 1	61778	PER		0.5	206.25		OM	2195.29	**Permits Nos. 61778, 62256, 62257, 62258, 62260, 62261, 62262, 65603, 67176 & 69299 and 86556 have a total combined amount of NOT TO EXCEED 2195.29 AFA**	TRI General Improvement District		7/26/2019	
WF-1	62256	PER		0.5	206.25		OM			TRI General Improvement District	7/26/2019	7/26/2019	
Coyote	62257	PER		0.5	206.25		OM			TRI General Improvement District	7/26/2019	7/26/2019	
Well 2	87183	Permit		0.5	206.25		OM			TRI General Improvement District	*Filed 11/2018*	11/28/2022	Moved #62258 from W-3b
Well 2	62260	PER		0.75	542.98		OM			TRI General Improvement District		7/26/2019	
Well 4	62261	PER		0.75	542.98		OM			TRI General Improvement District		7/26/2019	
Tiger	62262	PER		0.75	542.98		OM			TRI General Improvement District	7/26/2019	7/26/2019	
NEW Well	86556	PER		0.75	542.98		OM			TRI General Improvement District	2/16/2019	2/16/2020	moved #62263
Well 2	65603	CER	19656	0.01872	13.44		OM			TRI General Improvement District			
Well 3	67176	PER		1	240		MUN			TRI General Improvement District		7/26/2019	
Well 3	69299	CER	19574	0.044	31.85		MUN			TRI General Improvement District			
										TRI General Improvement District			
w-6	65061	PER		2.5	1000		OM	2740	**Permit Nos. 65061-65071, & 76754 for a combined amount of NOT TO EXCEED 2740.00 AFA**	TRI General Improvement District	3/21/2019	3/21/2021	
w-5a	65062	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	*See #84003(denied 2016)*
W-11	65063	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
W-10a	65064	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
w-9	65065	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
S Comstock	65066	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
Well 6	65067	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
N Comstock	65068	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
w-8	65069	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
w-7	65070	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
MW-Target Range	65071	PER		2.5	1000		OM			TRI General Improvement District	3/21/2019	3/21/2021	
Well 5	76754	PER		2.5	1000		OM			TRI General Improvement District		3/12/2023	
Well 5	79685	CER	21049	0.0067	2.11		OM		Smith 2010 - Permit No. 60770	TRI General Improvement District			
Well 2	80159	PER		0.076	55		OM		TMWA - Permit No. 60877	TRI General Improvement District		7/26/2021	
Well 4	81718	PER		1	180		MUN		Western 102 Ranch Limited	TRI General Improvement District (85 afa) - Western 102 Ranch (beneficial use of 95 afa) -		8/30/2019	

SOURCE
Water Right Inventory

Well 5	80304	**CER**	**21050**	0.0084	**2.63**		QM		Brian Smith 2010 - Permit No. 60770	TRI General Improvement District			
Granite Well	83083	PER		4.045	**32.575**		MUN	32.575	Granite Construction - Combined with 83084 for a total 32.575 afa	TRI General Improvement District	4/15/2019	4/15/2019	
	83084	PER					MUN		Granite Construction - Combined with 83083 for a total 32.575 afa	TRI General Improvement District	4/15/2019	4/15/2019	
Well 5	83085	**CER**	**21051**	0.158	**57.161**		MUN	57.161	Rock West - Combined with 83086 for a total 57.16 afa	TRI General Improvement District	*Filed Nov 2014*		
	83086	**CER**	**21052**				MUN		Rock West - Combined with 83085 for a total 57.16 afa	TRI General Improvement District	Filed Nov 2014		
Well 4	83299	PER		0.5	**9.1**		MUN		Peri Family 2013 - Permit 28864	TRI General Improvement District	*Filed May 2016*	5/6/2024	
Well 4	83300	PER		0.27	**11.3**		MUN		Peri Family 2013 - Permit 45313	TRI General Improvement District	*Filed May 2016*	5/6/2024	
Underground		**Total**			**5290.77**								

TRUCKEE RIVER WATER

Well No. or WR Name	Permit/ Application	Status	Cert.	Cubic Feet Second	Acre Feet	Reduced From	MoU	Combined Duty	Notes	Owner Name	PCW Dates	PBU Dates	Notes
TR	61886	PER		0.096	28.29		MUN		Fox June 2016 - TR Claim 346/347	TRI General Improvement District		1/16/2019	
TR	64368	PER		1.265	192.22		MUN		Hilton/Caesars	TRI General Improvement District		4/27/2019	
TR	65134	PER		1.298	45.14		Mun/Dom		TMWA Aug 2016 - TR Claim 311	TRI General Improvement District		9/24/2019	
TR	66589	PER		1.298	86.03		Mun/Dom		TMWA March 2015 - Permit 25915	TRI General Improvement District		5/26/2019	
TR	67467	PER		0.392	128.38		Mun/Dom		TMWA January 2017	TRI General Improvement District		8/18/2019	
TR	68273	PER		0.3616	118.46		MUN		TMWA Jan 2017	TRI General Improvement District		9/14/2019	State has TRI as owner
TR	72776	PER		0.157	40		Mun/Dom		Besso March 2015 TR Claim 50 & 50a	TRI General Improvement District		4/1/2019	
TR	73529	PER			32.43		MUN		CP Logistic Oct 2016	TRI General Improvement District		10/7/2019	
TR	73061	PER		0.346	58.52		MUN		Judson Trust/Miller	TRI General Improvement District		4/10/2019	
TR	73711	PER		0.0164	14.51		MUN			TRI General Improvement District		12/20/2018	State has TRI as owner
TR	74330	PER		0.106	17.76		MUN			TRI General Improvement District		11/20/2019	State has TRI as owner
TR	74908	PER		0.029	8.6		Mun/Dom		Campbell Const TR Claim 337	TRI General Improvement District		4/6/2019	
TR	75029	PER		0.0656	13.51		MUN			TRI General Improvement District		4/26/2019	State has TRI as owner
TR	76790	PER		0.0474	18.73		MUN		Nevada(S Virginia Ave)	TRI General Improvement District		7/17/2019	
TR	80230	PER		0.178	22.76		MUN		TR Claim 634 - TMWA Area	TRI General Improvement District		7/26/2021	
IW-1	85507	PER		3.1439	634.6	898.73	Mun/Ind		Moved 82927 from Reno Land & Water (Kiley) TR Claim 346/347	TRI General Improvement District	10/26/2019	10/26/2021	

-XX-

SOURCE
Water Right Inventory

Induct Well	83254	PER		1.1539	74.625	**110**	MUN		Annapurna Capital Partners 2010 - Permit 25915	TRI General Improvement District	7/24/2019	7/24/2019	
Induct Well	83296	PER		0.0033	0.47	**0.75**	MUN		Big Canyon Ranch 2013 Permit 65580	TRI General Improvement District	7/24/2019	7/24/2019	
Induct Well	83297	PER		0.001	0.125	**0.2**	MUN		Big Canyon Ranch 2013 Permit 65581, 83298	TRI General Improvement District	7/24/2019	7/24/2019	
IW-1	85505	PER		0.089	23.75	**38**	MUN		Big Canyon Ranch 2013 Permit 65582	TRI General Improvement District	4/21/2019	4/21/2021	
Induct Well	84004	PER		0.099	16.79	**26.86**	MUN		Collinsworth June 2014 - Permit 81394	TRI General Improvement District	10/10/2019	10/10/2019	
Induct Well	84005	PER		0.016	1.88	**3**	MUN		Lee Radcot June 2014 - Permit 77977	TRI General Improvement District	10/10/2019	10/10/2019	
Induct Well	84006	PER		0.0252	1.42	**2.55**	MUN		TMWA June 2014 - Permit 73529	TRI General Improvement District	10/10/2018	10/10/2019	
TR	81144	PER		0.0131	9.52		MUN			TRI General Improvement District		3/21/2022	State has TRI as owner
Induct Well	81246	PER		0.0923	21.13	30.42	MUN		TMWA 2013 - Permit 63620	TRI General Improvement District	12/27/2018	12/27/2018	
Induct Well	81247	PER		0.0081	0.78	1.25	MUN		Sterling Builders 2014 - TR 294/295	TRI General Improvement District	12/27/2018	12/27/2018	
Induct Well	81248	PER		0.1228	*16.03*	*29.88*	MUN		TMWA 2014 - Permits 63622, 71740 71741	TRI General Improvement District	12/27/2018	12/27/2018	
Induct Well	82338	PER		0.347	36.38	58.19	MUN		TMWA 2012 - Permit 62287	TRI General Improvement District	12/27/2018	12/27/2018	
TR	85734	PER			24.06		MUN		CFCP, LLC	TRI General Improvement District		8/12/2026	Title to State May 2018
TR	88033	PER			95.26		MUN		Rancharrah Holdings	TRI General Improvement District	10/29/2019	10/29/2023	Title to State Oct 2018
TR	Claim 623	Decree		1.33	6		DEC		Scott Family June 2016	TRI General Improvement District			
TR	Claim 271	Decree			23.6		DEC		Canton Properties October 2014	TRI General Improvement District			
TR	Claim 272	Decree			24.96		DEC		Canton Properties October 2014	TRI General Improvement District			
TR	Claim 207/208.5	Decree			352.609		DEC		Middlefork (Ranchharrah)	TRI General Improvement District			
TR	Claim 207	Decree			45.349		DEC		Merchant & Water Co	TRI General Improvement District			Purchased June 2018
TR	Claim 207	Decree			19.453		DEC		Rancharrah Holdings	TRI General Improvement District			Purchased Oct 2018
TR	Claim 208.5	Decree			48.89		DEC		Rancharrah Commer	TRI General Improvement District			Purchased Aug 2018
TR	Claim 47	Decree			250		DEC		Reno Land & Dev April 2016	TRI General Improvement District			
TR	Claim 17, 31,33,46,47,49,48,94	Decree			501		DEC		Reno Land & Dev April 2015	TRI General Improvement District			Claim 46 has not been updated at State Engineers
(TR) Truckee River Surface Water Total					**3054.02**								

STEAMBOAT and THOMAS CREEK

Claim 680, 681,682, 683	80855	PER			**82.38**		Instream Flow		Barbara Reed October 2014	TRI General Improvement District	*Filed April 2016*	3/30/2019	100% above gauge 100.77 sold in June 2018 #4827067
Claim 709 and 710	72371	PER			**9.6**		Instream Flow		Campbell Const	TRI General Improvement District		4/27/2019	92% / 49%

SOURCE
Water Right Inventory

Claim 680, 681,682, 683	70925	PER			160		Instream Flow		Western Supply Co.	TRI General Improvement District		10/23/2019	100% above gauge
Claim 685/686	86044	PER			17.96		Instream Flow		RT Merchant Christopher Mitchell	TRI General Improvement District	9/8/2018	9/8/2019	100% above gauge
Claim 685,686, 660,663	Steamboat Creek	Decreed			19.67		DEC		Togiallili March 2015	TRI General Improvement District			100% above gauge
Claim 685,686, 660,663	Steamboat Creek	Decreed			11.87		DEC		Miles May 2015	TRI General Improvement District			100% above gauge
Creek Rights		Total			301.48								

STORAGE

Storage	80480	PER			15		STO		Permit No 63620	TRI General Improvement District	11/28/2019	11/28/2019	

EFFLUENT

Effluent	66604	PER			4480		STO			TRI General Improvement District			
	66604 S01	PER					IRR			TRI General Improvement District		3/27/2019	PBU & Map =3/27/2019
	66604 S02	PER					COM			TRI General Improvement District		3/27/2019	

SPRING and VESTED

Well No. or WR Name	Permit/ Application	Status	Cert.	Cubic Feet Second	Acre Feet	Reduced From	MoU	Combined Duty	Notes	Owner Name	PCW Dates	PBU Dates	Notes
STK	29231	CER	9651	0.0062	4.48		STK			TRI General Improvement District			
STK	39061	CER	10930	0.00223			STK			TRI Water & Sewer Company			
STK	V04869	VST		0.1	72.4		STK		Dayton Basin 103	TRI Water & Sewer Company			
STK	V04870	VST		0.1	72.4		STK		Dayton Basin 103	TRI Water & Sewer Company			
STK	V04871	VST		0.1	72.4		STK		Dayton Basin 103	TRI Water & Sewer Company			
STK	V04872	VST		0.1	72.4		STK		Dayton Basin 103	TRI Water & Sewer Company			
STK	V04873	VST		0.1	72.4		STK		Dayton Basin 103	TRI Water & Sewer Company			
STK	V04874	VST		0.1	72.4		STK		Dayton Basin 103	TRI Water & Sewer Company			
STK	V04875	VST		0.1	72.4		STK		Dayton Basin 103	TRI Water & Sewer Company			
STK	V04876	VST		0.1	72.4		STK		Dayton Basin 103	TRI Water & Sewer Company			
STK	V05857	VST		0.1	72.4		STK		Basin 083	TRI Water & Sewer Company			

PROTESTED Applications to Appropriate

Well No. or WR Name	Permit/ Application	Status	Cert.	Cubic Feet Second	Acre Feet	Reduced From	MoU	Combined Duty	Notes	Owner Name	PCW Dates	PBU Dates	Notes
99-1	81524	APP		2.5	1000		QM		*Once #81524-81532 are Permitted terms will state*	TRI General Improvement District			Filed January 27, 2012 - PROTESTED
S Comstock	81525	APP		2.5	1000		QM		*the amount of combined duty.*	TRI General Improvement District			Filed January 27, 2012 - PROTESTED
w-7	81526	APP		2.5	1000		QM		" "	TRI General Improvement District			Filed January 27, 2012 - PROTESTED

SOURCE
Water Right Inventory

W-11	81527	APP		**2.5**	**1000**		QM		" "	TRI General Improvement District			Filed January 27, 2012 - PROTESTED
MW-Target Range	81528	APP		**2.5**	**1000**		QM		" "	TRI General Improvement District			Filed January 27, 2012 - PROTESTED
w-5a	81529	APP		**2.5**	**1000**		QM		" "	TRI General Improvement District			Filed January 27, 2012 - PROTESTED
w-8	81530	APP		**2.5**	**1000**		QM		" "	TRI General Improvement District			Filed January 27, 2012 - PROTESTED
w-6	81531	APP		**2.5**	**1000**		QM		" "	TRI General Improvement District			Filed January 27, 2012 - PROTESTED
Well 6	81532	APP		**2.5**	**1000**		QM		" "	TRI General Improvement District			Filed January 27, 2012 - PROTESTED

ATTACHMENT

UNDERGROUND WATER

Well No. or WR Name	Permit/ Application	Status	Cert.	Cubic Feet Second	Acre Feet	Reduced From	MoU	Combined Duty	Notes	Owner Name	PCW Dates	PBU Dates	Notes
	No.		No.	(cfs)	(AFA)	(AFA)		(AFA)			Date	Date	
31149	31149	**CER**	**9673**	0.11	**3.36**		QM			TRI General Improvement District			
31285	31285	**CER**	**9655**	0.05	**2.24**		QM			TRI General Improvement District			
Well 1	61778	PER		0.5	**206.25**		QM	2195.29	**Permits Nos. 61778, 62256, 62257, 62258, 62260, 62261, 62262, 65603, 67176 & 69299 and 86556 have a total combined amount of NOT TO EXCEED 2195.29 AFA**	TRI General Improvement District		7/26/2020	
WF-1	62256	PER		0.5	**206.25**		QM			TRI General Improvement District	7/26/2020	7/26/2020	
Coyote	62257	PER		0.5	**206.25**		QM			TRI General Improvement District	7/26/2020	7/26/2020	
Well 2	**87183**	**Permit**		0.5	**206.25**		QM			TRI General Improvement District	*Filed 11/2018*	11/28/2022	Moved #62258 from W-3b
Well 2	62260	PER		0.75	**542.98**		QM			TRI General Improvement District		7/26/2020	
Well 4	62261	PER		0.75	**542.98**		QM			TRI General Improvement District		7/26/2020	
Tiger	62262	PER		0.75	**542.98**		QM			TRI General Improvement District	7/26/2020	7/26/2020	
NEW Well	86556	PER		0.75	**542.98**		QM			TRI General Improvement District	2/16/2020	2/16/2020	moved #62263
Well 2	65603	**CER**	**19656**	0.01872	**13.44**		QM			TRI General Improvement District			
Well 3	67176	PER		1	**240**		MUN			TRI General Improvement District		7/26/2020	
Well 3	69299	**CER**	**19574**	0.044	**31.85**		MUN			TRI General Improvement District			
w-6	65061	PER		2.5	**1000**		QM	2740	**Permit Nos. 65061-65071, & 76754 for a combined amount of NOT TO EXCEED 2740.00 AFA**	TRI General Improvement District	3/21/2020	3/21/2021	
w-5a	65062	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	*See #84003(denied 2016)*
W-11	65063	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
W-10a	65064	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
w-9	65065	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
S Comstock	65066	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
Well 6	65067	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
N Comstock	65068	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
w-8	65069	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
w-7	65070	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
MW-Target Range	65071	PER		2.5	**1000**		QM			TRI General Improvement District	3/21/2020	3/21/2021	
Well 5	76754	PER		2.5	**1000**		QM			TRI General Improvement District		3/12/2023	
Well 5	79685	**CER**	21049	0.0067	**2.11**		QM		Smith 2010 - Permit No. 60770	TRI General Improvement District			

Well 2	80159	PER		0.076	**55**		QM		TMWA - Permit No. 60877	TRI General Improvement District		7/26/2021	
Well 4	81718	PER		1	**180**		MUN		Western 102 Ranch Limited	TRI General Improvement District (85 afa) - Western 102 Ranch (beneficial use of 95 afa) -		8/30/2020	
Well 5	80304	**CER**	**21050**	0.0084	**2.63**		QM		Brian Smith 2010 - Permit No. 60770	TRI General Improvement District			
Granite Well	83083	PER		4.045	**32.575**		MUN	32.575	Granite Construction - Combined with 83084 for a total 32.575 afa	TRI General Improvement District	4/15/2021	4/15/2021	
	83084	PER					MUN		Granite Construction - Combined with 83083 for a total 32.575 afa	TRI General Improvement District	4/15/2021	4/15/2021	
Well 5	83085	**CER**	**21051**	0.158	**57.161**		MUN	57.161	Rock West - Combined with 83086 for a total 57.16 afa	TRI General Improvement District	*Filed Nov 2014*		
	83086	**CER**	**21052**				MUN		Rock West - Combined with 83085 for a total 57.16 afa	TRI General Improvement District	Filed Nov 2014		
Well 4	83299	PER		0.5	**9.1**		MUN		Peri Family 2013 - Permit 28864	TRI General Improvement District	*Filed May 2016*	5/6/2024	
Well 4	83300	PER		0.27	**11.3**		MUN		Peri Family 2013 - Permit 45313	TRI General Improvement District	*Filed May 2016*	5/6/2024	
Underground		**Total**			**5290.765**								

TRUCKEE RIVER WATER

Well No. or WR Name	Permit/ Application	Status	Cert.	Cubic Feet Second	Acre Feet	Reduced From	MoU	Combined Duty	Notes	Owner Name	PCW Dates	PBU Dates	Notes
TR	61886	PER		0.096	28.29		MUN		Fox June 2016 - TR Claim 346/347	TRI General Improvement District		1/16/2021	
TR	64368	PER		1.265	192.22		MUN		Hilton/Caesars	TRI General Improvement District		4/27/2021	
TR	65134	PER		1.298	45.14		Mun/Dom		TMWA Aug 2016 - TR Claim 311	TRI General Improvement District		9/24/2020	
TR	66589	PER		1.298	86.03		Mun/Dom		TMWA March 2015 - Permit 25915	TRI General Improvement District		5/26/2020	
TR	67467	PER		0.392	128.38		Mun/Dom		TMWA January 2017	TRI General Improvement District		8/18/2020	
TR	68273	PER		0.3616	118.46		MUN		TMWA Jan 2017	TRI General Improvement District		9/14/2020	
TR	70875	PER			299.14		MUN		Vidler June 2019	TRI General Improvement District		8/14/2023	Purchased June 2019 to SE June 2019
TR	72776	PER		0.226	40		Mun/Dom		Besso March 2015 TR Claim 50 & 50a	TRI General Improvement District		4/1/2021	
TR	73529	PER			32.43		MUN		CP Logistic Oct 2016	TRI General Improvement District		10/7/2020	
TR	73061	PER		0.346	58.52		MUN		Judson Trust/Miller	TRI General Improvement District		4/10/2021	
TR	73711	PER		0.0164	14.51		MUN			TRI General Improvement District		12/20/2020	
TR	74330	PER		0.106	17.76		MUN			TRI General Improvement District		11/20/2020	
TR	74908	PER		0.029	8.6		Mun/Dom		Campbell Const. TR Claim 337	TRI General Improvement District		4/6/2021	
TR	75029	PER		0.0656	13.51		MUN			TRI General Improvement District		4/26/2021	
TR	76790	PER		0.38	18.73		MUN		Nevada(S Virginia Ave)	TRI General Improvement District		7/17/2020	
TR	80230	PER		0.178	22.76		MUN		TR Claim 634 - TMWA Area	TRI General Improvement District		7/26/2021	
IW-1	85507	PER		3.1439	634.6	898.73	Mun/Ind		Moved 82927 from Reno Land & Water (Kiley) TR Claim 346/347	TRI General Improvement District	10/26/2020	10/26/2021	
Induct Well	83254	PER		1.1539	74.625	**110**	MUN		Annapurna Capital Partners 2010 - Permit 25915	TRI General Improvement District	7/24/2020	7/24/2020	
Induct Well	83296	PER		0.0033	0.47	**0.75**	MUN		Big Canyon Ranch 2013 Permit 65580	TRI General Improvement District	7/24/2020	7/24/2020	

Induct Well	83297	PER		0.001	0.125	**0.2**	MUN		Big Canyon Ranch 2013 Permit 65581, 83298	TRI General Improvement District	7/24/2020	7/24/2020	
IW-1	85505	PER		0.089	23.75	**38**	MUN		Big Canyon Ranch 2013 Permit 65582	TRI General Improvement District	4/21/2021	4/21/2021	
Induct Well	84004	PER		0.099	16.79	**26.86**	MUN		Collinsworth June 2014 - Permit 81394	TRI General Improvement District	10/10/2020	10/10/2020	
Induct Well	84005	PER		0.016	1.88	**3**	MUN		Lee Racicot June 2014 - Permit 77977	TRI General Improvement District	10/10/2020	10/10/2020	
Induct Well	84006	PER		0.0252	1.42	**2.55**	MUN		TMWA June 2014 - Permit 73529	TRI General Improvement District	10/10/2020	10/10/2020	
TR	81144	PER		0.0133	9.52		MUN			TRI General Improvement District		3/21/2022	
Induct Well	81246	PER		0.0923	21.13	30.42	MUN		TMWA 2013 - Permit 63620	TRI General Improvement District	12/27/2019	12/27/2020	
Induct Well	81247	PER		0.0081	0.78	1.25	MUN		Sterling Builders 2014 - TR 294/295	TRI General Improvement District	12/27/2020	12/27/2020	
Induct Well	81248	PER		*0.1228*	*16.03*	*29.88*	MUN		TMWA 2014 - Permits 63622, 71740 71741	TRI General Improvement District	12/27/2020	12/27/2020	
Induct Well	82338	PER		*0.347*	36.38	58.19	MUN		TMWA 2012 - Permit 62287	TRI General Improvement District	12/27/2020	12/27/2020	
TR	85734	PER			24.06		MUN		CFCP, LLC	TRI General Improvement District		8/12/2026	Title to State May 2018
TR	88033	PER			95.26		MUN		Rancharrah Holdings	TRI General Improvement District	10/29/2020	10/29/2023	Title to State Oct 2018
TR	Claim 76/76a	Decree			10		DEC		US Geomatics	TRI General Improvement District			Purchased June 2019 to SE June 2019
TR	Claim 623	Decree		*1.33*	6		DEC		Scott Family June 2016	TRI General Improvement District			
TR	Claim 271	Decree			23.6		DEC		Canton Properties October 2014	TRI General Improvement District			

TR	Claim 272	Decree			24.96		DEC		Canton Properties October 2014	TRI General Improvement District			
TR	Claim 207/208.5	Decree			352.609		DEC		Middlefork (Ranchharrah)	TRI General Improvement District			
TR	Claim 208.5	Decree			8		DEC		US Geomatics	TRI General Improvement District			Purchased June 2019 to SE June 2019
TR	Claim 207	Decree			45.349		DEC		Merchant & Water Co	TRI General Improvement District			Purchased June 2018
TR	Claim 207	Decree			19.453		DEC		Rancharrah Holdings	TRI General Improvement District			Purchased Oct 2018
TR	Claim 208.5	Decree			48.89		DEC		Rancharrah Commer	TRI General Improvement District			Purchased Aug 2018
TR	Claim 47	Decree			250		DEC		Reno Land & Dev. April 2016	TRI General Improvement District			
TR	Claim 46	Decree			14.265		DEC		Barbara Iler April 2019	TRI General Improvement District			
TR	Claim 17, 31,33,46,47,49,48,94	Decree			485.09		DEC		Reno Land & Dev. April 2015	TRI General Improvement District			Claim 46 was short by 15.29 afa (working with RLD)
TR	Claim 19	Decree			16		DEC		US Geomatics	TRI General Improvement District			Purchased June 2019 To SE June 2019
TR	Claim 147	Decree			3.04		DEC		US Geomatics	TRI General Improvement District			Purchased June 2019 To SE June 2019
TR	Claim 477	Decree			3.33		DEC		US Geomatics	TRI General Improvement District			Purchased June 2019 To SE June 2019
TR	Claim 191	Decree			2.51		DEC		TMWA June 2019 - TR Claim 1941	TRI General Improvement District			July 2020 Permit No. 63620 but was cancelled back to Decreed Place of Use
						1199.83							

(TR) Truckee River Surface Water Total **3391.886**

STEAMBOAT and THOMAS CREEK

Claim 680,681,682,683	80855	PER			**28.6142**		Instream Flow		Barbara Reed October 2014	TRI General Improvement District	*Filed April 2016*	3/30/2021	100% above gauge 53.7658 sold in June 2019 100.77 sold in June 2018 #4827067
Claim 709 and 710	72371	PER			**9.6**		Instream Flow		Campbell Const	TRI General Improvement District		4/27/2021	92% / 49%
Claim 680,681,682,683	70925	PER			**160**		Instream Flow		Western Supply Co.	TRI General Improvement District		10/23/2020	100% above gauge
Claim 685/686	86044	PER			**17.96**		Instream Flow		RT Merchant Christopher Mitchell	TRI General Improvement District	9/8/2020	9/8/2020	100% above gauge
Claim 685,686,660,663	Steamboat Creek	Decreed			**19.67**		DEC		Togialliti March 2015	TRI General Improvement District			100% above gauge
Claim 685,686,660,663	Steamboat Creek	Decreed			**11.87**		DEC		Miles May 2015	TRI General Improvement District			100% above gauge
Creek Rights		Total			**247.7142**								

Attachment B-5

TRIGID WATER RIGHTS BUDGETS

Water Rights Commitments for Process Water		Water Rights for Domestic Use
Entity	A.F.	A.F.
Reno Supernap, LLC	3,330	
Silver Slate, LLC	2,500	
Tesla, Inc.	1,600	
Blockchains, LLC	1,800	
Emerald City Empire, LLC	510	
Comstock TRIC Associates, LLC	200	
Ryze Renewables, LLC	60	
	10,000	2,290*

* Includes ~~549.5~~655.3269 a.f. allocated to Prior High Use Water Customers using potable water system. The balance of ~~1740.5~~1634.6731 a.f. is reserved for domestic uses of customers.

HIGH WATER USERS ON POTABLE WATER SYSTEM

Entity	A.F. (over domestic use)
Hardie	265
Fulcrum	155
Cemex	10
PPG	13
Ardagh	34
PetSmart	10
Reno Land & Water	30
Marriot	15
Nevada Express Corp.	~~17.5~~18
Fady Mehanna	3
Denmark and Venice No. 1 LLC	30
Thanh van Hoge Trust	~~549.~~5

Lima Land Co. LLC	9
MRB Realty	2
Edgewater Investments	21
Can and Company	20
Sparks Hotels, LLC	14
Beauregard Ventures	.1469
Cedar Sage	1.18
	655.3269

MASTER PROCESS WATER PROJECT LIST

Item	TMWRF Pipeline Projects - Off Site	Design	Construction Management	Construction	Other	Contingency	Total
1	TMWRF Pump Station	$ 550,000	$ 501,818	$ 4,442,007		$ -	$ 5,493,825
2	TMWRF Off Site Pipeline	$ 1,259,411	$ 1,008,113	$ 23,555,613	$ 2,608,000	$ 2,000,000[1]	$ 30,431,137
						Total Off-site Improvements:	**$ 35,924,962**

Item	Phase 1 On-Site Projects						
1	Induction Well 1 & 2 and Pipeline to Reservoi	$ 239,000	$ 209,000	$ 2,400,000[2]		$ 360,000	$ 3,208,000
2	Well 2 Treatment Plant	$ 210,581	$ 20,000	$ 1,000,000	$ -		$ 1,230,581
3	Storage Reservoir Upgrades	$ 613,646	$ 608,470	$ 13,286,500			$ 14,508,616
4-a	Reservoir Pump Station[4]	$ 258,295	$ 193,721	$ 2,807,557		$ 421,134	$ 3,680,707
4-b	Reservoir Booster Pump Station	$ 344,279	$ 258,209	$ 3,742,163		$ 561,324	$ 4,905,976
4-c	Blending Tank[4]	$ 155,960	$ 116,970	$ 1,695,217		$ 254,283	$ 2,222,429
4-d	Reservoir Transmission Main	$ 545,891	$ 409,419	$ 5,933,603		$ 890,040	$ 7,778,954
5	3MG Peru Tank	$ 22,141	$ 9,332	$ 1,700,000	$ -		$ 1,731,473
6-a	Well 07	$ 145,000	$ -	$ 1,091,421	$ 500,000		$ 1,736,421
6-b	Well 08	$ 145,000	$ -	$ 663,801	$ 500,000		$ 1,308,801
6-c	Well 09	$ 125,000	$ 144,000	$ 1,100,000	$ 500,000	$ 300,000[3]	$ 2,169,000
7	On-Site TMWRF Pipeline	$ 235,822	$ 188,767	$ 4,412,718	$ 0		$ 4,837,307
						Total On-site Improvements:	**$ 49,318,264**

Total of All Projects: $ 85,243,226

Footnotes:

1 Includes estimate of new alignment costs, litigation expenses and increased right-of-way costs

2 Includes estimate of induction well drilling costs

3 Assumes three exploratory wells at $100,000 each

4 May be built by others, not the Master Developer

Attachment D-1

TRI GENERAL IMPROVEMENT DISTRICT

FINANCIAL STATEMENTS

JUNE 30, 2017

TRI GENERAL IMPROVEMENT DISTRICT

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JUNE 30, 2017

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Kohn & Company LLP

CERTIFIED PUBLIC ACCOUNTANTS

INDEPENDENT AUDITORS' REPORT

To the Board of Trustees of the
TRI General Improvement District

Report on Financial Statements

We have audited the accompanying financial statements of the business-type activities of TRI General Improvement District (the "District") as of and for the year ended June 30, 2017, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects the business-type activities of the District, as of June 30, 2017, and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Management has omitted the management discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

5310 Kietzke Lane, Suite 101, Reno, Nevada 89511 · 775-828-7300 · Fax: 775-828-7305

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the District's basic financial statements. The budgetary information is presented for purposes of additional analysis and is not a required prat of the basic financial statements.

The budgetary information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the budgetary information is fairly stated in all material respects in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 29, 2017, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Kohn & Company LLP

Reno, Nevada
November 29, 2017

TRI GENERAL IMPROVEMENT DISTRICT
STATEMENT OF NET POSITION
JUNE 30, 2017

ASSETS		
CURRENT ASSETS		
Cash	$	1,937,072
Accounts receivable		153,362
Prepaid insurance		43,748
Total current assets		2,134,182
NONCURRENT ASSETS		
Capital assets		
Property and equipment, net of accumulated depreciation of $1,110,808		1,852,746
Total assets		3,986,928
LIABILITIES		
CURRENT LIABILITIES		
Accounts payable		50,659
NET POSITION		
Invested in capital assets		1,852,746
Unrestricted		
Designated for major repairs and replacements		1,607,899
Undesignated		475,624
Total net position	$	3,936,269

See accompanying notes

TRI GENERAL IMPROVEMENT DISTRICT
STATEMENT OF REVENUE, EXPENSES, AND CHANGES IN NET POSITION
FOR THE YEAR ENDED JUNE 30, 2017

OPERATING REVENUE		
Charges for water services	$	1,191,707
OPERATING EXPENSES		
Accounting and legal		52,390
Automobile		2,032
Chemicals		29,432
Contracted labor and benefits		47,359
Depreciation		99,453
Engineering and fees		63,907
Insurance		51,992
Licenses and permits		20,629
Repairs, maintenance and supplies		168,025
Outside technical utility services		119,214
Office		25,414
Telephone		1,272
Utilities		217,601
Total operating expenses		898,720
Operating income		292,987
NONOPERATING REVENUE		
Investment income		4,327
Income before capital contributions		297,314
CAPITAL CONTRIBUTIONS		
Connection fees		360,320
Change in net position		657,634
TOTAL NET POSITION, July 1		3,278,635
TOTAL NET POSITION, June 30	$	3,936,269

See accompanying notes

TRI GENERAL IMPROVEMENT DISTRICT
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED JUNE 30, 2017

CASH FLOWS FROM OPERATING ACTIVITIES	
Receipts from customers	$ 1,147,457
Payments to suppliers	(759,037)
Payments to employees and related taxes and benefits	(47,359)
Net cash flows from operating activities	341,061
CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES	
Investment income	4,327
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES	
Connection fees	360,320
Acquisition of capital assets	(45,428)
Net cash flows from capital and related financing activities	314,892
NET CHANGE IN CASH	660,280
CASH, July 1	1,276,792
CASH, June 30	$ 1,937,072
RECONCILIATION OF OPERATING INCOME TO NET CASH FLOWS FROM OPERATING ACTIVITIES	
Operating income	$ 292,987
Adjustments to reconcile operating income to net cash flows from operating activities	
Depreciation	99,453
Change in current assets and liabilities	
(Increase) decrease in:	
Accounts receivable, net	(44,250)
Prepaid insurance	6,218
Accounts payable	(13,347)
Net cash flows from operating activities	$ 341,061
SUMMARY OF NONCASH INVESTING AND FINANCING ACTIVITIES	
None	$ -

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See accompanying notes

NOTES TO FINANCIAL STATEMENTS

TRI GENERAL IMPROVEMENT DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2017

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The TRI General Improvement District (District) was formed in 2000. The District has been charged with the responsibility of providing water and sewer services for the land owners of the Tahoe-Reno Industrial Center located in Storey County, Nevada. The District is governed by a Board of Trustees that is elected by the District taxpayers. In addition, the District is required to abide by regulations established by Storey County and the State of Nevada.

The financial statements have been prepared in accordance with U.S. generally accepted accounting principles as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

The District has no component units that are required to be combined in the financial statements.

Measurement Focus, Basis of Accounting and Basis of Presentation

The District's financial activities are accounted for in a proprietary fund, specifically, an enterprise fund. An enterprise fund accounts for operations that are financed and operated in a manner similar to those found in the private business sector, where the costs of providing goods or services to the general public on a continuing basis are recovered primarily through user charges.

GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*, requires the Board to apply all applicable GASB pronouncements and, unless they conflict with or contradict GASB pronouncements all Financial Accounting Standards Board (FASB) Statements and Interpretations, Accounting Principles Board Opinions, and Accounting Research Bulletins issued on or before November 30, 1989. Accordingly, the District has not applied FASB pronouncements issued after that date.

The District maintains its accounting records on the accrual basis of accounting wherein revenues are recognized when earned and become measurable, and expenses are recognized when incurred. All assets and liabilities associated with the operations are included on the statement of net position. Net position is segregated into invested in capital assets and unrestricted components.

Proprietary funds distinguish operating revenue and expenses from nonoperating items. Operating revenue and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenue of the enterprise fund is comprised of charges to customers for services. Operating expenses for enterprise funds include the cost of services, administrative expense, and depreciation on capital assets. All revenue and expenses not meeting this definition are reported as nonoperating revenue and expenses.

Budgets and Budgetary Accounting

The District adheres to the Local Government Budget Act incorporated within Statutes of the State of Nevada. These Statutes provide for the preparation, filing, notice, public hearing, and adoption in connection with the budgetary process for Nevada local governments. Budgets are adopted on a basis consistent with generally accepted accounting principles. Budget amendments must be approved by the Board of Trustees. All annual appropriations lapse at year-end.

On or before April 15, the Board of Trustees files a tentative budget with the Nevada Department of Taxation. Public hearings on the tentative budget are held and a final budget must be prepared and adopted no later than June 1.

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TRI GENERAL IMPROVEMENT DISTRICT
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2017

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Cash and Cash Equivalents

For the purposes of the statement of cash flows, cash equivalents are defined as short-term highly liquid investments, generally with original maturities of three months or less. The District does not have any investments that are considered to be cash equivalents at June 30, 2017.

Cash is maintained in one commercial bank in Reno, Nevada. The funds are deposited in a commercial bank that participates in the state collateral pool program and thereby secures all cash and cash equivalents deposited with the bank. Therefore, the District does not need to have a deposit policy related to custodial credit risk.

Accounts Receivable

Accounts receivable is comprised of monthly water and sewer meter fees. The District has not established an allowance for doubtful accounts as it believes all accounts are collectible at June 30, 2017.

Capital Assets

Property and equipment with a cost of $1,000 or more and a life greater than one year are capitalized and are stated at cost. Depreciation is computed using the straight-line method for all assets over the estimated useful lives of the assets, which range from five to forty years.

The cost of maintenance and repairs is charged to expense as incurred. Significant renewals and betterments are capitalized.

When assets are retired or otherwise disposed of, the cost and related accumulated depreciation are removed from the accounts, and any resulting gain or loss is recognized in income for the period.

Equity Classifications

Equity is classified as net position and displayed in two components:

- Invested in capital assets – consists of capital assets, net of accumulated depreciation.
- Unrestricted net position – consists of amounts designated for major repairs and replacements and all other net position that do not meet the definition of "invested in capital assets."

The District has obtained a reserve study that is updated periodically to ensure there are adequate designated reserves on hand to meet future repair and replacement requirements. As of June 30, 2017, the District's unaudited theoretical reserve balance is approximately $2,385,000. The District has $1,607,899 designated cash reserves at June 30, 2017.

Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results may differ from those estimates.

Subsequent Events

Subsequent events have been evaluated through November 29, 2017, which represents the date the financial statements were available to be issued. Subsequent events after that date have not been evaluated.

NOTE 2 - COMPLIANCE WITH NEVADA REVISED STATUTES AND THE NEVADA ADMINISTRATIVE CODE

The District conformed to all significant statutory constraints on its financial administration during the year.

TRI GENERAL IMPROVEMENT DISTRICT
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2017

NOTE 3 - CONCENTRATION OF CREDIT RISK

The District's bank accounts are insured by the Federal Deposit Insurance Corporation (FDIC) up to $250,000 in the aggregate. Excess balances are collateralized in the state collateral pool by First Independent Bank.

NOTE 4 - CAPITAL ASSETS

Capital asset activity consists of the following for the year ended June 30, 2017:

	June 30, 2016	Additions	Disposals	June 30, 2017
Capital assets, not being depreciated:				
Land	$ 215,314	$ -	$ -	$ 215,314
Water rights	9,510	-	-	9,510
Capital assets, being depreciated				
Sewer treatment facility and improvements	1,645,133	45,428	-	1,690,561
Well houses	524,992	-	-	524,992
Roadway	125,319	-	-	125,319
Equipment	343,109	-	-	343,109
Vehicles	44,750	-	-	44,750
Monument signs	10,000	-	-	10,000
Total capital assets being depreciated	2,693,303	45,428	-	2,738,731
Less: accumulated depreciation				
Sewer treatment facility and improvements	494,415	61,104	-	555,519
Well houses	306,590	21,000	-	327,590
Roadway	92,945	6,266	-	99,211
Equipment	62,656	11,083	-	73,739
Vehicles	44,750	-	-	44,750
Monument signs	10,000	-	-	10,000
Total accumulated depreciation	1,011,356	99,453	-	1,110,809
Total capital assets being depreciated, net	1,681,947	(54,025)	-	1,627,922
Net capital assets	$ 1,906,771	$ (54,025)	$ -	$ 1,852,746

NOTE 5 - COMMITMENTS, CONTINGENCIES AND RISK MANAGEMENT

There were no claims pending or unresolved disputes involving the District at June 30, 2017.

The District is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The District maintains commercial insurance coverage covering each of these risks of loss. Management believes such coverage is sufficient to preclude any significant uninsured losses to the District.

The District has entered into agreements for engineering services relating to various projects for work to be performed in the next fiscal year totaling approximately $139,000 of which $28,917 is remaining to be expended.

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TRI GENERAL IMPROVEMENT DISTRICT
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2017

NOTE 6 - AGREEMENTS

An operating agreement was entered into with TRI Water and Sewer Company (Company) on March 7, 2001. As stated in the agreement, the District owns, leases or otherwise has title and control of all real estate, water rights, and water and sewer improvements. However, the majority of the water rights are not reflected on the accompanying financial statements since they have been committed to existing or future customers and the beneficial interest in the water rights lies with the Company who can designate, commit or require reconveyance at any time. The agreement provides for the Company to operate and maintain the water and sewer systems on behalf of the District. The agreement stipulates that the Company will be paid all income received by the District from fees, charges and rates established by the rules, except for the connection fees paid by customers that are considered reserve funds to be utilized for repairs and maintenance of the District facilities. It also stipulates that the Company is required to pay cash subsidies to the District as needed.

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SUPPLEMENTARY INFORMATION

TRI GENERAL IMPROVEMENT DISTRICT
STATEMENT OF REVENUE, EXPENSES,
AND CHANGES IN NET POSITION - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2017

	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
OPERATING REVENUE				
Charges for water services	$ 1,237,809	$ 1,237,809	$ 1,191,707	$ (46,102)
OPERATING EXPENSES				
Accounting and legal	50,000	50,000	52,390	(2,390)
Automobile	15,000	15,000	2,032	12,968
Chemicals	150,000	150,000	29,432	120,568
Engineering and fees	75,000	75,000	63,907	11,093
Insurance	55,000	55,000	51,992	3,008
Repairs, maintenance and supplies	350,000	350,000	188,654	161,346
Outside technical utility services	-	-	119,214	(119,214)
Office and miscellaneous	40,500	40,500	25,414	15,086
Contracted labor and benefits	200,000	200,000	47,359	152,641
Utilities and telephone	301,500	301,500	218,873	82,627
Depreciation	100,000	100,000	99,453	547
Total operating expenses	1,337,000	1,337,000	898,720	438,280
Operating income (loss)	(99,191)	(99,191)	292,987	392,178
NONOPERATING REVENUE				
Connection fees	350,000	350,000	360,320	10,320
Investment income	5,000	5,000	4,327	(673)
Total nonoperating revenue	355,000	355,000	364,647	9,647
Change in net position	$ 255,809	$ 255,809	657,634	$ 401,825
TOTAL NET POSITION, July 1			3,278,635	
TOTAL NET POSITION, June 30			$ 3,936,269	

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See accompanying notes

REPORTS ON COMPLIANCE AND INTERNAL CONTROL

Kohn & Company LLP

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Board of Trustees of
TRI General Improvement District:

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities of TRI General Improvement District, as of and for the year ended June 30, 2017, and the related notes to the financial statements, which collectively comprise TRI General Improvement District's basic financial statements, and have issued our report thereon dated November 29, 2017.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered TRI General Improvement District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether TRI General Improvement District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Kohn & Company

Reno, Nevada
November 29, 2017

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5310 Kietzke Lane, Suite 101, Reno, Nevada 89511 · 775-828-7300 · Fax 775-828-7305

Kohn & Company LLP

INDEPENDENT AUDITORS' REPORT ON COMPLIANCE WITH NEVADA REVISED STATUTES BASED ON AN AUDIT OF FINANCIAL STATEMENTS

To the Board of Trustees of
TRI General Improvement District

We have audited the accompanying basic financial statements of the TRI General Improvement District as of and for the year ended June 30, 2017, and have issued our report thereon dated November 29, 2017. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, issued by the Comptroller General of the United States.

Compliance with Nevada Revised Statutes (NRS) and regulations applicable to TRI General Improvement District is the responsibility of the District's management. As part of obtaining reasonable assurance about whether the District's financial statements are free of material misstatements, we performed tests of its compliance with certain provision of NRS and the Nevada Administrative Code, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion.

In connection with our audit, nothing came to our attention that caused us to believe that the District had not complied in all material respects with NRS 354, including:

(a) Use of funds established
(b) Use of generally accepted accounting principles
(c) Limitations on reserves
(d) Recording sources of revenue and transfers available
(e) Statutory and regulatory requirements applicable to the fund
(f) Ending net asset amounts

This report is intended solely for the information and use of the Board of Trustees, management and others within the District and is not intended to be and should not be used by anyone other than these specified parties.

Kohn & Company LLP

Reno, Nevada
November 29, 2017

S:

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AUDITORS' COMMENTS

GOVERNMENT AUDITING STANDARDS

PROGRESS ON PRIOR YEAR RECOMMENDATIONS

There were no findings in the prior year.

CURRENT YEAR RECOMMENDATIONS

There are no findings in the current year.

NEVADA REVISED STATUTES

STATUTE COMPLIANCE

The required disclosure on compliance with the Nevada Revised Statutes and the Nevada Administrative Code is contained in Note 2 to the financial statements.

PROGRESS ON PRIOR YEAR STATUTE VIOLATIONS

There were no findings in the prior year.

EideBailly

CPAs & BUSINESS ADVISORS

March 4, 2020

To the Board of Trustees
TRI General Improvement District
McCarran, Nevada

We have audited the financial statements of TRI General Improvement District as of and for the year ended June 30, 2019, and have issued our report thereon dated March 4, 2020. Professional standards require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit under Generally Accepted Auditing Standards and *Government Auditing Standards*

As communicated in our engagement letter dated May 10, 2019, our responsibility, as described by professional standards, is to form and express an opinion about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of its respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of TRI General Improvement District solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

We have provided our comments regarding internal controls during our audit in our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* dated March 4, 2020.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence
The engagement team, others in our firm, as appropriate, our firm, and other firms utilized in the engagement, if applicable, have complied with all relevant ethical requirements regarding independence.

Qualitative Aspects of the Entity's Significant Accounting Practices

Significant Accounting Policies
Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by TRI General Improvement District is included in Note A to the financial statements. There have been no initial selection of accounting policies and no changes in significant accounting policies or their application during 2019. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates
Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. The most sensitive accounting estimates affecting the financial statements are:

- Management's estimate of the capital assets which were donated to the District. The District utilized an engineer to develop the value of the capital assets and water rights which have been included in the financial statements. Capital asset values were based upon current replacement costs and adjusted based upon the date of the assets. Water rights were determined based upon data provided to the respective counties upon transfer to the District.

- Management's estimate of accumulated depreciation is based on the estimated lives for capital assets based upon historical knowledge of similar assets and current expected lives.

Financial Statement Disclosures
Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the District's financial statements relate to:

- The restatement resulting from capital assets not properly included by the District as noted in Note 7.

The financial statement disclosures are neutral, consistent, and clear.

Significant Difficulties Encountered during the Audit
We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements
Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole. There were no uncorrected misstatements.

In addition, professional standards require us to communicate to you all material, corrected misstatements that were brought to the attention of management as a result of our audit procedures.

The following material misstatements that we identified as a result of our audit procedures were brought to the attention of, and corrected by, management:

- Correct expenses to the appropriate category $33,106
- Record current year capital contribution $3,235,886
- Add prior period capital assets, net of related depreciation $100,833,508
- Record current year depreciation expense for added assets $1,013,573

Disagreements with Management
For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Representations Requested from Management
We have requested certain written representations from management that are included in the management representation letter dated March 4, 2020.

Management's Consultations with Other Accountants
In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues
In the normal course of our professional association with TRI General Improvement District, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, business conditions affecting the entity, and business plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as TRI General Improvement District's auditors.

Modification of the Auditor's Report
We have made the following modification to our auditor's report. As discussed in Note 7 to the financial statements, certain errors in the 2018 financial statements were discovered by management of the District during the current year. Accordingly, amounts reported for capital assets have been restated in and a prior period adjustment is reported. Our opinion is not modified with respect to this matter.

This report is intended solely for the information and use of the Board of Trustees and management of the TRI General Improvement District and is not intended to be and should not be used by anyone other than these specified parties.

Eide Bailly LLP

Reno, Nevada

Financial Statements
June 30, 2019

TRI General Improvement District

EideBailly

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TRI General Improvement District

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EideBailly

CPAs & BUSINESS ADVISORS

Independent Auditor's Report

To the Board of Trustees
TRI General Improvement District
McCarran, Nevada

Report on Financial Statements
We have audited the accompanying financial statements of the business-type activities of TRI General Improvement District (the "District") as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements
Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility
Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects the business-type activities of the District, as of June 30, 2019, and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Correction of an Error

As discussed in Note 7 to the financial statements, certain errors in the 2018 financial statements were discovered by management of the District during the current year. Accordingly, amounts reported for net position have been restated. Our opinion is not modified with respect to this matter.

Other Matters

Required Supplementary Information

Management has omitted the management discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the District's basic financial statements. The budgetary information is presented for purposes of additional analysis and is not a required part of the basic financial statements. The budgetary information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the budgetary information is fairly stated in all material respects in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated March 4, 2020, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of TRI General Improvement District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Eide Bailly LLP

Reno, Nevada
March 4, 2020

TRI General Improvement District

Statement of Net Position

June 30, 2019

Assets	
Current assets	
Cash	$ 2,077,281
Accounts receivable	176,398
Prepaid insurance	53,417
Total current assets	2,307,096
Noncurrent assets	
Capital assets	
Capital assets not being depreciated	51,504,446
Capital assets being depreciated	54,100,736
	105,605,182
Total assets	107,912,278
Liabilities	
Current liabilities	
Accounts payable	114,505
Net Position	
Invested in capital assets	105,605,182
Unrestricted	2,192,591
Total net position	$ 107,797,773

See Notes to Financial Statements

TRI General Improvement District

Statement of Revenue, Expenses, and Changes in Net Position

Year Ended June 30, 2019

Operating Revenue	
Charges for water services	$ 1,808,298
Operating Expenses	
Accounting and legal	72,757
Automobile	13,110
Chemicals	89,719
Contracted labor and benefits	10,000
Depreciation	1,174,456
Engineering and fees	294,534
Insurance	52,213
Licenses and permits	14,308
Repairs, maintenance and supplies	240,371
Outside technical utility services	377,587
Office	24,151
Telephone	1,401
Utilities	298,835
Total operating expenses	2,663,442
Operating Loss	(855,144)
Nonoperating Revenue	
Land lease	10,000
Investment income	8,062
Total nonoperating revenue	18,062
Loss Before Capital Contributions	(837,082)
Capital Contributions	
Capital asset contributions	3,235,886
Connection fees	480,131
	3,716,017
Change in Net Position	2,878,935
Total Net Position, Beginning of Year, as Previously Reported	4,085,330
Restatement	100,833,508
Total Net Position, Beginning of Year, as Restated	104,918,838
Total Net Position, End of Year	$ 107,797,773

See Notes to Financial Statements

TRI General Improvement District

Statement of Cash Flows
Year Ended June 30, 2019

Cash Flows from Operating Activities	
Receipts from customers	$ 1,788,945
Payments to suppliers	(1,591,335)
Payments to employees and related taxes and benefits	(10,000)
Net Cash Flows from Operating Activities	187,610
Cash Flows from Noncapital and Related Financing Activities	
Investment income	8,062
Net Cash from Noncapital and Related Financing Activities	8,062
Cash Flows from Capital and Related Financing Activities	
Capital asset contributions	
Connection fees	480,131
Acquisition of capital assets	(756,656)
Land lease	10,000
Net Cash Flows used for Capital and Related Financing Activities	(266,525)
Net Change in Cash	(70,853)
Cash, Beginning of Year	2,148,134
Cash, End of Year	$ 2,077,281
Reconciliation of Operating Income to Net Cash Flows from Operating Activities	
Operating income	$ (855,144)
Adjustments to reconcile operating income to net cash flows from operating activities	
Depreciation	1,174,456
Change in current assets and liabilities	
Accounts receivable	(19,353)
Prepaid insurance	(3,787)
Accounts payable	(108,562)
Net Cash Flows from Operating Activities	$ 187,610
Supplmental Cash Flow Information	
Contributed capital assets	$ 3,235,886

See Notes to Financial Statements

Note 1 - Summary of Significant Accounting Policies

Reporting Entity

The TRI General Improvement District (District) was formed in 2000. The District has been charged with the responsibility of providing water and sewer services for the land owners of the Tahoe-Reno Industrial Center located in Storey County, Nevada. The District is governed by a Board of Trustees that is elected by the District taxpayers. In addition, the District is required to abide by regulations established by Storey County and the State of Nevada.

The financial statements have been prepared in accordance with U.S. generally accepted accounting principles as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

The District has no component units that are required to be combined in the financial statements.

Measurement Focus, Basis of Accounting and Basis of Presentation

The District's financial activities are accounted for in a proprietary fund, specifically, an enterprise fund. An enterprise fund accounts for operations that are financed and operated in a manner similar to those found in the private business sector, where the costs of providing goods or services to the general public on a continuing basis are recovered primarily through user charges.

GASB Statement No. 62, Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements, requires the Board to apply all applicable GASB pronouncements and, unless they conflict with or contradict GASB pronouncements all Financial Accounting Standards Board (FASB) Statements and Interpretations, Accounting Principles Board Opinions, and Accounting Research Bulletins issued on or before November 30, 1989. Accordingly, the District has not applied FASB pronouncements issued after that date.

The District maintains its accounting records on the accrual basis of accounting wherein revenues are recognized when earned and become measurable, and expenses are recognized when incurred. All assets and liabilities associated with the operations are included on the statement of net position. Net position is segregated into invested in capital assets and unrestricted components.

Proprietary funds distinguish operating revenue and expenses from nonoperating items. Operating revenue and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenue of the enterprise fund is comprised of charges to customers for services. Operating expenses for enterprise funds include the cost of services, administrative expense, and depreciation on capital assets. All revenue and expenses not meeting this definition are reported as nonoperating revenue and expenses.

Budgets and Budgetary Accounting

The District adheres to the Local Government Budget Act incorporated within Statutes of the State of Nevada. These Statutes provide for the preparation, filing, notice, public hearing, and adoption in connection with the budgetary process for Nevada local governments Budgets are adopted on a basis consistent with generally accepted accounting principles. Budget amendments must be approved by the Board of Trustees. All annual appropriations lapse at year-end.

On or before April 15, the Board of Trustees files a tentative budget with the Nevada Department of Taxation. Public hearings on the tentative budget are held and a final budget must be prepared and adopted no later than June 1.

Cash and Cash Equivalents

For the purposes of the statement of cash flows, cash equivalents are defined as short-term highly liquid investments, generally with original maturities of three months or less. The District does not have any investments that are considered to be cash equivalents at June 30, 2019.

Cash is maintained in one commercial bank in Reno, Nevada. The funds are deposited in a commercial bank that participates in the state collateral pool program and thereby secures all cash and cash equivalents deposited with the bank. Therefore, the District does not need to have a deposit policy related to custodial credit risk.

The District's bank accounts are insured by the Federal Deposit Insurance Corporation (FDIC) up to $250,000 in the aggregate. Excess balances are collateralized in the state collateral pool by Western Alliance Bank.

Accounts Receivable

Accounts receivable is comprised of monthly water and sewer meter fees. The District has not established an allowance for doubtful accounts as it believes all accounts are collectible at June 30, 2019.

Capital Assets

Capital assets with a cost of $1,000 or more and a life greater than one year are capitalized and are stated at cost. Donated capital assets are valued at acquisition value at the date of donation. Depreciation is computed using the straight-line method for all assets over the estimated useful lives of the assets, which range from five to forty years.

The cost of maintenance and repairs is charged to expense as incurred. Significant renewals and betterments are capitalized.

When assets are retired or otherwise disposed of, the cost and related accumulated depreciation are removed from the accounts, and any resulting gain or loss is recognized in income for the period.

Equity Classifications

Equity is classified as net position and displayed in two components:

- Invested in capital assets – consists of capital assets, net of accumulated depreciation.
- Unrestricted net position – consists of amounts designated for major repairs and replacements and all other net position that do not meet the definition of "invested in capital assets."

The District has obtained a reserve study that is updated periodically to ensure there are adequate designated reserves on hand to meet future repair and replacement requirements.

As of June 30, 2019, the District's unaudited theoretical reserve balance is approximately $2,387,252. The District has $1,727,330 designated cash reserves at June 30, 2019.

Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results may differ from those estimates.

Note 2 - Compliance with Nevada Revised Statutes and the Nevada Administrative Code

The District conformed to all significant statutory constraints on its financial administration during the year.

Note 3 - Cash

By provision of statutes, the District is authorized to deposit all money in banks or savings and loan associations located in the State of Nevada and must be subject to withdrawal on demand. Custodial credit risk is the risk that in the event of a bank or brokerage failure, the Board's deposits may not be returned. District's bank deposits are covered by Federal Deposit Insurance Corporation (FDIC) insurance. Of the bank balances each bank is insured up to $250,000 by the Federal Deposit Insurance Corporation (FDIC). In addition, the District participates in the Nevada Pooled Collateral program through one of the individual banks, which insures the balances that are in excess of FDIC amounts.

At June 30, 2019, the carrying amount of the District's cash in banks was $2,077,281 and the bank balance was $2,077,281.

Interest rate risk is the risk that changes in market interest rates will adversely affect the fair-value of an investment. The District does not have a formal investment policy that limits investment maturities as a means of managing its exposure to fair value losses arising from increasing rates. The District does not have a formal policy regarding credit risk or concentration of credit risk.

Note 4 - Capital Assets

Capital asset activity consists of the following for the year ended June 30, 2019:

	June 30 2018 (restated)	Additions	Disposals	June 30, 2019
Capital Assets, Not Being Depreciated				
Land	$ 215,314	$ -	$ -	$ 215,314
Water rights	48,053,246	3,235,886	-	51,289,132
Total capital assets not being depreciated	$ 48,268,560	$ 3,235,886	$ -	$ 51,504,446
Capital Assets, Being Depreciated				
Sewer treament facility and improvements	$ 63,246,979	$ 562,955	$ -	$ 63,809,934
Well houses	2,982,742	193,701	-	3,176,443
Roadway	125,319	-	-	125,319
Equipment	343,109	-	-	343,109
Vechicles	65,056	-	-	65,056
Momument signs	10,000	-	-	10,000
Total capital assets being depreciated	66,773,205	756,656	-	67,529,861
Less Accumulated Depreciation				
Sewer treament facility and improvements	10,658,508	1,028,579	-	11,687,087
Well houses	1,334,955	119,983	-	1,454,938
Roadway	105,477	6,266	-	111,743
Equipment	98,272	15,567	-	113,839
Vechicles	47,457	4,061	-	51,518
Momument signs	10,000	-	-	10,000
Total accumulated depreciation	12,254,669	1,174,456	-	13,429,125
Total Capital Assets Being Depreciated, Net	54,518,536	(417,800)	-	54,100,736
Net Capital Assets	$ 102,787,096	$ 2,818,086	$ -	$ 105,605,182

Note 5 - Commitments, Contingencies and Risk Management

There were no claims pending or unresolved disputes involving the District at June 30, 2019.

The District is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The District maintains commercial insurance coverage covering each of these risks of loss. Management believes such coverage is sufficient to preclude any significant uninsured losses to the District.

The District has entered into agreements for engineering and vendor services relating to various projects for work to be performed in the next fiscal year totaling approximately $632,000 of which $54,000 is remaining to be expended.

Note 6 - Agreements and Subsequent Events

An Operating Agreement was entered into between the District and TRI Water and Sewer Company (Company) on March 7, 2001. The agreement provides for the Company to operate and maintain the water and sewer systems on behalf of the District. The agreement also stipulates that the Company will be paid all income received by the District from fees, charges and rates established by the rules, except for the connection fees paid by customers that are considered reserve funds to be utilized for repairs and maintenance of the District facilities. Even though it is allowable under the agreement, the Company has not historically collected any income received by the District. The agreement also stipulates that the Company is required to pay cash subsidies to the District as needed, which has occurred in past years, but did not to occur in the year ending June 30, 2019. The referenced operating agreement between the Company and the District will be terminated on June 30, 2020.

As stated in the Operating Agreement, the District owns, leases or otherwise has title and control of all real estate, water rights, and water and sewer improvements. TRI LLC (Master Developer) owns the beneficial interest in a portion of the water rights, along with other key process water stakeholders, and existing and future customers within the District service area. As part of the District transition and the termination of the operating agreement, the District is currently negotiating with TRI LLC regarding their future ability to assign the beneficial interest in water rights banked with the District.

Note 7 - Restatement

During 2019, management identified errors within previously issued financial statements that, when evaluated in the aggregate, warranted restatement of those financial statements. The June 30, 2018 financial statements omitted certain capital assets not being depreciated and capital assets being depreciated. Water and sewer treatment system and water rights which are under the control of the District, however were not purchased or constructed by the District were not properly included. These capital assets and water rights were transferred to the control of the District in prior years, therefore in accordance with generally accepted accounting principles should have been included in the Districts financial statements. Accordingly, amounts reported for capital assets have been restated. The net position at July 1, 2018 was restated by an increase of $100,833,508.

Supplementary Information
June 30, 2019

TRI General Improvement District

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TRI General Improvement District

Statement of Revenue, Expenses, and Changes in Net Position – Budget and Actual

June 30, 2019

	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Operating Revenue				
Charges for water services	$ 1,825,000	$ 1,825,000	$ 1,808,298	$ (16,702)
Operating Expenses				
Accounting and legal	30,000	30,000	72,757	(42,757)
Automobile	5,844	5,844	13,110	(7,266)
Chemicals	43,161	43,161	89,719	(46,558)
Contracted labor and benefits	61,073	61,073	10,000	51,073
Depreciation	125,000	125,000	1,174,456	(1,049,456)
Engineering and fees	87,899	87,899	294,534	(206,635)
Insurance	63,800	63,800	52,213	11,587
License and permits	4,596	4,596	14,308	(9,712)
Repairs, maintenance and supplies	774,780	774,780	240,371	534,409
Outside technical utility services	366,400	366,400	377,587	(11,187)
Office	21,398	21,398	24,151	(2,753)
Telephone	1,844	1,844	1,401	443
Utilities	221,065	221,065	298,835	(77,770)
Total operating expenses	1,806,860	1,806,860	2,663,442	(856,582)
Operating Income (Loss)	18,140	18,140	(855,144)	(873,284)
Nonoperating Revenue				
Land lease	-	-	10,000	10,000
Investment income	5,000	5,000	8,062	3,062
Income (Loss) Before Capital Contributions	23,140	23,140	(837,082)	(860,222)
Capital Contributions				
Connection fees	125,000	125,000	480,131	355,131
Total capital contributions	125,000	125,000	480,131	355,131
Change in Net Position	$ 148,140	$ 148,140	$ (356,951)	$ (505,091)
Total Net Position, Beginning of Year, as Previously Reported			4,085,330	
Restatement			100,833,508	
Total Net Position, Beginning of Year, as Restated			104,918,838	
Total Net Position, End of Year			$ 104,561,887	

Compliance Section
June 30, 2019

TRI General Improvement District

EideBailly

Independent Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards*

To the Board of Trustees
TRI General Improvement District
McCarran, Nevada

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities of TRI General Improvement District, as of and for the year ended June 30, 2019, and the related notes to the financial statements, which collectively comprise TRI General Improvement District's basic financial statements, and have issued our report thereon dated March 4, 2020.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. We did identify certain deficiencies in internal control, described in the accompanying schedule of findings and responses as item 2019-001 that we consider to be a material weakness.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether TRI General Improvement District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

TRI General Improvement District's Response to Findings

TRI General Improvement District's response to the findings identified in our audit are described in the accompanying *schedule of findings and responses*. TRI General Improvement District's responses were not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on the responses.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Eide Bailly LLP

Reno, Nevada
March 4, 2020

2019-001: Financial Reporting Material Weakness

Criteria: Management is responsible for establishing and maintaining an effective system of internal control over financial statement reporting. One of the components of an effective system of internal control over financial reporting is the preparation of full disclosure financial statements that do not require adjustment as part of the audit process.

Condition: As auditors, we assisted in the preparation of the financial statements, and proposed several journal entries to reclassify expenses to the proper expense and record capital assets. Sewer and water treatment facilities and water rights which were transferred to the control of the District in prior years was not properly included in the financial statements of the District, the error was noted in the current audit and a restatement has been reported.

Cause: Procedures have not been implemented to ensure District personnel possess the experience to prepare the District's full disclosure financial statements in accordance with generally accepted accounting principles and appropriate review of reconciliations of all accounts with supporting documentation has not been implemented.

Effect: Financial information prepared by the District may not comply with generally accepted accounting principles.

Recommendation:
We recommend the District implement procedures to provide training in the preparation of governmental financial statements in accordance with generally accepted accounting principles and management review and approve all reconciliations.

Views of Responsible
Officials: TRI General Improvement District agrees with this finding.

EideBailly

CPAs & BUSINESS ADVISORS

Auditors' Comments

To the Board of Trustees
TRI General Improvement District
McCarran, Nevada

In connection with our audit of the financial statements of the TRI General Improvement District (District) as of and for the year ended June 30, 2019, and the related notes to the financial statements, nothing came to our attention that caused us to believe that the District failed to comply with the specific requirements of Nevada Revised Statutes cited below. However, our audit was not directed primarily toward obtaining knowledge of noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the District's noncompliance with the requirements of Nevada Revised Statutes cited below, insofar as they relate to accounting matters.

Current Year Statute Compliance
The required disclosure on compliance with the Nevada Revised Statutes and the Nevada Administrative Code is contained in Note 2 to the financial statements.

Progress on Prior Year Statute Compliance
The District monitored all significant constraints on its financial administration during the year ended June 30, 2019.

Current Year Recommendations
No material weaknesses or significant deficiencies reported.

Progress on Prior Year Recommendations
No material weaknesses or significant deficiencies were noted.

Nevada Revised Statute 354.6241
In connection with our audit, nothing came to our attention that caused us to believe that the District had not complied in all material respects with NRS 354.6241, including:

- Use of funds established
- Use of generally accepted accounting principles
- Limitations on reserves
- Recording sources of revenue and transfers available
- Statutory and regulatory requirements applicable to the fund
- Ending retained earning amounts

Eide Bailly LLP

Reno, Nevada
March 4, 2020

TRI GENERAL IMPROVEMENT DISTRICT

Management's Discussion and Analysis

June 30, 2019

As management of the TRI General Improvement District (District), we offer readers of the District's financial statements this narrative overview and analysis of the financial activities of the District for the fiscal year ended June 30, 2019.

Financial Highlights

- The assets of the TRI General Improvement District exceeded its liabilities at the close of the current fiscal year by $107,797,773. Of this amount $2,192,591 is *unrestricted, undesignated net position* that may be used to meet the District's ongoing obligations to users and creditors. The remaining amounts is invested in capital assets ($105,605,182).
- The District's *total net position* increased by $103,712,443 during the current year. $100,833,508 was due to a restatement for capital assets and $2,878,935 was current year change in net position.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the TRI General Improvement District's financial statements. The District's basic financial statements comprise two components: 1) government-wide financial statements and 2) notes to the financial statements. This report also contains required supplementary information in addition to the basic financial statements themselves.

The financial statements have been prepared in accordance with generally accepted accounting principles as they apply to governmental units. The financial statements include a statement of net position, a statement of revenue, expenses and changes in net position, a statement of cash flows, and notes to the financial statements.

The statement of net position presents the financial position of the District on the full accrual basis as net position. This statement provides information on the District's assets and liabilities with the difference reported as net position and information about the nature and amount of resources and obligations at year-end. Over time, increases and decreases in net position are one indicator of whether the financial position of the District is improving or deteriorating.

The statement of revenue, expenses, and changes in net position presents the results of the activities over the course of the fiscal year and information as to how the net position changed during the most recent year. The changes in net position under the full accrual method are recorded as soon as the underlying event giving rise to the change occurs, regardless of the timing of the related cash flows.

The notes to the financial statements provide required disclosures and other information that are essential to a full understanding of material data provided in the statements. The notes present information about the District's accounting policies, significant account balances and activities, material risks, obligations, commitments, contingencies and subsequent events, if any.

The District also adopts annual appropriated budgets. Budgetary comparison statements have been provided to demonstrate compliance with the budget.

TRI GENERAL IMPROVEMENT DISTRICT

Statement of Net Position

Years Ended June 30,	2019	2018
Cash	$ 2,077,281	$ 2,148,134
Accounts receivable	176,398	157,045
Prepaid expenses	53,417	49,630
Capital assets	105,605,182	1,953,588
Total assets	107,912,278	4,308,397
Liabilities	114,505	223,067
Net position	$ 107,797,773	$ 4,085,330

The largest portion of the TRI General Improvement District's net position (98%) reflects its investment in capital assets (e.g. buildings (including treatment facilities), well houses and machinery and equipment). The District uses these capital assets to provide services to users; consequently, these assets are *not* available for future spending.

The remaining balance of *unrestricted net position* ($2,192,591), may be used to meet the District's ongoing obligations to its users and creditors.

Statement of Revenue and Expenses

Years Ended June 30,	2019	2018
Charges for water services	$ 1,808,298	$ 1,469,206
Land lease	10,000	3,000
Investment income	8,062	5,083
Capital asset contributions	3,235,886	-
Connection fees	480,131	102,948
Total revenue and capital contributions	$ 5,542,377	$ 1,580,237

Revenue and Capital Contributions: Total revenue received by the District for the year ended June 30, 2019 was $5,542,377 representing a $3,962,140 increase over the year ended June 30, 2018. The largest increase is due to a capital asset contribution. In addition, there were additional charges for water services. Capital contribution for connection fees totaled $102,948 which represents an increase of 377,183.

Years Ended June 30,	2019	2018
Operating expenses	$ 1,488,986	$ 550,815
Depreciation	1,174,456	107,426
Total operating expenses	$ 2,663,442	$ 1,431,176

TRI GENERAL IMPROVEMENT DISTRICT

Management's Discussion and Analysis (Continued)

June 30, 2019

Expenses: Operating expenses for the year end June 30, 2019 totaled $2,663,442 representing an increase over the year ended June 30, 2018 of $1,232,266. The increase is primarily due to depreciation expense in the current year which increased $1,067,030.

Budgetary Highlights

Charges for water services are the primary sources of revenue. Actual general fund revenue was 1% lower than budgeted. Expenses were higher than budget by 47% with higher than expected depreciation expenses by 840% and lower than expected repairs, maintenance and supplies by 69%.

Capital Asset and Debt Administration

At year-end, the TRI General Improvement District's investment in capital assets totaled $105,605,182 representing an increase from the year ended June 30, 2018 of $103,651,594. The increase is due to a restatement from prior year of $103,712,443, capital asset contribution in the current year of $3,235,886 and additional current year purchases of equipment and facility improvements of $756,656 and an offsetting decrease due to depreciation expense recognized.

The District has no outstanding debt obligations.

Economic Factors and Next Year's Budget and Rates

The National economy, and in turn Nevada's economy, has recovered and a positive trend continues into fiscal year 2019 (FY19). The TRI General Improvement District's projected revenue from user fees are expected to increase approximately 24% to $1,825,000 due to a rate increase in November 2019. Expenses are also expected to increase approximately 26% to $1,806,860 due to the addition of GID staff and the associated salaries and benefit expenses.

Requests for Information

This financial report is designed to provide a general overview of the TRI General Improvement District's finances for all those with an interest in the District's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to the District Manager, TRI General Improvement District, 1705 Peru Dr Ste 104, McCarran, NV 89437.

Attachment D-2

TRI GENERAL IMPROVEMENT DISTRICT

FINANCIAL STATEMENTS

JUNE 30, 2018

TRI GENERAL IMPROVEMENT DISTRICT
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JUNE 30, 2018

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Kohn & Company LLP

CERTIFIED PUBLIC ACCOUNTANTS

INDEPENDENT AUDITORS' REPORT

To the Board of Trustees of the
TRI General Improvement District

Report on Financial Statements

We have audited the accompanying financial statements of the business-type activities of TRI General Improvement District (the "District") as of and for the year ended June 30, 2018, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects the business-type activities of the District, as of June 30, 2018, and the respective changes in financial position and cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Management has omitted the management discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

5310 Kietzke Lane, Suite 101, Reno, Nevada 89511 · 775-828-7300 · Fax: 775-828-7305

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the District's basic financial statements. The budgetary information is presented for purposes of additional analysis and is not a required part of the basic financial statements. The budgetary information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the budgetary information is fairly stated in all material respects in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated November 21, 2018, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

Kohn & Company LLP

Reno, Nevada
November 21, 2018

TRI GENERAL IMPROVEMENT DISTRICT
STATEMENT OF NET POSITION
JUNE 30, 2018

ASSETS		
CURRENT ASSETS		
Cash	$	2,148,134
Accounts receivable		157,045
Prepaid insurance		49,630
Total current assets		2,354,809
NONCURRENT ASSETS		
Capital assets		
Property and equipment, net of accumulated depreciation of $1,110,808		1,953,588
Total assets		4,308,397
LIABILITIES		
CURRENT LIABILITIES		
Accounts payable		223,067
NET POSITION		
Invested in capital assets, net		1,953,588
Unrestricted		
Designated for major repairs and replacements		1,469,923
Undesignated		661,819
Total net position	$	4,085,330

See accompanying notes

TRI GENERAL IMPROVEMENT DISTRICT
STATEMENT OF REVENUE, EXPENSES, AND CHANGES IN NET POSITION
FOR THE YEAR ENDED JUNE 30, 2018

OPERATING REVENUE		
Charges for water services	$	1,469,206
OPERATING EXPENSES		
Accounting and legal		137,157
Automobile		7,501
Chemicals		39,820
Contracted labor and benefits		57,095
Depreciation		107,426
Engineering and fees		122,722
Insurance		44,864
Licenses and permits		13,192
Repairs, maintenance and supplies		453,528
Outside technical utility services		179,727
Office		30,465
Telephone		1,319
Utilities		236,360
Total operating expenses		1,431,176
Operating income		38,030
NONOPERATING REVENUE		
Land lease		3,000
Investment income		5,083
Income before capital contributions		46,113
CAPITAL CONTRIBUTIONS		
Connection fees		102,948
Change in net position		149,061
TOTAL NET POSITION, July 1		3,936,269
TOTAL NET POSITION, June 30	$	4,085,330

See accompanying notes

TRI GENERAL IMPROVEMENT DISTRICT
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED JUNE 30, 2018

CASH FLOWS FROM OPERATING ACTIVITIES	
Receipts from customers	$ 1,465,523
Payments to suppliers	(1,100,129)
Payments to employees and related taxes and benefits	(57,095)
Net cash flows from operating activities	308,299
CASH FLOWS FROM NONCAPITAL AND RELATED FINANCING ACTIVITIES	
Investment income	5,083
CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES	
Connection fees	102,948
Acquisition of capital assets	(208,268)
Land lease	3,000
Net cash flows from capital and related financing activities	(102,320)
NET CHANGE IN CASH	211,062
CASH, July 1	1,937,072
CASH, June 30	$ 2,148,134
RECONCILIATION OF OPERATING INCOME TO NET CASH FLOWS FROM OPERATING ACTIVITIES	
Operating income	$ 38,030
Adjustments to reconcile operating income to net cash flows from operating activities	
Depreciation	107,426
Change in current assets and liabilities	
(Increase) decrease in:	
Accounts receivable, net	(3,683)
Prepaid insurance	(5,882)
Accounts payable	172,408
Net cash flows from operating activities	$ 308,299
SUMMARY OF NONCASH INVESTING AND FINANCING ACTIVITIES	
None	$ -

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See accompanying notes

TRI GENERAL IMPROVEMENT DISTRICT
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2018

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Reporting Entity

The TRI General Improvement District (District) was formed in 2000. The District has been charged with the responsibility of providing water and sewer services for the land owners of the Tahoe-Reno Industrial Center located in Storey County, Nevada. The District is governed by a Board of Trustees that is elected by the District taxpayers. In addition, the District is required to abide by regulations established by Storey County and the State of Nevada.

The financial statements have been prepared in accordance with U.S. generally accepted accounting principles as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard-setting body for establishing governmental accounting and financial reporting principles.

The District has no component units that are required to be combined in the financial statements.

Measurement Focus, Basis of Accounting and Basis of Presentation

The District's financial activities are accounted for in a proprietary fund, specifically, an enterprise fund. An enterprise fund accounts for operations that are financed and operated in a manner similar to those found in the private business sector, where the costs of providing goods or services to the general public on a continuing basis are recovered primarily through user charges.

GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements*, requires the Board to apply all applicable GASB pronouncements and, unless they conflict with or contradict GASB pronouncements all Financial Accounting Standards Board (FASB) Statements and Interpretations, Accounting Principles Board Opinions, and Accounting Research Bulletins issued on or before November 30, 1989. Accordingly, the District has not applied FASB pronouncements issued after that date.

The District maintains its accounting records on the accrual basis of accounting wherein revenues are recognized when earned and become measurable, and expenses are recognized when incurred. All assets and liabilities associated with the operations are included on the statement of net position. Net position is segregated into invested in capital assets and unrestricted components.

Proprietary funds distinguish operating revenue and expenses from nonoperating items. Operating revenue and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenue of the enterprise fund is comprised of charges to customers for services. Operating expenses for enterprise funds include the cost of services, administrative expense, and depreciation on capital assets. All revenue and expenses not meeting this definition are reported as nonoperating revenue and expenses.

Budgets and Budgetary Accounting

The District adheres to the Local Government Budget Act incorporated within Statutes of the State of Nevada. These Statutes provide for the preparation, filing, notice, public hearing, and adoption in connection with the budgetary process for Nevada local governments. Budgets are adopted on a basis consistent with generally accepted accounting principles. Budget amendments must be approved by the Board of Trustees. All annual appropriations lapse at year-end.

On or before April 15, the Board of Trustees files a tentative budget with the Nevada Department of Taxation. Public hearings on the tentative budget are held and a final budget must be prepared and adopted no later than June 1.

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TRI GENERAL IMPROVEMENT DISTRICT
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2018

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Cash and Cash Equivalents

For the purposes of the statement of cash flows, cash equivalents are defined as short-term highly liquid investments, generally with original maturities of three months or less. The District does not have any investments that are considered to be cash equivalents at June 30, 2018.

Cash is maintained in one commercial bank in Reno, Nevada. The funds are deposited in a commercial bank that participates in the state collateral pool program and thereby secures all cash and cash equivalents deposited with the bank. Therefore, the District does not need to have a deposit policy related to custodial credit risk.

Accounts Receivable

Accounts receivable is comprised of monthly water and sewer meter fees. The District has not established an allowance for doubtful accounts as it believes all accounts are collectible at June 30, 2018.

Capital Assets

Property and equipment with a cost of $1,000 or more and a life greater than one year are capitalized and are stated at cost. Depreciation is computed using the straight-line method for all assets over the estimated useful lives of the assets, which range from five to forty years.

The cost of maintenance and repairs is charged to expense as incurred. Significant renewals and betterments are capitalized.

When assets are retired or otherwise disposed of, the cost and related accumulated depreciation are removed from the accounts, and any resulting gain or loss is recognized in income for the period.

Equity Classifications

Equity is classified as net position and displayed in two components:

- Invested in capital assets – consists of capital assets, net of accumulated depreciation.
- Unrestricted net position – consists of amounts designated for major repairs and replacements and all other net position that do not meet the definition of "invested in capital assets."

The District has obtained a reserve study that is updated periodically to ensure there are adequate designated reserves on hand to meet future repair and replacement requirements. As of June 30, 2018, the District's unaudited theoretical reserve balance is approximately $2,552,043. The District has $1,469,923 designated cash reserves at June 30, 2018.

Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the amounts reported in the financial statements and accompanying notes. Actual results may differ from those estimates.

Subsequent Events

Subsequent events have been evaluated through November 21, 2018, which represents the date the financial statements were available to be issued. Subsequent events after that date have not been evaluated.

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TRI GENERAL IMPROVEMENT DISTRICT
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2018

NOTE 2 - COMPLIANCE WITH NEVADA REVISED STATUTES AND THE NEVADA ADMINISTRATIVE CODE

The District conformed to all significant statutory constraints on its financial administration during the year.

NOTE 3 - CONCENTRATION OF CREDIT RISK

The District's bank accounts are insured by the Federal Deposit Insurance Corporation (FDIC) up to $250,000 in the aggregate. Excess balances are collateralized in the state collateral pool by Western Alliance Bank.

NOTE 4 - CAPITAL ASSETS

Capital asset activity consists of the following for the year ended June 30, 2018:

	June 30, 2017	Additions	Disposals	June 30, 2018
Capital assets, not being depreciated:				
Land	$ 215,314	$ -	$ -	$ 215,314
Water rights	9,510	-	-	9,510
Capital assets, being depreciated				
Sewer treatment facility and improvements	1,690,560	187,962	-	1,878,522
Well houses	524,992	-	-	524,992
Roadway	125,319	-	-	125,319
Equipment	343,109	-	-	343,109
Vehicles	44,750	20,306	-	65,056
Monument signs	10,000	-	-	10,000
Total capital assets being depreciated	2,738,730	208,268	-	2,946,998
Less: accumulated depreciation				
Sewer treatment facility and improvements	541,171	66,369	-	607,540
Well houses	328,488	21,000	-	349,488
Roadway	99,211	6,266	-	105,477
Equipment	87,188	11,084	-	98,272
Vehicles	44,750	2,707	-	47,457
Monument signs	10,000	-	-	10,000
Total accumulated depreciation	1,110,808	107,426	-	1,218,234
Total capital assets being depreciated, net	1,627,922	100,842	-	1,728,764
Net capital assets	$ 1,852,746	$ 100,842	$ -	$ 1,953,588

NOTE 5 - COMMITMENTS, CONTINGENCIES AND RISK MANAGEMENT

There were no claims pending or unresolved disputes involving the District at June 30, 2018.

The District is exposed to various risks of loss related to torts, theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The District maintains commercial insurance coverage covering each of these risks of loss. Management believes such coverage is sufficient to preclude any significant uninsured losses to the District.

The District has entered into agreements for engineering and vendor services relating to various projects for work to be performed in the next fiscal year totaling approximately $429,000 of which $201,000 is remaining to be expended.

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TRI GENERAL IMPROVEMENT DISTRICT
NOTES TO FINANCIAL STATEMENTS (CONTINUED)
JUNE 30, 2018

NOTE 6 - AGREEMENTS

An operating agreement was entered into with TRI Water and Sewer Company (Company) on March 7, 2001. As stated in the agreement, the District owns, leases or otherwise has title and control of all real estate, water rights, and water and sewer improvements. However, the majority of the water rights are not reflected on the accompanying financial statements since they have been committed to existing or future customers and the beneficial interest in the water rights lies with the Company who can designate, commit or require reconveyance at any time. The agreement provides for the Company to operate and maintain the water and sewer systems on behalf of the District. The agreement stipulates that the Company will be paid all income received by the District from fees, charges and rates established by the rules, except for the connection fees paid by customers that are considered reserve funds to be utilized for repairs and maintenance of the District facilities. It also stipulates that the Company is required to pay cash subsidies to the District as needed.

TRI GENERAL IMPROVEMENT DISTRICT
STATEMENT OF REVENUE, EXPENSES,
AND CHANGES IN NET POSITION - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2018

	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
OPERATING REVENUE				
Charges for water services	$ 1,425,000	$ 1,425,000	$ 1,469,206	$ 44,206
OPERATING EXPENSES				
Accounting and legal	148,000	148,000	137,157	10,843
Automobile	5,200	5,200	7,501	(2,301)
Chemicals	40,500	40,500	39,820	680
Engineering and fees	65,000	65,000	122,722	(57,722)
Insurance	52,000	52,000	44,864	7,136
Repairs, maintenance and supplies	567,000	567,000	466,720	100,280
Outside technical utility services	148,000	148,000	179,727	(31,727)
Office and miscellaneous	25,000	25,000	30,465	(5,465)
Contracted labor and benefits	57,000	57,000	57,095	(95)
Utilities and telephone	226,500	226,500	237,679	(11,179)
Depreciation	-	125,000	107,426	17,574
Total operating expenses	1,334,200	1,459,200	1,431,176	28,024
Operating income (loss)	90,800	(34,200)	38,030	72,230
NONOPERATING REVENUE				
Connection fees	250,000	250,000	102,948	(147,052)
Investment income	3,900	3,900	5,083	1,183
Land lease	-	-	3,000	3,000
Total nonoperating revenue	253,900	253,900	111,031	(142,869)
Change in net position	$ 344,700	$ 219,700	149,061	$ (70,639)
TOTAL NET POSITION, July 1			3,936,269	
TOTAL NET POSITION, June 30			$ 4,085,330	

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See accompanying notes

REPORTS ON COMPLIANCE, INTERNAL CONTROL AND AUDITORS' COMMENTS

Kohn & Company LLP

INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Board of Trustees of
TRI General Improvement District:

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities of TRI General Improvement District, as of and for the year ended June 30, 2018, and the related notes to the financial statements, which collectively comprise TRI General Improvement District's basic financial statements, and have issued our report thereon dated November 21, 2018.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered TRI General Improvement District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether TRI General Improvement District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Reno, Nevada
November 21, 2018

Kohn & Company LLP

5310 Kietzke Lane, Suite 101, Reno, Nevada 89511 · 775-828-7300 · Fax: 775-828-7305

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AUDITORS' COMMENTS

To the Board of Trustees of
TRI General Improvement District:

In connection with our audit of the financial statements of the TRI General Improvement District (District) as of and for the year ended June 30, 2018, and the related notes to the financial statements, nothing came to our attention that caused us to believe that the District failed to comply with the specific requirements of Nevada Revised Statutes cited below. However, our audit was not directed primarily toward obtaining knowledge of noncompliance. Accordingly, had we performed additional procedures, other matters may have come to our attention regarding the District's noncompliance with the requirements of Nevada Revised Statutes cited below, insofar as they relate to accounting matters.

CURRENT YEAR STATUTE COMPLIANCE

The required disclosure on compliance with the Nevada Revised Statutes and the Nevada Administrative Code is contained in Note 2 to the financial statements.

PROGRESS ON PRIOR YEAR STATUTE COMPLIANCE

The District monitored all significant constraints on its financial administration during the year ended June 30, 2017.

CURRENT YEAR RECOMMENDATIONS

No material weaknesses or significant deficiencies reported.

PROGRESS ON PRIOR YEAR RECOMMENDATIONS

No material weaknesses or significant deficiencies were noted.

NEVADA REVISED STATUTE 354.6241

In connection with our audit, nothing came to our attention that caused us to believe that the District had not complied in all material respects with NRS 354.6241, including:

(a) Use of funds established
(b) Use of generally accepted accounting principles
(c) Limitations on reserves
(d) Recording sources of revenue and transfers available
(e) Statutory and regulatory requirements applicable to the fund
(f) Ending retained earning amounts

Kohn & Company LLP

Reno, Nevada
November 21, 2018

5310 Kietzke Lane, Suite 101, Reno, Nevada 89511 • 775-828-7300 • Fax: 775-828-7305

Income Statement
For The 4 Periods Ended 10/31/2018

TRI General Improvement District (GID)

	Year to Date	% of Revenue
REVENUE		
Hook up fees	32,129.00	4.62
Water Meter Collection	663,180.15	95.38
Total REVENUE:	695,309.15	100.00
GROSS PROFIT:	695,309.15	100.00
EXPENSES		
Chemicals	31,128.73	4.48
Postage & Delivery	245.78	0.04
Licences Fees & Dues	280.00	0.04
Permit Fees	1,489.00	0.21
Utilities- electric	84,677.26	12.18
Utilities - phone lines	9,261.79	1.33
Trash expense	6,509.12	0.94
Water & Sewer Exp.	2,130.10	0.31
Mobile Phone	467.68	0.07
Office Expense	150.28	0.02
Automobile Expense	2,673.03	0.38
Bank Fees	24.00	0.00
Professional Fees/Contract Labor	125,167.65	18.00
Repairs & Maintenance	469,278.34	67.49
Legal fees	11,275.20	1.62
Accounting fees	13,421.78	1.93
Insurance Expense	4,096.00	0.59
Engineering Fees - Admin	73,867.29	10.62
Payroll Service	185.00	0.03
Management Fees	10,000.00	1.44
Salaries & Wages	6,615.00	0.95
Water Testing	1,897.50	0.27
Total EXPENSES:	854,840.53	122.94
NET INCOME FROM OPERATIONS:	-159,531.38	-22.94
OTHER INCOME AND EXPENSE		
Interest Income	2,535.94	0.36
Total OTHER INCOME AND	2,535.94	0.36
EARNINGS BEFORE INCOME TAX:	-156,995.44	-22.58
Net Income (Loss):	-156,995.44	-22.58

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Balance Sheet
As of 6/30/2020

TRI General Improvement District (GID)

ASSETS					
CURRENT ASSETS					
1002-04-00	Cash - First Independent	$	754,421.48		
1002-06-00	Cash- First Indep Money Market	$	1,919,065.19		
1002-08-00	Cash - Checking S. Whalen	$	3,522.93		
1204-00-00	ACCOUNTS RECEIVABLE	$	475,612.99		
1206-00-00	Prepaid Insurance	$	53,417.32		
1208-00-00	Prepaid Credit Card	$	438.23		
	Total CURRENT ASSETS:			$	3,206,478.14
FIXED ASSETS					
1500-00-00	Land	$	215,314.28		
1506-00-00	Furniture	$	3,999.00		
1507-00-00	Computer Equipment	$	20,188.06		
1508-00-00	Roadway Improvements	$	125,319.00		
1509-00-00	Monument Signs	$	10,000.00		
1510-00-02	Water rights	$	9,510.00		
1540-00-00	Equipment - Screw Press	$	275,727.42		
1550-00-00	Equipment - Loader	$	67,382.00		
1550-00-02	Water meters	$	20,718.97		
1550-02-02	Sewer Treatment Facility	$	62,941,352.98		
1550-02-04	Improvements	$	847,862.00		
1552-00-02	Well House #2	$	307,924.55		
1552-00-06	Well House #4	$	235,862.43		
1552-00-08	Well House # 6	$	174,905.94		
1552-00-10	Wells - PPA	$	2,457,750.00		
1554-00-00	Water Rights - PPA	$	51,279,621.83		
1559-99-99	Accumulated Depreciation	$	-13,542,608.21		
1570-00-00	Vehicle - 2019 Jeep Grand Cherokee	$	27,922.25		
	Total FIXED ASSETS:			$	105,478,752.50
	Total ASSETS:			$	108,685,230.64
LIABILITIES					
CURRENT LIABILITIES					
2200-00-16	Due to TRI Water & Sewer	$	1,500.00		
2204-00-00	Meter deposits	$	1,200.00		
	Total CURRENT LIABILITIES:			$	2,700.00
	Total LIABILITIES:			$	2,700.00
EQUITY					
3000-00-00	Developers Contribution	$	5,271,453.24		
3200-00-00	Retained Earnings-Current Year	$	884,758.14		
3200-00-00	RETAINED EARNINGS - PRIOR	$	102,526,319.26		
	Total EQUITY:			$	108,682,530.64
	Total LIABILITIES & EQUITY:			$	108,685,230.64

Income Statement
For The 12 Periods Ended 6/30/2020

TRI General Improvement District (GID)

		Year to Date	% of Revenue
REVENUE			
Hook up fees		175,520.00	6.03
Water Meter Collection		2,721,423.38	93.55
Verizon - Land Lease		12,175.00	0.42
	Total REVENUE:	2,909,118.38	100.00
	GROSS PROFIT:	2,909,118.38	100.00
EXPENSES			
Computer Software/Support		2,300.00	0.08
Chemicals		106,006.35	3.64
Postage & Delivery		527.50	0.02
Licences Fees & Dues		1,237.02	0.04
Permit Fees		19,703.66	0.68
Utilities- electric		201,778.04	6.94
Utilities - phone lines		7,691.24	0.26
Trash expense		50,630.77	1.74
Water & Sewer Exp.		15,799.21	0.54
Mobile Phone		1,174.47	0.04
Office Expense		5,037.83	0.17
Automobile Expense		27,655.36	0.95
Meals & Entertainment		142.96	0.00
Bank Fees		111.28	0.00
Professional Fees/Contract Labor		388,780.13	13.36
COVID - 19		1,851.88	0.06
Repairs & Maintenance		254,377.98	8.74
Legal fees		116,063.72	3.99
Accounting fees		44,685.42	1.54
Transition Consultants		1,500.00	0.05
Insurance Expense		77,666.95	2.67
Insurance - Employee Health/Life		3,269.24	0.11
Engineering Fees - Admin		297,396.20	10.22
Payroll Service		1,687.50	0.06
Salaries & Wages		161,305.84	5.54
Payroll Taxes		5,886.42	0.20
PERS		42,095.81	1.45
Water Testing		23,697.90	0.81
	Total EXPENSES:	1,860,060.68	63.94
	NET INCOME FROM OPERATIONS:	1,049,057.70	36.06
OTHER INCOME AND EXPENSE			
Interest Income		6,238.78	0.21
Depreciation		-162,293.81	-5.58
Distribution Sale of Vehicles		-8,244.53	-0.28
	Total OTHER INCOME AND	-164,299.56	-5.65
	EARNINGS BEFORE INCOME TAX:	884,758.14	30.41
	Net Income (Loss):	884,758.14	30.41

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TRI GENERAL IMPROVEMENT DISTRICT
WATER SERVICE RULES, REGULATIONS AND RATES

Revised August 27, 2020

TRI GENERAL IMPROVEMENT DISTRICT WATER SERVICE RULES, REGULATIONS AND RATES

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ARTICLE 1. GENERAL PROVISIONS

1.1 Purpose. TRIGID has been created by Storey County under Nevada Revised Statutes Chapters 318 and 308 to own, maintain and operate community water and sewer systems to provide service to Customers in the service area, known as Tahoe-Reno Industrial Center, pursuant to Ordinance #171 and Resolution 00-85, both passed on August 8, 2000. TRIGID is not regulated as a public utility by the Nevada Public Utility Commission. TRIGID is a quasi-municipal entity functioning as a political subdivision of the State of Nevada.

1.2 Enterprise. TRIGID will furnish a system used for the provision of fire protection water as well as industrial, domestic and commercial water; and for the collection of domestic, commercial and industrial wastewater and septic tank effluent; including all parts of the enterprise, all appurtenances thereto, and land, easements, rights in land, contract rights and franchises.

1.3 Separability. If any section, subsection, sentence, clause or phrase of these Rules, Regulations and Charges or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules, Regulations and Charges or the application of such provision to other persons or circumstances. The Board hereby declares that it would have promulgated these Rules or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared to be unconstitutional.

1.4 Words and Phrases. For the purposes of these Rules, Regulations and Charges, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

ARTICLE 2. DEFINITIONS

2.1 Account Transfer shall mean any change made to a billing account, including but not limited to new ownership or new tenancy.

2.2 Additional Definitions/UPC. For the purpose of this Rules, additional terms shall have the meanings indicated in Chapter 1 of the latest edition of the Uniform Plumbing Code as prepared by the International Association of Plumbing and Mechanical Officials. Except as expressly stated otherwise in these Rules, all provisions of the latest edition of the Uniform Plumbing Code are incorporated herein by reference.

2.3 Applicant shall mean the person, business or governmental agency making application for water service to a parcel within service area, including the TRI Owners Association.

2.4 Application shall be a written request for water service (as distinguished from an inquiry as to the availability of, or charges for, such service) and agreement by Customer to comply with these Rules.

2.5 Billing Period shall be the period for which a billing is made. It may be for an average month and need not coincide with the calendar month (i.e., may be billed on a cycle of 29 to 31 days).

2.6 Board shall mean the Board of Trustees of TRIGID.

2.7 Building shall mean any structure used for human habitation or a place of business, recreation or other purpose requiring water services.

2.8 Capital Costs shall mean costs of major rehabilitation, expansion or upgrading required as facilities reach the end of their useful life.

2.9 Capital Outlays shall mean expenditures which result in the acquisition of, or addition to, fixed or capital assets.

2.10 Construction Water shall mean water delivered through other than a standard service connection for construction purposes.

2.11 Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of Nevada to perform the type of work to be done under these Rules.

2.12 Cross Connection shall mean any actual or potential connection between TRIGID's distribution facilities and any source or system which may potentially cause contamination, pollution, or change in water quality by any and all causes.

2.13 Connection Charge shall mean a fee charged in order to compensate TRIGID for the capital costs of investment, maintenance and repair in water plant equipment and related facilities made by TRIGID. The charge is applied to all new users of water facilities in approximate proportion to their anticipated usage and is for the right of service in the system.

2.14 County shall mean the County of Storey, State of Nevada.

2.15 Cubic Foot is the volume of water which occupies one cubic foot. The cubic foot is equal to 7.481 gallons.

2.16 Customer shall mean the person in whose name service is rendered as evidenced by Customer's signature on the application or contract for that service, or in the absence of a signed instrument, by the receipt and payment of bills regularly issued in Customer's name regardless of the identity of the actual user of the service.

2.17 Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand delivered to the Customer.

2.18 Delinquent shall mean an account that has not been paid by the 1st day of the calendar month following the due date of payment specified on the bill.

2.19 Developer shall mean any person engaged in or proposing development of property in the service area.

2.20 Development shall mean a parcel of property in the service area being improved and requiring water service, including but not limited to installation of service mains to and possibly on the property being improved.

2.21 Easement shall mean an acquired legal right for the specific use of land owned by others.

2.22 Employee shall mean any individual employed by TRIGID excluding independent contractors, consultants, and their employees.

2.23 Gallon is the volume of water which occupies 231 cubic inches.

2.24 Idler shall mean a length of pipe or spacer installed in lieu of a meter.

2.25 Inspector shall mean an individual designated to inspect facilities which are the subject of this Rules.

2.26 Inter-Connection shall mean any actual or potential connection to Customer piping which will provide water to property or permit use of water for purposes other than that for which a service connection was authorized.

2.27 Law is any statute, rule or regulation established by federal, state, County or municipal authorities.

2.28 Living Unit shall mean any residence, apartment, or other structure to be occupied for habitational purposes by a single person or family and requiring water service.

2.29 Main Classifications:

A. Off-Site Main shall mean a main, regardless of size, which extends from the existing water system to a development but excluding onsite mains.

B. On-Site Mains shall mean those public mains which are installed specifically to provide service to developments, and generally located within the development's boundaries.

C. Public Mains or TRIGID Mains shall mean those mains which are owned, operated and maintained by TRIGID after completion and acceptance.

D. Private Mains shall mean all water mains not owned by TRIGID after completion.

2.30 Metered Service is a service for which charges are computed on the basis of measured quantities of water.

2.31 Operation and Maintenance shall mean those functions that result in expenditures during the useful life of the water system facilities for materials, labor, utilities and other items which are necessary for managing and maintaining the water system facilities to achieve the capacity and performance for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement as defined in these Rules.

2.32 Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.

2.33 Permanent Service is a service which, in the opinion of TRIGID, is of a permanent and established character. The use of water may be continuous, intermittent, or seasonal in nature.

2.34 Permit shall mean any written authorization required pursuant to this or any other regulation of the service area for the installation or operation of any part of the water system within the service area.

2.35 Person shall mean any individual, firm, association, organization, partnership, trust, company, corporation or other entity, and any municipal, political, or governmental corporation, body, or agency, other than TRIGID.

2.36 Premises shall mean all of the real property and services to a single integrated activity operating under one name to one or more buildings, locations or services, provided: (a) such building, locations or services are to a single unit of property; or (b) such buildings, locations or services are on two or more units of property immediately adjoining, except for intervening highways, streets, alleys or waterways.

2.37 Private Fire Protection shall mean service through a line used to extinguish accidental fires which benefits only one Customer or one class of Customers and is provided as an extra service in addition to normal and customary fire protection provided by TRIGID to all Customers.

2.38 Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the water system facilities to maintain the capacity and performance for which such facilities were designed and constructed.

2.39 Rules shall mean these Rules, Regulations and Rates of The TRI General Improvement District For Water Service.

2.40 Service Area shall mean the place of use of water rights available to serve the certain areas as designated in Article 13 of these Rules.

2.41 Service and Connection Classifications:

A. Combined Services shall mean service connections through which water is obtained for the dual purpose of fire protection and domestic use.

B. Commercial Services shall mean service connections to include, but not limited to, nonindustrial businesses, office buildings, private clubs, motels, hotels, department stores, retail stores, restaurants, clubs, schools, and similar Customers.

C. Domestic Services shall mean service connections through which water is obtained for all purposes exclusive of fire protection, but including residential, commercial, and industrial uses.

D. Emergency Service Connection shall mean a temporary service connection required to provide water to safeguard health and protect private or public property, subject to the conditions governing temporary service connections.

E. Industrial Service shall mean service to Customers engaged in warehousing or distribution, or in a process which creates or changes raw or unfinished materials into another form or product (e.g.,factories, mills, manufacturing facilities, assembly plants, machine shops, mines, pumping plants, creameries, canning and packing plants, or processing activities).

F. Interim Services shall mean non-permanent connections for delivery of water for use during the construction of developments, other construction projects, and in certain instances, for emergency service.

G. Non-Standard Connection shall mean a service connection installed at a location not adjacent to the property served and where there will not be a main installed contiguous to the property.

H. Private Fire Service shall mean a service connection through which water is delivered to private property for fire protection exclusively.

I. Residential Service shall mean service to a Customer in a single family dwelling, mobile home or building, or in an individual flat, condominium, or apartment in a multiple family dwelling, or building or portion thereof occupied as the home, residence or sleeping place of one or more persons.

J. Service Connection shall mean the lateral pipe from the point of connection to a TRIGID water main, to and including the curb stop valve and/or meter box.

K. Standard Service Connection or "Permanent Service Connection" shall mean a service connection installed at a location adjacent to the property being served.

L. Temporary Service Connection shall mean a service connection installed at a location not adjacent to the property served and which is subject to removal or relocation at such time as a main is constructed.

2.42 Tenant shall mean a person renting or leasing a premise from the Customer or the Customer's selected representative.

2.43 TRIGID shall mean TRI General Improvement District, a political subdivision of the State of Nevada, formed and existing as specified in Subsection 1.1 of these Rules.

2.44 Water Meter shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by TRIGID.

2.45 Will Serve The written approval constituting a will serve commitment for water service from TRIGID.

ARTICLE 3. CONDITIONS OF SERVICE

3.1 Pressures. All applicants for service connections or water service and Customers shall accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and shall hold TRIGID harmless for any damages arising out of low pressure or high pressure conditions.

3.2 Interruption of Service. TRIGID will endeavor to notify Customers in advance of any interruption in service due to repairs, or other causes. However, in emergency conditions, when notification is not practical, service may be interrupted for indefinite periods of time. All Customers shall hold TRIGID harmless for any damages arising from interruptions in service caused by repairs, emergencies or conditions beyond the control of TRIGID.

3.3 Area Served. Properties within the boundaries of the service area shall be eligible to receive water from TRIGID in accordance with these Rules and subject to acceptance by TRIGID of a completed application by Customer.

3.4 Main Required. New applications for water service will be accepted only if the water main extends to the property being served, said water being within an off-site right-of-way or easement granted to TRIGID, or TRIGID agrees to extend the water main, unless the Customer agrees to extend all distribution, storage and supply capacity necessary to serve the Customer, subject to the provisions of these Rules.

3.5 Property Not Adjacent to a Water Main. In order to obtain service to property not immediately adjacent to a water main as required by Article 3.4 above, the applicant will be required to provide a main extension in accordance with the requirements of Article 10, or the applicant may make application for a non-standard service if the property meets the requirements of Article 9.9, and the applicant may be required to comply with the provisions of Article 4.3.

3.6 Damage to Property. TRIGID will not be liable for damage to property resulting from water running from open or faulty piping or fixtures on the Customer's property or from interruption or termination of service in accordance with these Rules, Regulations and Charges. Customers who request activation of a service shall be responsible for damage resulting from such activation due to open or faulty piping and fixtures on the Customer's property.

3.7 Tampering with TRIGID Property. No one except an employee or representative of TRIGID shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of TRIGID's system; or interfere with the meters or their connections, street mains or other parts of the system.

3.8 Penalty for Violation. For the failure of the Customer to comply with all or any part of these Rules, the Customer's service may be discontinued, in TRIGID's sole discretion, until the Customer is in compliance. Termination of water service shall be in accordance with Article 11.

3.9 Waste of Water. No Customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a Customer's premises, or is flowing onto adjacent properties, roads, or drainage ditches seriously affecting the general service or operation of the system, TRIGID may discontinue the service if such conditions are not corrected within twenty-four (24) hours after giving the Customer written notice. Water can be turned off immediately if conditions are severe and warrant immediate action.

3.10 Regulation of Water Usage. TRIGID may from time to time require that a watering schedule be followed or use of water be curtailed, or provide incentives for off-peak time watering, by notice to each Customer. Unless a different water schedule is promulgated by TRIGID, the following schedule of restrictions shall apply for outdoor irrigation to all commercial, industrial and other nonresidential Customers:

A. Customers with odd addresses - Monday and Thursday only;

B. Customers with even addresses - Tuesday and Friday only;

C. Watering by spray irrigation shall take place only between the hours of 6:00 p.m. to 6:00 a.m. during allowed days;

D. Watering by drip irrigation or by hand may take place at any time during allowed days; and

E. The watering of new lawns for a period of six weeks from the date of planting seed or laying sod or watering vegetation planted for erosion control in an approved project to the extent necessary to reasonably assure establishment thereof.

3.11 Notices to Customers. Notices from TRIGID to a Customer will normally be given in writing, and either delivered or mailed to Customer at Customer's last known address based on billing records. Where conditions warrant and in emergencies, TRIGID may resort to notification either by telephone, facsimile or messenger. When a Customer is refused service under the provisions of these Rules, TRIGID will notify the Customer promptly of the reason for the refusal to serve and of the right of the Customer to appeal TRIGID's decision to the Board. Failure by the Customer to accept a certified letter notice will not relieve the Customer of responsibility for contents of notice.

3.12 Notices from Customers. Notice from the Customer to TRIGID may be given by the Customer or Customer's authorized representative in writing at TRIGID's operating office. TRIGID's current operating office (which is subject to change) is:

TRI General Improvement District
1705 Peru Drive #104
McCarran, NV 89437
Telephone (775) 636-6126

3.13 Customer's Premises. TRIGID employees and agents shall have the right of access to Customer's property at all reasonable hours for any purpose related to the furnishing of service and protection of water quality

and quantity, but will generally not enter upon Customer's premises to engage in repair or alteration of Customer piping and fixtures, since it is a responsibility of Customer to service or repair its piping and fixtures.

3.14 Special Conditions and Circumstances. In the event that conditions or circumstances arise which are not specifically covered by these Rules or warrant deviation from these Rules, TRIGID may take whatever action, including establishing rates and charges which, in its discretion, is warranted, including execution of contracts and agreements with Customers covering special conditions and circumstances.

3.15 Effective Date. These Rules shall become effective on the date of signature by the Board.

3.16 Continuity. Adoption of these Rules shall not be construed as a waiver of any right or obligation under any prior agreement, contract, or commitment of a Customer and TRIGID.

3.17 Meters. All services shall have water meters and will be billed according to the metered rate schedule.

ARTICLE 4. SCHEDULE OF RATES AND CHARGES

4.1 General Metered Water Service. TRIGID shall not increase said rates and connection charges unless the Board determines that said rates and connection charges are insufficient to pay all costs of Capital Outlays (including interest carry) along with all operating costs of TRIGID, including but not limited to, overhead, salaries and other employee compensation, operating and maintenance expenses, taxes, reserve and replacement, water rights lease or purchase fees, any other fees, expenses and charges normal and customary for water service utility companies. In the event said rates are insufficient to pay all said operating costs, then monthly rates may be raised to a level that will cover all costs.

TRI-GID Water Rates

Meter Size	**Water**
3/4 inch	$ 26.51
1 inch	$ 47.08
1 1/2 inch	$ 81.11
2 inch	$ 122.54
4 inch	$ 361.96
6 inch	$ 705.13
8 inch	$ 1,116.53
10 inch	$ 1,945.34
Usage Per 1,000 gallons	$ 3.52

4.2 Charges for Construction Water. These charges apply to metered us of water during development and construction of projects.

A. Application for service must be completed and the location of the point of draw must be clearly identified

B. The contractor will be responsible for installation of a standard metered service and construction of temporary truck fills and appropriate backflow prevention assembly consistent with TRIGID

conditions of service. The setup will require inspection, meter reading, and assembly testing prior to activation.

C. The monthly customer service charge shall be $75.10.

D. The water usage charge shall be $3.52 per 1,000 gallons of water used each month as set forth in Article 4.1.

4.3 Connection Fees. An applicant for a Will Serve shall pay the water connection fee in effect on the date of the application upon completion of all requirements under Article 15. For calculations of connection fees on all Commercial and Industrial accounts, the applicant must provide the TRIGID with expected usage and discharge volume information based on fixture unit counts. This information is to be provided on the TRIGID prescribed form, certified by a Civil Engineer registered in the State of Nevada, and submitted along with an approved stamped set of drawings. Connection fees shall be charged on a one-time basis in the amount of $4.91 per gallon per day, based on the approved fixture calculations.

4.4 Build and Dedicate TRIGID System Facilities. If TRIGID determines, in TRIGID's sole discretion, that connection of new service for a Customer will exceed the standard specifications (see Article 15.2) for existing storage, supply or distribution capacity of TRIGID's water system, or requires additional storage, supply or distribution facilities, TRIGID may in its sole discretion require as a condition of service that the Customer design, permit and construct all additional new water facilities (e.g., wells, pump station, pipelines, valves, storage tanks) necessary to increase said capacity or provide facilities for Customer's use prior to providing water service. Customer shall complete and dedicate to TRIGID without charge all water system facilities as constructed. To the extent that any of said water system facilities are oversized beyond the Customer's needs, TRIGID shall reimburse the Customer from connection charges collected from subsequent Customers using said facilities or provide Customer a credit therefor from connection charges. The basis for reimbursement or credit shall be the difference in actual costs of the water system facilities between the capacity required for the constructing Customer's use and the oversized capacity. No overhead, administrative change, profit or interest on said actual costs will be reimbursable. All design and construction of said facilities must be approved by TRIGID. The constructing Customer shall not be entitled to a credit from the connection charge for all or any portion of the water system facilities so constructed, except as specified in this Article. The procedures specified in Article 10 shall be used for all construction under this Article. Construction by a third-party developer of off-site water system facilities shall not entitle the Customer to claim a credit or reimbursement for the water system facilities so constructed.

ARTICLE 5. OTHER CHARGES, FEES AND DEPOSITS

5.1 Security Deposit for Service. TRIGID may require a security deposit in the amount of Five Hundred Dollars ($500.00) or one-year's total estimated rates (whichever is less) from all new Customers or applicants, from Customers whose accounts are delinquent on more than one occasion (i.e., two monthly payments overdue) in any one (1) year period, or in situations where TRIGID has cause to believe that a deposit is required to ensure payment of bills. Upon discontinuance of service, any deposit held by TRIGID will be applied to the final billing with any deposit amount refunded to the Customer. By posting a deposit, the Customer agrees that the deposit is a pledge to make future payments to TRIGID and not payments for future services that are furnished by TRIGID.

Any application for service will not be granted unless full payment has been made for water or sewer services previously rendered to the applicant or Customer by TRIGID, if any. Failure on the part of the Customer to make a deposit within fifteen (15) days after written notice by TRIGID that such deposit be

made or service may be discontinued, shall warrant TRIGID in discontinuing the service to the Customer. TRIGID may waive the security deposit requirement, in its sole discretion, or accept alternate security.

5.2 Charges for Disconnection, Reconnection, Account Transfer and Special Reading. If service is discontinued whether at the request of the Customer or initiated by TRIGID for reasons other than those specified in Article 5.10, the Customer shall pay a processing charge of fifteen ($15.00) for disconnection and another fifteen dollars ($15.00) for reconnection. If the Customer requests an account transfer or special meter reading, a processing charge of fifteen dollars ($15.00) shall be charged. Customers must give 24 hours or previous working day's notice for disconnection, re-connection or special reading.

5.3 Installation Fee: The installation fee shall be charged to cover the cost of materials and labor for installing the water service. This fee shall be based on the service size and shall be in the amount shown. The installation fee includes tapping of the main, installation of the service line from the main to the meter, the meter, and the meter box, in accordance with the following table:

Service Size	Installation Fee
3/4" or smaller	$ 750
1"	$ 795
1 1/2"	$ 975
2"	$1,290
Over 2"	Actual Cost, or $1,300, whichever is greater

In the alternative, if all materials and labor are supplied, the installation fee includes setting of meter in a TRIGID approved installation, in accordance with the following table:

Service Size	Installation Fee
3/4" or smaller	$ 80.00
1"	$ 90.00
1 1/2"	$130.00
Over 2"	Actual Cost

TRIGID personnel or agents will do all service connection installations, unless TRIGID approves another means of installation.

5.4 Water Plan Checking and Inspection Fee. Any applicant, Customer or a Developer requiring approval of plans by TRIGID, a Will Serve letter, or desiring plan checking shall pay to TRIGID a $500 plan review fee and a $1000 inspection fee at the time of the Will Serve application.

5.5 Relocation of Service Connection. An existing service connection may be relocated, if the new service is of like size and will provide a water supply to the same parcel of property, upon application and payment of an installation fee by the Customer.

5.6 Increase in Size of Service Connections. Enlargement of a service connection to the same property, requiring abandonment of the existing connection and installation of a complete replacement connection of increased size shall be treated as a new service connection and shall be charged accordingly. The fees to be paid by the Customer upon application for increase in size of service connection shall be the installation fee for the size of the larger service being installed and a connection charge which shall be determined by subtracting the connection charge for the size of service being abandoned from the connection charge for the size of service being installed, if any.

5.7 TRIGID Fire Hydrants Fire Fighting Use. There shall be no charges to governmental agencies for water available through TRIGID fire hydrants for use in fire suppression.

5.8 Private Use of TRIGID Fire Hydrants. Connections to TRIGID fire hydrants are prohibited unless a water service application is submitted to and approved by TRIGID. The applicant shall pay fees as specified in Article 4.6. Applicants for connections to fire hydrants shall designate the period of time and purposes for which water is to be used. TRIGID shall designate the fire hydrant that the applicant may use. Use of any other fire hydrant by the applicant other than the designated hydrant may result in an additional charge of one hundred dollars ($100.00) for each occurrence, and removal of Customer's or TRIGID's equipment, if any. TRIGID may discontinue the supply and remove its equipment at the expiration of the period so designated or if the supply is used for any purpose other than designated by the applicant. The supply is subject to limitations as to rate of flow and time of use. TRIGID will install all equipment necessary for the connection, unless TRIGID approves other arrangements, and no water will be used until such equipment is installed. In the event that a connection is made to a fire hydrant without authority to do so, the user shall be required to pay an additional charge of One Hundred ($100.00) for each day of use prior to issuance of the permit.

5.9 Public Agencies Exempted from Deposit Requirements. In lieu of cash deposits or sureties, purchase orders will be accepted from public agencies.

5.10 Discontinuance Charge. If service is discontinued for non-payment of water bills or other violations of these Rules, the Customer shall pay a turn-off charge according to the schedule below. Before service is restored, all accrued water charges must be paid, in addition to a turn-on charge in an amount equal to the charge for turn-off according to the schedule below. If a Customer has had twelve (12) consecutive months without being disconnected for non-payment of bills or other violations, the discontinuance charge shall revert to the first occurrence charge according to the schedule below.

Occurrence of Discontinuance of Service	Turn Off And Turn On Charges
First	$ 50.00
Second	$100.00
Third	$200.00
Fourth and beyond	$300.00

Should the Customer reactivate the service without the consent of TRIGID, an additional charge of five hundred dollars ($500.00) will be made for each such occurrence. Service will be considered to have been disconnected when an employee of TRIGID has been dispatched for that purpose. Termination of water service shall be in accordance with Article 11.

5.11 Fee for Turn-off at Main. Should it become necessary in order to enforce discontinuance of service. To shut off the service at the main, a charge equal to the cost of labor, equipment and materials will be made, but not less than $250.00.

5.12 Delinquent Accounts. In addition to other provisions of these Rules, there will be a charge for late payment. If payment is not received before it becomes delinquent, a late penalty processing fee and a penalty on the outstanding balance will be charged in accordance with Article 7.3 and the service may be discontinued according to the procedure outlined in Article 11.

5.13 Unauthorized Use of Private Fire Service. When it is found that a private fire service is being used for purposes other than standby fire protection, TRIGID shall notify the Customer of the unauthorized use. Failure to discontinue unauthorized use will be cause for discontinuance of service. The Customer shall be charged for the water consumed through the unauthorized use, as TRIGID may deem appropriate,

consistent with established rates, and in addition Customer shall pay a charge of one hundred dollars ($100.00) per occurrence.

5.14 Damage to TRIGID Property. Persons causing damage to TRIGID property by any willful or negligent act shall be responsible for payment of all costs incurred. Customers or their contractors, agents and representatives causing damage to TRIGID property shall be strictly liable for payment of all costs caused by such damage.

5.15 Charges for Meter Testing. TRIGID will shop-test, preferably in the presence of the Customer, a meter of a size two-inches (2") or smaller, at the request of a Customer and payment of a twenty-dollar ($20) fee. If the meter, upon testing, registers no greater than two percent (2%) over the true quantity, the fee shall be forfeited, and all water bills shall be paid as presented. However, if the meter registers more than two percent (2%) of the true quantity, the fee shall be returned, and the amount overcharged during the prior six months, or such portion of the six month period as the Customer has been responsible for water bills, will be credited to the Customer and another meter substituted for the inaccurate meter. The same procedure shall apply to meters larger than two inches (2"), except that the meter shall be field-tested.

5.16 Photocopy Charges. The charge for making photocopies on TRIGID copying equipment shall be $.25 per copy.

5.17 Reimbursement for District Costs Benefitting Individuals or Entities. The District shall seek reimbursement from those individuals or private companies for outside contract services, including but not limited to legal and engineering services, that are incurred by the District in relation to proposed new development or special projects that are deemed to benefit individual persons or entities, rather than the District customers at large. The reimbursements collected from individual persons or entities shall be limited to the actual time and materials and unit rate costs incurred by the District related to proposed new development or special projects that are deemed, in the District's discretion, to benefit individual persons or entities, rather than the District's customers at large.

ARTICLE 6. BASIS FOR BILLING

6.1 Monthly Billing. All services shall be billed on the basis of monthly rates specified in Article 4.1.

6.2 Meter Readings. Customers are responsible for payment of all water recorded as having passed through a meter regardless of whether the water was put to beneficial use.

6.3 Owner Responsibility. The Owner shall be ultimately responsible for payment of water bills and fees for its property in the case of nonpayment by a tenant or other occupant.

ARTICLE 7. TIME AND MANNER OF PAYMENT

7.1 Issuance of Bills. TRIGID shall read the water meters in the service area monthly, and as soon thereafter as practicable, issue a bill for each service in accordance with these Rules. TRIGID shall send out bills for water used and for which no payment has been received and shall use the rates and charges established by these Rules to determine the amount.

7.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the operating office of TRIGID or as specified in the bills.

7.3 Delinquent Accounts. Accounts not paid in accordance with Article 5.12 are delinquent and shall be charged a late fee of 1.5 percent per month of the outstanding balance plus a basic penalty fee of ten percent (10%) of the delinquent monthly billing.

7.4 Discontinuance of Service. TRIGID may discontinue service to a Customer having a delinquent bill as specified in Article 11.2.

7.5 Represents Lien on Property. Until paid, all rates and charges provided in these Rules which are delinquent constitute a perpetual lien on and against the property served and may be foreclosed upon as provided by law.

7.6 Proration of Service Charges; Minimum Bill. If any opening or closing bill is for a period shorter than the regular billing period, the base rate charge for service shall be reduced in the same proportion as the actual period of use is reduced from the regular billing period.

7.7 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received.

7.8 Checks Not Honored by Bank. Checks presented in payment to TRIGID which are returned by a bank shall be treated as though no payment had been made and a fifty-dollar ($50.00) handling charge will be levied by TRIGID plus any additional charges of the bank. Payment in lieu of returned checks may be required to be by cash or equivalent. The Customer must reimburse TRIGID for any returned check fees charged by a bank to TRIGID.

7.9 Multiple Water Bills. For the purpose of computing charges, each meter will be considered separately, and readings of multiple meters will not be combined, except where a battery of smaller meters has been installed in lieu of a larger one for TRIGID's convenience. In such cases, charges will be computed as if the water used has been measured through a single meter.

7.10 Estimated Bills and Non-operable Meters. If a meter cannot be read because of obstructions or other causes, an estimate shall be made of the quantity of water used, and a bill shall be issued for the estimated service. The next succeeding bill which is based upon actual meter readings will reflect the difference between prior estimates and actual consumption. If a meter is found to be non-operable, consumption shall be estimated and billed, considering all pertinent factors.

7.11 Billing Adjustments. Where billing adjustments are processed for inaccurate meter recordings or other usage adjustments, if the meter has:

A. under-recorded the usage of water, the adjustment shall be only for the period of the most recent six (6) months of usage.

B. over-recorded the usage, the adjustment in the form of a credit shall be made only for the period of the most recent six (6) months of usage.

C. A Customer who, because of an adjustment to his bill, owes TRIGID money for service may pay that amount over a three (3) month period. TRIGID shall credit the Customer who was overcharged because of an inaccurate meter not later than thirty (30) days after the overcharge is determined.

7.12 Disputed Bills. In the case of a dispute between a Customer and TRIGID as to the correct amount of any bill rendered by TRIGID for water service furnished to the Customer, the Customer will deposit with TRIGID the amount claimed by TRIGID to be due. Failure on the part of the Customer to make such deposit within fifteen (15) days after written notice by TRIGID that such deposit be made or service may

be discontinued, shall warrant TRIGID in discontinuing the service to the Customer without further notice. A billing dispute not resolved to the Customer's satisfaction is subject to the dispute resolution procedures as provided in Article 14.

ARTICLE 8. APPLICATION FOR SERVICE

8.1 Application. Each person applying for a new water service or changes in an existing service, will be required to sign appropriate application forms provided by TRIGID and to pay all required fees and charges. The application form shall include an agreement to abide by all TRIGID rules and regulations and shall require furnishing such information as TRIGID may reasonably require. Each applicant shall describe the type of development proposed for the property.

8.2 Existing Service Connection. Applicants for service through existing service connections shall nevertheless provide required information on application forms provided by TRIGID.

8.3 New Service. The applicant shall provide any and all information which will assist TRIGID in properly sizing and locating a service lateral and meter, including a description of the development, the use of water and plumbing plans of the private facilities, if required. Applications shall be accompanied by payment of the service connection installation fee, plus the connection charge, unless deferred.

8.4 Correct Information. In the event that an applicant provides incorrect information as to the size and location of a service connection or requests a change in the size or location after work has commenced, the applicant shall pay any costs incurred by reason of such corrections and changes.

8.5 Rejection of Application. Applications for service through existing or new service connections accompanied by all required fees and charges may nevertheless be rejected if:

A. The account of the applicant or any other person (e.g., prior Customer, tenant, owner) at the same service location, or the applicant at another location, is delinquent.

B. The purpose of the applicant, in the opinion of TRIGID, is to circumvent discontinuance of service in another name because of nonpayment of water bills.

8.6 Service Outside Service Area Boundary. Only property within the service area boundary is eligible for water service from TRIGID. Property outside the service area must be annexed into the service area before application can be made for water service to the property. Applicant shall pay all costs associated with annexation of property into the service area. The Board may deny any annexation request, in its sole discretion, and the Board shall not approve any annexation that conflicts with existing County Master Plans and/or existing Development Agreements for the TRIGID Service Area. The Board may annex, in its sole discretion, any property for wholesale service, and any nonresidential property for retail service.

ARTICLE 9. SERVICE CONNECTIONS

9.1 Size and Water Supply. TRIGID reserves the right to determine the size of the service connection to be installed, giving consideration to the needs of the applicant and the capacity of the main to which the service is to be connected. No service connection shall be approved of a size larger than can be supplied by the main without adversely affecting service to other Customers. In the event an existing main is determined to be inadequate to meet the requirements of an applicant and a main extension will provide for those requirements, provisions of these Rules applying to main extensions will be followed. Whenever two

mains are available from which service can be provided, TRIGID shall, at its option, determine the main to which the service connection will be made.

9.2 Location. Service connections shall be installed at right angles to a main and the point of connection shall not be within a street intersection. The curb stop or meter box location shall normally be within the off-site right-of-way or easement adjacent to existing or proposed. curb line. In alleys or easements, curb-stops or meter boxes shall be located at a point as close as practicable to the property line near which the main is located. All curb-stops and meter boxes shall be located outside of driveways and other areas where access by TRIGID employees or representatives for operation and maintenance may be restricted.

9.3 Composition. A standard service connection shall be comprised of a service lateral from the point of connection to the main, to and including meter box or battery thereof. The meter box shall contain a meter riser with integral curb stop and check valve, and a meter.

9.4 Ownership. Service connections, including laterals, to and including curb stops, meter boxes, and other appurtenances, shall upon completion be and remain the property of TRIGID and TRIGID shall be responsible for the maintenance and repair of such facilities, subject to any agreements covering the installation of such facilities. All pipe and fittings on the Customer's side of the curb stop and/or meter box shall be installed by and maintained by the Customer or Customer.

9.5 Private Fire Service. Private fire service shall be restricted to standby for emergency fire protection. TRIGID may require installation of an approved detector check valve.

9.6 Combined Service. Combined service shall be allowed only when so approved by TRIGID.

9.7 Temporary Service. TRIGID may authorize a temporary service connection when the applicant's property is not adjacent to a water main. As a condition to installation of temporary service, the applicant is required to provide assurance satisfactory to TRIGID of the prompt installation of the necessary main extension.

9.8 Emergency Service. Emergency service may be authorized for limited periods of time when the usual source of supply fails or is declared to be potentially harmful, or in other circumstances that endanger health or property. Connections may be provided, at the discretion of TRIGID, to any available outlet from TRIGID facilities.

9.9 Non-Standard Service. Non-standard service may be authorized when, in the opinion of TRIGID, a main extension will not be necessary for orderly development of the system, fire protection, service to other property or other reasons. Non-standard service laterals from curb stop of meter box to the Customer shall normally not be located within an off-site right-of-way. A copy of the recorded easement grant over private property for a service lateral shall be provided to TRIGID's satisfaction.

9.10 Separate Service to Each Separate Ownership. Each living unit or nonresidential service under separate ownership must be provided with a separate service connection, unless TRIGID approves a different connection. Two or more Customers under one ownership and on the same lot or parcel of land may be supplied through the same service connection; provided that for each Customer an additional monthly base rate will be applied to the single service serving said Customer, or a separate service connection may be provided for each building and each charged as a separate service. TRIGID reserves the right to limit the number of parcels or the area of land under one ownership to be supplied by one service connection. Not more than one service connection for domestic or commercial supply shall be installed for one building (other than multi-tenant buildings), except under special conditions. A service connection shall not be used to supply other property of a different owner or to supply property of the same owner across a street or alley. When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

9.11 Installation of TRIGID Facilities by a Developer. Subject to the provisions of applicable sections of these Rules, the following shall apply to the installation of all facilities by a developer which are to be owned and operated by TRIGID.

A. The developer shall pay to TRIGID prior to the approval of any installation all applicable fees and charges.

B. Plans and specifications for the water system improvements to be constructed by the developer shall be prepared by a Nevada Professional Engineer retained by the developer and shall be approved by TRIGID and the Storey County Fire Department (or its designee) before construction is started.

C. All TRIGID water facilities shall be located within easements or rights-of-way. Water meter boxes shall be located outside of travel lanes and driveways and shall be protected from vehicular traffic, as determined by TRIGID.

D. TRIGID shall have inspected and approved the installation of the water service facilities before service is provided (other than water for construction purposes).

E. Prior to installation, fire hydrants to be connected to a TRIGID main shall be approved by the fire department having jurisdiction.

9.12 Installation By TRIGID. Unless otherwise approved by TRIGID, service connections shall be installed by TRIGID. When warranted by circumstances, TRIGID may permit installation of the service connections by independent contractors. In such event, TRIGID specifications must be adhered to and tapping of a main will be permitted only in the presence of a representative of TRIGID.

9.13 Cross-Connections. No connections shall be permitted between TRIGID water supply system and; 1) any sewer or drainage system; 2) any steam, gas, or chemical line, pipe or conduit; 3) any device, boiler, tank or container whereby any contamination or pollution or any dangerous, impure, unsanitary, or unpotable substance may be introduced into any portion of TRIGID's water supply system by backflow, back-siphonage, or any other method; and 4) any premises where a water supply system other than TRIGID's exists, unless approved by TRIGID. Any connection where possibility of contamination or pollution exists shall be equipped and tested as outlined in Article 12.

9.14 Service Connection Restrictions. TRIGID reserves the right to prohibit connections to certain mains when, in its opinion, such connections may impair the integrity of such mains or when the location of such connection would not be conducive to orderly development and planning of the distribution system. In such conditions, consideration will be given to main extension or alternate means of supply.

9.15 Relief Valves. As a protection to the Customer's plumbing system, a suitable pressure relief valve must by installed and maintained by the Customer, at its expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and any water heater.

9.16 Back Flow Device. Whenever back flow protection has been found necessary on a water supply line entering a Customer's premises, then any and all water supply lines from TRIGID's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use of the additional water supply lines. Approved back flow protection devices shall be inspected and tested annually in accordance with Article 12. The devices shall be serviced, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by the Customer. The service of water to any premises may be immediately discontinued by TRIGID if any defect is found in the backflow prevention installation or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

ARTICLE 10. MAIN EXTENSION

10.1 General Conditions.

A. Construction Plans. A person proposing an extension to TRIGID distribution system to provide a water supply to a parcel of property shall submit detailed water plans. Such plans shall indicate the size and location (horizontal and vertical) of water mains and other facilities, including all service laterals and fire hydrants. In addition, water plans shall designate boundaries of the applicant's property which will be served by the proposed extension. Water system improvements shall be designed by a professional engineer licensed in Nevada.

TRIGID will review the water plan and return written comments to the applicant indicating any necessary revisions. The applicant shall prepare and submit to TRIGID final plans of the water improvements with all comments addressed to the satisfaction of TRIGID. Upon execution of the appropriate agreement by the applicant; payment of applicable charges, fees and deposits; approval of other appropriate governmental agencies, and a preconstruction conference with TRIGID, TRIGID will give the applicant permission to start construction. No water related construction will be started before permission is granted by TRIGID.

B. Time Limitation. Approval by TRIGID for any main extension shall be valid for a limited time as will any related commitment of existing capacity in a particular main. In the event that construction of the mains covered by any approved plan is not started within one (1) year from the date of approval, the project shall be deemed to have been abandoned, and any subsequent proposal for reactivation shall be treated as a new project. The same shall apply when active construction work within a property is commenced and then discontinued for a period of six (6) months.

C. Compliance with Specifications. All main extensions, service connections, and appurtenances shall be constructed to conform with TRIGID specifications. Mains shall be sterilized to the satisfaction of TRIGID and activation of the mains for domestic use shall not be permitted until authorized by TRIGID. Connections to existing mains shall be made only in the presence of a representative of TRIGID and at times specified by TRIGID. Shutting down of mains for the purpose of making connections will not be permitted when wet taps are feasible. Mains will be shut down only with the specific approval of TRIGID.

D. Guarantee. Materials and workmanship shall be guaranteed free of defect for a period of one (1) year from date of acceptance by TRIGID. Upon receipt of notice from TRIGID, the developer or Customer shall immediately cause any defect to be corrected or shall reimburse TRIGID for the cost of correction.

E. Rights-of-Way. Water mains and appurtenances shall be located within off-site rights-of-way or within easement grants to TRIGID not less than 20 feet in width or as TRIGID may specify. All rights-of-way or easements shall be recorded prior to release of approved plans.

F. Minimum Size of Main. The minimum size of any main to be constructed as a part of TRIGID's distribution system shall be six (6) inches in diameter; except in certain dead end locations where there are no fire hydrants and future extensions are not possible, TRIGID may allow mains four (4) inches in diameter.

G. Fire Hydrants. Fire hydrant installations shall conform with design and location requirements of the governmental agency having jurisdiction.

H. Commitment of Water Supply. Main extensions or other facilities constructed by persons for development of property shall not be considered as reserved for supply to those properties exclusively. Extensions of and connections to such mains for service to others shall be permitted when, in the opinion of TRIGID, such connections will not substantially affect supply to the original development or property.

10.2 Standard Main Extensions.

A. General Conditions. Main extensions proposed for construction under provisions of this Article shall be subject to the general conditions as described in Article 10.1.

B. Size of Mains. Proposed water main extensions to serve developments, both on-site and off-site, shall be of sufficient size to adequately provide a water supply for the development. TRIGID reserves the right to establish sizes of all mains and appurtenances.

C. Responsibility for Cost. The cost of all main extensions to be constructed under Article 10.2, including service laterals, fire hydrants, and other appurtenances, shall be borne by the developer or Customer.

D. Agreement and Payment of Fees. Prior to TRIGID's permission to start construction, the developer or Customer shall execute a standard form of agreement with TRIGID and submit payment of all required fees, construction water charges, and other fees and deposits as required by these Rules.

E. Construction by Private Contractor or Developer. Design and preparation of construction drawings shall be done by competent registered professional engineer selected by the applicant. Construction work shall be performed by an experienced, properly licensed and competent person or firm selected by the applicant. In certain circumstances when, in the opinion of TRIGID, the extent of work to be performed is minor and can be accomplished efficiently and economically by TRIGID employees or representatives, TRIGID may elect to perform the work and the applicant shall deposit an amount equivalent to the estimated cost. Upon completion of construction, the differential between estimated and actual costs will be billed or refunded.

F. Completion. Upon completion of the work, the applicant's engineer shall certify that the work was completed according to the plans and specifications, except in the case of work completed by TRIGID. Water service will not be activated until the engineer's certification is submitted to TRIGID and TRIGID accepts the construction.

10.3 Oversized Main Extensions.

A. General Conditions. Main extensions proposed for construction under provisions of this Article shall be subject to the general conditions described in Article 10.1. When applicable, the provisions of this Article 10.3 shall govern over the provisions of Article 4.4.

B. Applicability. For the purpose of this Article, an oversized main is described as a main larger than eight inches (8") and which, in addition to providing an adequate water supply to the proposed development, is required to be of a size which will be capable of meeting future demands for parcels other than Customer's on the distribution system and provide for orderly development of that system. TRIGID reserves the right to determine what constitutes an oversized main.

C. Location of Mains. Oversized mains may be off-site (outside the boundaries of a development) or traverse the interior area or combination thereof.

D. Identification of Mains. TRIGID shall indicate and identify on water plans submitted for a proposed development both the standard and oversized diameters of pipelines to be constructed.

E. Approval by TRIGID Required. Proposals for oversizing of water mains shall be submitted to TRIGID for review and approval. Water plans, conforming with TRIGID's directive, shall then be approved and TRIGID shall enter into an agreement with the developer or Customer, providing for TRIGID's participation in construction costs as hereinafter set forth.

F. Participation in Cost. Participation by TRIGID for the oversizing of a main extension shall be based on the difference in actual cost of pipe, fittings, and valves between the size required for the main extensions and the size required for oversizing, and shall not include trenching and backfilling. The cost difference shall be established by a certified price list from the supplier. Prices quoted on the list shall be the actual prices charged to the buyer. Hydrants installed by the developer on off-site lines shall not be considered as oversizing.

G. Alternate Method of Payment. TRIGID may, in lieu of a lump sum payment of TRIGID's portion of the construction costs, arrange with the developer or Customer for an alternate method of payment from future hook-ups for a period of ten (10) years.

ARTICLE 11. TERMINATION OF SERVICES

11.1 Customer Request for Termination of Service. A Customer may have service terminated by giving not less than five (5) business days advance notice thereof to TRIGID, and provide a mailing address to which the closing bill will be mailed. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required five (5) business days advance notice. When such notice is not given, the Customer will be required to pay for service until five (5) business days after TRIGID has knowledge that the Customer has vacated the premises or otherwise has terminated service. Failure to notify TRIGID of termination of service shall not relieve the Customer or property owner (if other than the Customer) of responsibility for payment of water bills.

11.2 Termination of Service by TRIGID.

A. For Nonpayment of Bills. A Customer's service may be discontinued for nonpayment of a bill for service furnished if the bill is delinquent, provided TRIGID has given the Customer at least five (5) days prior notice of its intention to discontinue service.

Premises to which charges have become delinquent may be disconnected from the water system. TRIGID shall charge the cost of disconnection of such premises and the cost of reconnection thereto, as provided in Article 5.2, plus the discontinuance charge in Article 5.11, before such premises are reconnected to the water system.

B. For Noncompliance with Rules. TRIGID may discontinue service to any Customer for violation of these Rules after it has given the Customer as least five (5) days written notice of such intention. Where safety of water supply is endangered, or other emergency circumstances exist, service may be discontinued or curtailed immediately without notice.

C. For Inter-Connections, Cross-Connections, or Illegal Connections. Where nonemergency inter-connection, cross-connection, or illegal connection on or from a Customer's premises occurs, TRIGID may discontinue service and/or make such corrections as may be indicated at Customer's

expense, if such practices are not remedied within five (5) days after it has given the Customer written notice to such effect.

D. For Unsafe Apparatus or Where Service is Detrimental or Damaging to TRIGID or its Customers. If any unsafe or hazardous condition is found to exist on the Customer's premises, or if any apparatus or illegal or prohibited connections, equipment or otherwise, is found to be detrimental or damaging to TRIGID or its Customers, the service may be discontinued without notice. TRIGID will notify the Customer immediately of the reasons for the discontinuance and the corrective action to be taken by the Customer before service can be restored.

E. For Fraudulent Use of Services. When TRIGID has discovered that a Customer has obtained service by fraudulent means, or has altered the water service for unauthorized use, the service to that Customer may be discontinued without notice. TRIGID may not restore service to such Customer until that Customer has complied with all policies, rules and reasonable requirements of TRIGID and TRIGID has been reimbursed for the full amount of the service rendered and the actual cost that TRIGID incurred by reason of the fraudulent use.

11.3 Restoration of Service.

A. To Be Made During Regular Working Hours. TRIGID will endeavor to make reconnections during regular working hours on the day of the request, if conditions permit; otherwise, reconnection will be made on the regular working day following the day the request is made.

B. To Be Made at Other Than Regular Working Hours. When a Customer has requested that the reconnection be made at other than regular working hours, TRIGID will reasonably endeavor to so make the reconnection if practicable under the circumstances, but will be under no obligation to do so, unless an emergency exists. Disconnections or reconnections requested by the Customer at other than regular working hours may result in the requirement of payment of additional TRIGID costs in addition to the charges for disconnection and reconnection as outlined in Article 5.2.

11.4 Refusal to Serve.

A. Conditions for Refusal. In addition to the provisions of Article 8.5, TRIGID may refuse an applicant for service under the following conditions:

1. If the applicant for service is not within the boundaries of TRIGID.

2. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing Customers.

3. If the applicant fails to comply with these Rules or other rules as approved by the Board.

4. If, in the judgment of TRIGID, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or flooding, or of such nature that satisfactory service cannot be rendered.

5. Where service has been discontinued for fraudulent use, TRIGID may elect not to serve an applicant until it has determined that all conditions of fraudulent use or practice have been corrected.

6. If the applicant for service is for a residential use.

B. Notification to Customers. When an applicant is refused service under the provisions of this Article, TRIGID will notify the applicant promptly, by procedures specified in Article 3.12, of the reason for the refusal to serve and of the right of the applicant to appeal TRIGID's decision to the Board. Whenever termination of water service will affect more than one Customer, TRIGID will make reasonable effort to give notice to all Customers.

ARTICLE 12. CROSS CONNECTION CONTROL

12.1 Purpose

A. Protect the TRI-GID potable water system from contamination or pollution by preventing contaminants and pollutants within the water systems of customers from entering the TRI-GID water system;

B. Eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;

C. Eliminate cross-connections between drinking water systems and sources of contamination;

D. Prevent the creation of cross-connections in the future.

12.2 Definitions

A. Air-Gap Separation (AG). "Air gap separation" means a physical break between a supply pipe and a receiving vessel. The air-gap shall be a least double the diameter of the supply pipe measured vertically above the top rim of the vessel, but in no case less than one inch (1").

B. Approved Backflow Prevention Assembly. "Approved Backflow Prevention Assembly" refers to an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association (AWWA C506, 'Current Revision' Standards for Reduced Pressure Principle and Double Check Valve Backflow Prevention Devices); and has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such test to the TRI-GID Public Works Department.

C. Approved Water Supply "Approved Water Supply" means any water supply whose potability is regulated by a state or local health agency.

D. Auxiliary Supply. "Auxiliary Supply" means any water supply on or available to the premises other than the approved water supply.

E. AWWA Standard. "AWWA Standard" means an official standard developed and approved by the American Water Works Association (AWWA).

F. Backflow. "Backflow" means a flow condition, caused by a differential in pressure that causes the flows of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source. Back siphonage is one cause of backflow. Backpressure is the other cause.

G. Contamination. "Contamination" means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of the water.

H. Cross-Connections. "Cross-Connections" as used in this chapter means any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or substances that is not or cannot be approved as safe, wholesome and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered cross-connections.

I. Double Check Valve Assembly, (DC). "Double check valve assembly" means an approved backflow prevention assembly of two (2) internally loaded, independently acting check valves, including resilient seated shut-off valves on each end of the assembly and test cocks for testing the water-tightness of each check valve.

J. Person. "Person" means any individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

K. Premises. "Premises" means any and all areas on a water user's property which are served or have the potential to be served by the public water system.

L. Public Water System. "Public Water System" means a system for the provision of piped water to the public for human consumption that has fifteen (15) or more service connections or regularly serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year.

M. Non Potable Water. "Non Potable Water" means a wastewater, which, as a result of treatment, is suitable for uses other than potable use.

N. Reduced Pressure Principle Backflow Prevention Assembly. "Reduced pressure principle backflow prevention assembly" (RP) means an approved backflow prevention assembly incorporating two (2) internally loaded check valves, including resilient seated shut-off valves on each end of the assembly, and equipped with necessary test cocks for testing the assembly.

O. Service Connection. "Service Connection" refers to the point of connection of a user's piping to the water supplier's facilities.

P. Water Supplier. "Water Supplier" means the person who owns or operates an approved water supply system.

Q. Water User. "Water User" means any person obtaining water from an approved water supply system.

12.3 <u>Cross-connection protection requirements</u>

A. General Provisions

1. Unprotected cross-connections with the public water supply are prohibited. Nevada Administrative Code 445, Section 408 requires the State Health Officer's written approval to interconnect water supplies.

2. Whenever backflow protection has been found necessary, TRI-GID will require the water user to install an approved backflow prevention assembly by and at the user's expense for continued services or before new service will be granted. For new water meter sets, the required backflow assembly shall be installed, inspected, approved and certified test results provided to TRI-GID within; five (5) days of meter set, unless the TRI-GID District Manager or designee approves otherwise. The service will be locked off if inspections and certifications are not completed as specified above.

3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, any and all water supply lines from TRI-GID mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly. The type of assembly to be installed will be in accordance with the requirements of this chapter.

B. Where Protection is Required.

1. Each service connection from the TRI-GID water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is an approved water supply. NAC 445, Section 408 requires the State Health Officer's written approval to interconnect water supplies.

2. Each service connection from the TRI-GID water system for supplying water to premises on which any substance is handled in such fashion as may allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the TRI-GID water system which have been subjected to deterioration of sanitary quality.

3. Backflow prevention assemblies shall be installed on the service connection to any premises having:

   a. Internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the TRI-GID or

   b. Intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

C. Type of Protection Required

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the water user's premises. The type of protection assembly that shall be required (listing in an increasing level of protection) includes: atmospheric vacuum breaker (AVB), pressure vacuum breaker or spill resistant pressure vacuum breaker (PVB/SVB), double check valve assembly (DC), reduced pressure principle backflow prevention assembly (RP), and an air-gap separation (AG). The water user may choose a higher level of protection than required by the TRI-GID. The minimum types of backflow protection required to protect the approved water supply, at the user's water connection, are given in NAC

445A.6719 through NAC 445A.6721. Situations that are not covered in those sections of the NAC shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by TRI-GID.

2. When two (2) or more services supply water from different street mains to the same building, structure, or premises through which an inter-street main flow may occur, the premises shall have at least a DC on each water service to be located adjacent to and on the property side of the respective meters. Such protection shall not be considered adequate if backflow protection is deemed necessary to protect the mains from contamination; in such cases the installation of approved backflow assemblies at such service connections shall be required.

12.4 Backflow Prevention Assemblies

A. Approved Backflow Prevention Assemblies.

1. Only backflow prevention assemblies which have been approved by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research shall be acceptable for installation by a water user connected to TRI-GID's potable water system.
2. TRI-GID will provide upon request, to any affected user, a list of approved backflow prevention assemblies.

B. Backflow Prevention Assembly Installation

1. Backflow prevention assemblies shall be installed in a manner prescribed in the Standards and Details adopted by TRI-GID. Location of the assemblies shall be as close as practical to the user's service connection. TRI-GID shall have the final authority in determining the required location of a backflow prevention assembly.

a. Air-Gap Separation (AG). The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving vessel shall be above grade and be entirely visible. NO water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one inch above the overflow rim of the receiving tank.

b. Reduced Pressure Principle Backflow Prevention Assembly (RP). The approved reduced pressure principle assembly shall be installed on the user's side of and as close to the service connection as is practical. The assembly shall be installed a minimum of twelve inches above grade and not more than thirty-six inches above grade, measured from the bottom of the assembly, and with a minimum of twelve inches side clearance. The assembly shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP assembly shall be protected in a manner approved by TRI-GID.

c. Double Check Valve Assembly (DC). The approved double check valve assembly shall be installed on the user's side of and as close to the service connection as is practical. The DC shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade it must be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly, so that the top of the assembly is a maximum of twenty inches below grade and a maximum of thirty inches below grade, so there is a minimum of twenty-four inches of clearance between the side of

the assembly with the test cocks and the side of the vault, and so there is a minimum of twelve inches clearance between the other side of the assembly and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These assemblies must be installed so that either check valve may be removed for service and testing can be completed without removing the assembly. Vaults that do not have an integrated bottom must be placed on a three-inch layer of gravel.

d. Pressure Vacuum Breaker Assembly/Spill Resistant Pressure Vacuum Breaker (PVB/SVB). The approved PVB/SVB shall be installed 12" above the downstream piping and sprinkler heads. The assembly shall not be subject to any backpressure from injection systems, compressed air, pumps, or other means.

e. Atmospheric Vacuum Breaker (AVB). The use of the AVB for service protection is prohibited.

C. Backflow Prevention Assembly Testing and Maintenance.

1. The owner of any premises on which, or on account of which, backflow prevention assemblies are installed, shall have the assemblies tested by a person who is certified as a Backflow Prevention Assembly Tester by the CA/NV AWWA. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation or repair. TRI-GID may require a more frequent testing schedule if it is determined to be necessary. No assembly shall be placed back in service unless it is functioning as required. A report on the TRI-GID applied form must be filed with TRI-GID each time an assembly is tested, relocated or repaired. These assemblies shall be serviced, overhauled or replaced, whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

2. A successful, operational function test by a tester shall be completed and is due to TRI-GID within seven (7) days after the assembly is installed and water service is set and/or established.

3. Affected water users can obtain a list of qualified testers from the Nevada Health District. TRI-GID will notify affected customers by mail when periodic testing of an assembly is required.

D. Backflow Prevention Assembly Removals

1. Approvals must be obtained from TRI-GID before a backflow prevention assembly is removed, relocated, or replaced.

2. Removal: The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence to TRI-GID to verify that a hazard no longer exists or is not likely to be created in the future.

3. Relocation: An assembly may be relocated following confirmation by TRI-GID that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.

4. Repair: An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is tested and returned to service, or the service connection is equipped with other backflow protection approved by TRI-GID. A retest will be required following the repair of the assembly.

5. Replacement: An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed and tested. All replacement assemblies must be approved by TRI-GID and must be commensurate with the degree of hazard involved. A retest will be required following the replacement of the assembly.

12.5 Administrative Procedures

A. Water System Survey

1. TRI-GID will review all requests for new service to determine if backflow protection is needed. Plans and specifications must be submitted to the TRI-GID upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted.

2. TRI-GID may require an on-site inspection to evaluate cross-connection hazards. TRI-GID will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot provide for an on-premises inspection of premises piping systems shall be required to install the backflow prevention assembly or air-gap that TRI-GID considers necessary.

3. TRI-GID may, at its discretion, require a re-inspection for cross-connection hazards of any premises to which it serves water. The TRI-GID will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot provide for an on-premises inspection of premises piping systems shall be required to install the backflow prevention assembly or air-gap that TRI-GID considers necessary.

B. Tester Responsibilities and Testing Requirements

1. The TRI-GID approved test form shall be used for required backflow prevention assemblies. This form is available in electronic format.

2. All data on the test form must be legible and complete, otherwise the form will be returned to the tester for completion.

3. If the water meter number is not provided on the test form, the tester shall provide a copy of the water user's bill and attach it to the test form.

4. Any tester who conducts tests of backflow prevention assemblies which protect fire service connections shall also be a licensed fire system contractor or work under the direct supervision of a licensed fire system contractor per Nevada State Health.

5. TRI-GID retains the right to test a water user's backflow prevention assembly on a random basis as a quality control measure. Forty-eight hours advance notice will be given to the user.

6. TRI-GID may conduct periodic spot checks of a tester's work using the tester's gage. Also, TRI-GID may require that the tester perform the test in the presence of a TRI-GID representative.

7. The tester shall calibrate, at least annually, all test gauges per NAC 445A.67245. The calibration certification forms must be available at the TRI-GID's request.

8. Both backflow prevention assemblies on a Detector Check assembly shall be tested. Designate the test for the bypass assembly as such on the test form. Read the bypass meter and record it on the test form.

C. Customer Notification: Assembly Installation

1. TRI-GID will notify the water user of the survey findings, listing the corrective actions to be taken if any are required. A period of sixty days will be given to complete all corrective actions required, including installation and testing of approved backflow prevention assemblies or air-gap, unless a written extension is granted.

2. A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the allowed sixty-day period. The second notice will give the water user a two-week period to take the required correction action. If no action is taken within the two-week period, the TRI-GID may terminate water service to the affected water user until the required corrective actions are taken.

D. Customer Notification: Testing and Maintenance

1. TRI-GID will notify each affected water user when it is time for the backflow prevention assembly, installed on their service connection, to be tested, or the air-gap to be inspected. This written notice shall give the water user thirty days to have the assembly tested or air-gap inspected, and supply the water user with the necessary form to be completed and resubmitted to the TRI-GID.

2. A second notice shall be sent to each water user who does not have the backflow prevention assembly tested or air-gap inspected as prescribed in the first notice within the thirty-day period allowed. The second notice will give the water user a two-week period to have the backflow prevention assembly tested or the air-gap inspected. If no action is taken within the two week period, the TRI-GID may terminate water service to the affected water user until the subject assembly is tested, or air-gap inspected.

12.6 Water Service Termination

A. General

1. When the TRI-GID encounters water users that represent a clear and immediate hazard to the water supply that cannot be immediately abated, the TRI-GID shall implement the procedure for discontinuing TRI-GID water service.

B. Basis for Termination

1. Conditions or water uses that create a basis for water service termination include, but are not limited to, the following items:

a) Refusal to install a required backflow prevention assembly or air-gap separation;

b) Refusal to test a backflow prevention assembly or inspect an air-gap separation;

c) Refusal to repair a faulty backflow prevention assembly;

d) Refusal to replace a faulty backflow prevention assembly;

e) Direct or indirect connection between the public water system and a sewer line;

f) Unprotected direct or indirect connection between the public water system and equipment containing contamination;

g) Unprotected direct or indirect connection between the public water system and an auxiliary water system;

h) A situation that presents an immediate health hazard to the public water system.

C. Water Service Termination Procedures.

1. For conditions a, b, c, or d or subsection B, TRI-GID will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allotted time period water service may be terminated.

2. For conditions e, f, g, or h or subsection B, TRI-GID will take the following steps:

3. Make a reasonable effort to advise the water user of intent to terminate water service;

4. Terminate the water supply and lock the service valve. The water service will remain inactive until corrections of violations have been approved by TRI-GID.

12.7 Enforcement

The TRI-GID District Manager or his/her designee shall have the authority to enforce this policy.

It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by TRI-GID water system and any other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction, may cause or allow backflow of water or other substances into the water supply system of TRI-GID and/or the service of water pipes or fixtures of any customer of TRI-GID.

12.8 Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this policy, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this policy or any part thereof.

ARTICLE 13. SERVICE AREAS

13.1 Intention. The intent of these Rules is to establish rules, regulations and rates for water service supplied hereunder only to areas allowed by TRIGID's service territory for retail service and for wholesale service. No other areas shall be served by TRIGID. Otherwise, TRIGID shall establish the service area, based on its ability to serve and as provided by law and these Rules.

13.2 Wholesale Service. TRIGID may enter into an agreement with a person who is a regulated public utility company, a governmental entity authorized by law to provide retail water service, or an accommodator under NRS 704.030 to provide wholesale water service to said person, provided said person provides retail water service outside TRIGID's retail service area in a manner allowed by law.

ARTICLE 14. DISPUTES, RELIEF, APPEALS, REVIEWS

14.1 Relief on Application. When any person by reasons of special circumstances is of the opinion that any provision of these Rules is unjust, inequitable or improper as applied to his premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application be approved, the Board may suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

14.2 Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of these Rules should be suspended or modified as applied to a particular premise and may order such suspension or modification for any such premises during the period of such special circumstances, or any part thereof.

14.3 Review by the Board. These Rules shall be reviewed by the Board on a periodic basis to ensure that the provisions of these Rules are kept up to date, and that the charges and fees set out in Articles 4 and 5 are adequate to meet the costs of operating the water facilities and recovering the cost of Capital Outlays.

14.4 Adjustment of Complaints. The Board shall have the power of discretion in the interpretation and application of these Rules, including adjustments or rebate of charges, if in the Board's opinion, the intent of the Rules would not be accomplished and an injustice would result by their strict application.

14.5 Ruling Final. All rulings of the Board shall be final, unless appealed in writing as provided in this Article within thirty (30) days.

14.6 Billing Disputes. Any dispute regarding the payment of any bill, charge or fee demanded by TRIGID is subject to relief and review as provided in this Article 14.

14.7 Right to Arbitration. Any request for relief made pursuant to Article 14.1 or other dispute arising from these Rules shall be subject to arbitration, and be decided by arbitration in accordance with the Rules of the American Arbitration Association currently in effect, unless the parties mutually agree otherwise. Notice of demand for arbitration shall be filed in writing with the Board and with the American Arbitration Association.

14.8 Limitation on Claim. A demand for arbitration shall be barred unless made within thirty (30) days after the ruling of the Board, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such claim would be barred by the applicable statute of limitations.

14.9 Claims and Timely Assertion of Claims. A party who files a notice of demand for arbitration must assert in the demand all claims then known to that party on which arbitration is permitted to be demanded. When a party fails to include a claim through oversight, inadvertence or excusable neglect, or when a claim has not matured or been acquired subsequently, the arbitrator or arbitrators may permit amendment. Otherwise, all unasserted claims are barred.

14.10 Judgment on Final Award. The award rendered by the arbitrator or arbitrators shall be binding and final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

ARTICLE 15. WATER SERVICE AND WATER RESOURCES

15.1 Customer Provision of Water Rights. All water rights necessary for water service to a Customer will be dedicated to TRIGID by Customer, and water rights will be allocated by TRIGID to each of Customer's uses based on the submittal of building plans in sufficient detail to show the water quantities needed, based on dedication amounts established by TRIGID. If actual annual use of water by a Customer as verified by metering exceeds the amount of water rights provided to TRIGID by Customer for water service, Customer shall after notice by TRIGID either dedicate to TRIGID the additional water rights to make up the shortfall, or reduce its water consumption during the next year so as not to exceed in actual usage the amount dedicated. TRIGID reserves the right to discontinue water service to a Customer who by actual usage exceeds the amount of water rights dedicated, if the Customer has in the previous year also exceeded by actual usage the amount of water rights dedicated and after notice by TRIGID has failed to either reduce its water consumption or to dedicate additional water rights to make up the shortfall. In the event Customer uses less water on an annual basis than has been dedicated for Customer's use, Customer shall not be entitled to a refund or rebate of water rights or money for the extra water rights not used by Customer. All water rights dedicated to TRIGID or purchased from TRIGID for any Customer's use shall be the sole asset of TRIGID and Customer shall have no interest therein nor right to any claim of value or use for the unused excess amount of water rights so dedicated.

15.2 Will Serve Commitment. Upon provision of adequate water rights to TRIGID's satisfaction, approval of Customer's plans and specifications, and compliance with these Rules, TRIGID will issue to Customer a written will serve commitment for each development use of Customer. Unless Customer is required to build and dedicate water system facilities in accordance with Article 4.3 or Article 10, TRIGID agrees to cause the construction, at its sole cost and expense, of well improvements, water tanks, water lines and other water facilities deemed necessary by TRIGID in order to provide water service to Customer. TRIGID agrees to deliver water to Customer for Customer's beneficial purposes. Customer's shall be obligated: (a) to use the water only on Customer's parcel for beneficial purposes not exceeding the amount of Customer's water rights utilizing conservation measures (and re-use of effluent) as may be required by TRIGID or the Nevada State Engineer; and (b) to use water conservation devices such as in-line aerators and flow restrictors, landscaping adapted to the desert environment, and best available water management practices. The use of any ground water or surface water (other than water provided by TRIGID) within the service area of TRIGID without TRIGID's consent is prohibited. In addition, no Customer shall without TRIGID's consent apply for, contract to use or own, or hold water rights subject to a permit issued by the Nevada State Engineer or a claim from the Orr Ditch Decree (U.S. vs. Orr Ditch Co., et. al, Equity Docket No. A-3, in the District Court of the United States in and for the District of Nevada), which permit or claim has a point of diversion or a place of use on any portion of the real property located in Storey County or Lyon County formerly known as the Asamera Ranch, or known as the Tahoe-Reno Industrial Center or in TRIGID's retail or wholesale service area.

15.3 Nonpotable Water. The parties acknowledge that water irrigation lines for use of untreated surface water or sanitary sewer effluent will be installed as part of TRIGID water system in certain areas of TRIGID's

service area, and Customer shall be required to construct a separately metered water irrigation system for landscaping (and any other use for which nonpotable water can be used) which will allow the use of nonpotable water in those areas in which nonpotable water is made available by TRIGID or off-site nonpotable water facilities are installed for future Customer service. The parties intend that, if available and economically feasible, nonpotable water shall be used for all irrigation purposes (and other nonpotable water uses) possible in the service area, as determined by TRIGID in its sole discretion.

TRI GENERAL IMPROVEMENT DISTRICT SEWER RULES, REGULATIONS AND RATES

Revised August 27, 2020

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ARTICLE 1. GENERAL PROVISIONS

1.1 Purpose. TRIGID has been created by Storey County under Nevada Revised Statutes Chapters 318 and 308 to own, maintain and operate community water and sewer systems to provide service to Customers in the service area, known as Tahoe-Reno Industrial Center, pursuant to Ordinance #171 and Resolution 00-85, both passed on August 8, 2000. TRIGID is not regulated as a public utility by the Nevada Public Utility Commission. TRIGID is a quasi-municipal entity functioning as a political subdivision of the State of Nevada.

1.2 Enterprise. TRIGID will furnish a system used for the provision of fire protection water as well as industrial, domestic and commercial water; and for the collection of domestic, commercial and industrial wastewater and septic tank effluent; including all parts of the enterprise, all appurtenances thereto, and land, easements, rights in land, contract rights and franchises.

1.3 Separability. If any section, subsection, sentence, clause or phrase of these Rules, Regulations and Charges or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Rules, Regulations and Charges or the application of such provision to other persons or circumstances. The Board hereby declares that it would have promulgated these Rules or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared to be unconstitutional.

1.4 Words and Phrases. For the purposes of these Rules, Regulations and Charges, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

1.5 Water Rights. All water rights arising from wastewater entering the TRIGID system shall belong solely to TRIGID, and no Customer shall perform any act which impairs or disputes TRIGID's ownership thereof.

ARTICLE 2. DEFINITIONS

2.1 Account Transfer shall mean any change made to a billing account, including but not limited to new ownership or new tenancy.

2.2 Additional Definitions/UPC. For the purpose of these Rules, additional terms shall have the meanings indicated in Chapter 1 of the latest edition of the Uniform Plumbing Code as prepared by the International Association of Plumbing and Mechanical Officials. Except as expressly stated otherwise in these Rules, all provisions of the latest edition of the Uniform Plumbing Code are incorporated herein by reference

2.3 Applicant shall mean the person, business or governmental agency making application for a permit for sewer or plumbing installation or to discharge wastewater into any sewer, including the TRI Owners Association.

2.4 Application shall be a written request for sewer service (as distinguished from an inquiry as to the availability of, or charges for, such service) and agreement by Customer to comply with these Rules.

2.5 Billing Period shall be the period for which a billing is made. It may be for an average month and need not coincide with the calendar month (i.e. may be billed on a cycle of 29 to 31 days).

2.6 Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in milligrams per liter (mg/L).

2.7 Board shall mean the Board of Trustees of TRIGID.

2.8 Building shall mean any structure used for human habitation or a place of business, recreation or other purposes requiring wastewater disposal services.

2.9 Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer. The building drain extends three (3) feet outside the inner face of the building wall.

2.10 Building Sewer shall mean that portion of any sewer beginning at the building drain and extending to the property line or to a private sewage disposal system.

2.11 Capital Costs shall mean costs of major rehabilitation, expansion or upgrading required as facilities reach the end of their useful life.

2.12 Capital Outlays shall mean expenditures which result in the acquisition of, or addition to, fixed or capital assets.

2.13 Collection System shall mean the system of sewers, manholes, pump stations and appurtenances receiving liquid wastes from buildings and premises for transmission to the treatment facility.

2.14 Combined Sewer shall mean a sewer intended to receive both surface runoff and sewage.

2.15 Commercial Building shall mean any building, structure or facility or a portion thereof, devoted to the purposes of trade or commerce, such as a store or office building.

2.16 Commercial User shall mean all business and service establishments defined in Article 2.77 A and B.

2.17 Compatible Pollutant shall mean BOD, COD, suspended solids, pH, total phosphorus, total nitrogen, and fecal coliform bacteria, plus additional pollutants identified in the Plant National Pollutant Discharge Elimination System (NPDES) permit if the treatment works were designed to treat such pollutants, and in fact do remove such pollutants to an acceptable concentration or loading.

2.18 Connection Charge shall mean a fee charged in order to compensate TRIGID for the capital costs of investment, maintenance and repair in sewer plant equipment and related sewer facilities made by TRIGID. The charge is applied to all new users of sewer facilities in approximate proportion to their anticipated usage and is for the right of service in the system.

2.19 Contractor shall mean an individual, firm, corporation, partnership or association duly licensed by the State of Nevada to perform the type of work to be done under a Permit.

2.20 County shall mean the County of Storey, Nevada.

2.21 Cubic Foot is the volume of water which occupies one cubic foot. The cubic foot is equal to 7.481 gallons.

2.22 Customer shall mean the person in whose name service is rendered as evidenced by its signature on the application or contract for that service, or in the absence of a signed instrument, by the receipt and payment of bills regularly issued in Customer's name regardless of the identity of the actual user of the service.

2.23 Date of Presentation shall be the date upon which a bill or notice is either postmarked or hand delivered to the Customer.

2.24 Delinquent shall mean an account that has not been paid by the 1st day of the calendar month following the due date of payment specified on the bill.

2.25 Developer shall mean any person engaged in or proposing development of property in the service area.

2.26 Development shall mean a parcel of property being improved and requiring installation of sewer collection lines, including but not limited to installation of service mains to and possibly on the property being improved.

2.27 Discharge shall mean the addition of any substance to the sewer system.

2.28 Discharger shall mean any person who discharges or causes a discharge to a TRIGID sewer.

2.29 Domestic Wastewater shall mean the spent water from building water supply to which has been added the waste materials of restrooms, kitchen, laundry and other discharge sources.

2.30 Easement shall mean an acquired legal right for the specific use of land owned by others.

2.31 Employee shall mean any individual employed by TRIGID excluding independent contractors, consultants, and their employees.

2.32 Fixture shall mean any sink, tub, shower, water closet or other facility connected by drain to the sewer.

2.33 Fixture Unit is defined and has that weighted value assigned in the latest edition of the Uniform Plumbing Code.

2.34 Floatable Oil is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by pretreatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and does not interfere with the collection system.

2.35 Gallon is the volume of water which occupies 231 cubic inches.

2.36 Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

2.37 Governmental User shall include legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

2.38 Incompatible Pollutants shall mean any pollutant which is not a compatible pollutant as defined in these Rules.

2.39 Industrial/Commercial Discharger shall mean a discharger with water-carried waste and wastewater other than wastewater from domestic sources, and shall include all wastewater from any producing,

manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes quantities of waste from human and nonhuman origin.

2.40 Industrial User shall include any non-governmental, non-residential user of TRIGID owned treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A-Agriculture, Forestry, and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary; and Division I-Services.

2.41 Infiltration shall mean the water which enters the sewer lines from the ground, usually through pipe and manhole joints.

2.42 Inflow shall mean the water discharged into the wastewater system from any such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, drains from springs, manhole covers, cross-connections from storm sewers and combined sewers, and surface runoff.

2.43 Inspector and Industrial Waste Inspector shall mean a person authorized by TRIGID to inspect wastewater generation, conveyance, processing and disposal facilities.

2.44 Institutional User shall include social, charitable, religions, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.

2.45 Interference shall mean inhibition or disruption of the wastewater facilities treatment processes or operations which contribute to a violation of any requirements of the Plant NPDES permit. The term includes prevention of sewage sludge use or disposal of TRIGID in accordance with Section 405 of the Act, 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 TRIGID.

2.46 Lateral Sewer shall mean the portion of TRIGID sewer lying within a right of way open to the public connecting a building sewer to the main sewer.

2.47 Law is any statute, rule or regulation established by federal, state, County or municipal authorities.

2.48 Living Unit shall mean any residence, apartment, or other structure to be occupied for habitational purposes by a single person or family and requiring sanitary sewer service.

2.49 Main Sewer shall mean a TRIGID sewer line designed to accommodate more than one lateral sewer.

2.50 Metered Service is a service for which charges are computed on the basis of measured quantities of water or wastewater.

2.51 Natural Outlet shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

2.52 New Source shall mean any source, the construction of which is commenced after the publication of an applicable discharge limitations (covers federal categorical changes).

2.53 Nitrogen or Total Nitrogen shall mean the total of all nitrogen forms (sometimes referred to as "TKN"), including organic and inorganic nitrogen, nitrate and nitrite. The total nitrogen is expressed as N and is

determined by the appropriate procedures in "Standard Methods".

2.54 Normal Domestic Wastewater shall mean wastewater that has a five day average BOD concentration of not more than 240 mg/l, a suspended solids concentration of not more than 170 mg/l, a total phosphorous concentration as P of not more than 8.0 mg/l and a total nitrogen concentration as N of not more than 26.0 mg/l.

2.55 Operation and Maintenance shall mean those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined in these Rules.

2.56 Outside Sewer shall mean a sanitary sewer beyond the limits of TRIGID sewer service area not subject to the control or jurisdiction of TRIGID.

2.57 Owner shall mean a person who holds legal title to the property or who is under contract to purchase the property.

2.58 Permanent Service is a service which, in the opinion of TRIGID, is of a permanent and established character. The use of the sewer may be continuous, intermittent or seasonal in nature.

2.59 Permit shall mean any written authorization required pursuant to this or any other regulation of the service area for the installation or operation of any wastewater works.

2.60 Person shall mean any individual firm, association, organization, partnership, trust, company, corporation or entity, and any municipal, political, or governmental corporation, district, body, or agency other than TRIGID.

2.61 pH shall mean the logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7}.

2.62 Phosphorus or Total Phosphorus includes orthophosphates and condensed phosphates (soluble and insoluble) and organic and inorganic species. The total phosphorus is expressed as P and is determined by the appropriate procedures in "Standard Methods".

2.63 Plant shall mean the wastewater treatment plant(s) of TRIGID.

2.64 Plumbing Outlet shall mean any part of a plumbing system to which a fixture is attached.

2.65 Plumbing System shall mean all plumbing fixtures and traps; all soil, waste, vent pipes, and all sanitary sewer pipes within a building and building drain.

2.66 Premises shall mean all of the real property and services to a single integrated activity operating under one name to one or more buildings, locations or services, provided: (a) such building, locations or services are to a single unit of property; or (b) such buildings, locations or services are on two or more units of property immediately adjoining, except for intervening highways, streets, alleys or waterways.

2.67 Private Sewer shall mean a sewer serving an independent wastewater disposal system not connected with TRIGID sewer and which accommodates one or more buildings or industries.

2.68 Properly Shredded Garbage shall mean garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in TRIGID sewers, with no particle greater than ½ inch in any direction.

2.69 Public Sewer shall mean a sewer lying within an easement, highway, road, street, avenue, alley, way, public place or right of way and which is owned or controlled by or under the jurisdiction of TRIGID.

2.70 Replacement shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

2.71 Residential Equivalent shall mean 25 weighted fixture units as defined in the latest edition of the Uniform Plumbing Code.

2.72 Residential User shall mean any contributor to TRIGID's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

2.73 Rules shall mean these Rules, Regulations and Rates of The TRI General Improvement District For Sewer Service.

2.74 Sanitary Sewer shall mean a sewer which carries liquid and water carried wastes from residences, commercial users, industrial users, and other users together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

2.75 Septic Tank Effluent shall mean the supernate liquid waste discharged by an approved septic tank, containing no solid waste material.

2.76 Service Area shall mean the sewer service area as designated in Article 12 of these Rules.

2.77 Service Classification shall mean:

A. Commercial Unit - Group I Service: Service to office buildings, retail sales and services establishments, private clubs, motels or hotels, or portions thereof, without kitchen, laundry or other facilities (excepting toilet facilities) which require wastewater disposal services.

B. Commercial Unit - Group II Service: Service to all commercial buildings not in Group I, or portions thereof, and shall include but not be limited to, nonindustrial businesses, department stores, restaurants, clubs and schools.

C. Industrial Service: Service to customers engaged in warehousing or distribution, or in a process which creates or changes raw or unfinished materials into another form or product (factories, mills, manufacturing facilities, machine shops, mines, pumping plants, creameries, canning and packing plants, or processing activities as well as all other nonresidential uses not covered by Subsections A and B above).

D. Residential Service: Service to a customer in a single family dwelling, mobile home or building, or in an individual flat, condominium, or apartment in a multiple family dwelling, or building or portion thereof occupied as the home, residence or sleeping place of one or more persons.

2.78 Service Connection is the point of connection of the Customer's piping with TRIGID's facilities.

2.79 Sewage is the spent water of a community. The preferred term is "wastewater".

2.80 Sewer shall mean a pipe or conduit that carries wastewater.

2.81 Side Sewer shall mean the sewer line beginning three (3) feet outside the foundation wall of any building and terminating at the main sewer and shall include the building sewer and lateral sewer together.

2.82 Sludge shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works as determined by TRIGID.

2.83 Standard Methods refers to the most current edition of "Standard Methods for the Examination of Water and Wastewater", prepared by American Public Health Association, American Water Works Association and Water Pollution Control Federation.

2.84 Storm Sewer or Storm Drain shall mean a sewer which carries storm water, groundwater, subsurface water, or unpolluted water from any source.

2.85 Storm Water shall mean excess water entering sewers during rainfall, snowfall, or following and resulting therefrom.

2.86 Suspended Solids shall mean total suspended matter (sometimes referred to as "TSS") that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

2.87 Tenant shall mean a person renting or leasing a premises from the owner or the owner's selected representative.

2.88 Treatment Works shall mean any devices and systems for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

2.89 TRIGID shall mean TRI General Improvement District, a political subdivision of the State of Nevada, formed and existing as specified in Subsection 1.1 of these Rules.

2.90 Unpolluted Water is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not benefit by discharge to the sanitary sewers and wastewater treatment facilities provided.

2.91 Useful Life shall mean the estimated period during which a treatment works will be operated.

2.92 User Charge shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

2.93 Waste includes sewage and all other substances, liquid, solid, gaseous, or radioactive, associated with human or animal origin, or from producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to and for the purposes of disposal.

2.94 Wastewater shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.

2.95 Wastewater Facilities shall mean the structures, equipment and processing required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

2.96 Wastewater Treatment Works shall mean an arrangement of devices and structures for treating wastewater, compatible industrial wastes and sludge. Sometimes used as synonymous with "Publicly Owned Treatment Works" or "wastewater treatment plant" or "water pollution control plant" or "sewer system".

2.97 Watercourse shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

2.98 Water Meter shall mean a water volume measuring and recording device, furnished and/or installed by a user and approved by TRIGID.

ARTICLE 3. CONDITIONS OF SERVICE

3.1 Area Served. Properties within the boundaries of the service area specified in Article 13 shall be eligible to receive wastewater collection service from TRIGID in accordance with these Rules and subject to acceptance by TRIGID of a completed application by Customer.

3.2 Penalty for Violation. For the failure of the Customer to comply with all or any part of these Rules, the Customer's service may be discontinued until the Customer is in compliance. Termination of sewer service shall be in accordance with Article 9.

3.3 Notices to Customers. Notices from TRIGID to a Customer will normally be given in writing, and either delivered or mailed to Customer at Customer's last known address. Where conditions warrant and in emergencies, TRIGID may resort to notification either by telephone, facsimile or messenger. When a Customer is refused service under the provisions of these Rules, TRIGID will notify the Customer promptly of the reason for the refusal to serve and of the right of the Customer to appeal TRIGID's decision to the Board. Failure by the Customer to accept a certified letter notice will not relieve the Customer of responsibility for contents of notice.

3.4 Notices from Customers. Notice from the Customer to TRIGID may be given by Customer or by Customer's authorized representative in writing at TRIGID's operating office. TRIGID's current operating office (which is subject to change) is:

3.5 Customer's Premises. TRIGID employees shall have the right of access to Customer's property at all reasonable hours for any purpose related to the furnishing of service, industrial waste inspection, and protection of water quality and quantity. Employees will generally not enter upon Customer's premises to engage in repair or alteration of Customer's piping and fixtures, since it is the responsibility of Customer to service or repair its piping and fixtures.

3.6 Special Conditions and Circumstances. In the event that conditions or circumstances arise which are not specifically covered by these Rules or warrant deviation from these Rules, TRIGID may take whatever action, including establishing rates and charges which, in its discretion, is warranted, including execution of contracts and agreements with Customers covering special conditions and circumstances.

3.7 Effective Date. These Rules shall become effective on the date of signature of the Board.

3.8 Continuity. Adoption of these Rules shall not be construed as a waiver of any right or obligation under any prior agreement, contract, or commitment of Customer and TRIGID.

3.9 Meters. All new services shall have water meters and will be billed according to the metered rate schedule. If there is no water service at the site, a sewer meter shall be required.

3.10 Interruption of Service. TRIGID will endeavor to notify Customers in advance of any interruption in service due to repairs, or other causes. However, in emergency conditions, when notification is not practical, service may be interrupted for indefinite periods of time. All Customers shall hold TRIGID harmless for any damages arising from interruptions in service caused by repairs, emergencies or conditions beyond the control of TRIGID.

3.11 Tampering with TRIGID Property. No one except an employee or representative of TRIGID shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of TRIGID's system; or interfere with the meters or their connections, street mains or other parts of the system.

ARTICLE 4. SCHEDULE OF RATES AND CHARGES

4.1 General Metered Water Service. TRIGID shall not increase said rates and connection charges unless the Board determines that said rates and connection charges are insufficient to pay all costs of Capital Outlays (including interest carry) along with all operating costs of TRIGID, including but not limited to, overhead, salaries and other employee compensation, operating and maintenance expenses, taxes, reserve and replacement, water rights lease or purchase fees, any other fees, expenses and charges normal and customary for water service utility companies. In the event said rates are insufficient to pay all said operating costs, then monthly rates may be raised to a level that will cover all costs.

TRI-GID Sewer Rates

Meter Size	**Sewer**
3/4 inch	$27.44
1 inch	$33.81
1 1/2 inch	$54.39
2 inch	$101.43
4 inch	$293.58
6 inch	$473.57
8 inch	$757.23
10 inch	$2,094.98
Usage Per 1,000 gallons	$2.69

4.2 Wastewater Surcharge Rates. The purpose of a wastewater surcharge is to recover collection, treatment, disposal, and administration expenses associated with contaminant concentrations higher than normal domestic strength as defined in article 10.12. The wastewater fees of commercial/industrial dischargers are based upon the following equation:

$$\frac{\$}{1000gal} = 2.69 + (BOD - 240) \times (0.00263) + (TSS - 240) \times (0.00211) + (TKN - 40) \times (0.01326)$$

BOD = Commercial/industrial customer's requested biological oxygen demand concentrations, mg/L
SS = Commercial/industrial customer's requested total suspended solids concentrations, mg/L
TKN = Commercial/industrial customer's requested total Kjeldahl nitrogen concentrations, mg/L

The above equation will be used to calculate the sewer rate for each commercial/industrial customer based on the highest expected or demonstrated concentrations for each constituent. The TRI GID may recalculate the rate if Discharge Monitoring Reports (DMRs) indicate concentrations higher or lower than the originally negotiated concentrations.

4.3 Connection Fees. An applicant for a Will Serve shall pay the sewer connection fee in effect on the date of the application upon completion of all requirements under Article 8.10. For calculations of connection fees on all Commercial and Industrial accounts, the applicant must provide the TRIGID with expected usage and discharge volume information based on fixture unit counts. This information is to be provided on the TRIGID prescribed form, certified by a Civil Engineer registered in the State of Nevada, and submitted along with an approved stamped set of drawings. Connection fees shall be charged on a one-time basis in the amount of $9.57 per gallon per day, based on the approved fixture calculations.

4.4 Build and Dedicate TRIGID System Facilities. If TRIGID determines, in TRIGID's sole discretion, that connection of new service for a Customer will exceed the standard specifications (see, Article 8.9) for existing capacity of TRIGID's sewer system, or requires additional distribution, treatment or effluent storage facilities, TRIGID may in its sole discretion require as a condition of service that the Customer design, permit and construct all additional new sewer facilities (e.g., pump station, pipelines, valves) necessary to increase said capacity or provide facilities for Customer's use prior to providing sewer service, Customer shall complete and dedicate to TRIGID without charge all sewer system facilities as constructed. To the extent that any of said sewer system facilities are oversized beyond the Customer's needs, TRIGID shall reimburse the Customer from connection charges collected from subsequent Customers using said facilities or provide Customer a credit therefor from connection charges. The basis for reimbursement or credit shall be the difference in actual costs of the sewer system facilities between the capacity required for the constructing Customer's use and the oversized capacity. No overhead, administrative change, profit or interest on said actual costs will be reimbursable. All design and construction of said facilities must be approved by TRIGID. The constructing Customer shall not be entitled to a credit from the connection charge for all or any portion of the sewer system facilities so constructed, except as specified in this Article. The procedures specified in Article 10 shall be used for all construction under this Article 4.3. Construction by a third-party developer of off-site sewer system facilities shall not entitle the Customer to claim a credit or reimbursement for the water system facilities so constructed.

4.5 Basis for Billing. All services shall be billed on the basis of monthly rates specified in Article 4.1. Customers are responsible for payment based on all water recorded as having passed through a meter regardless of whether the water was put to beneficial use. The Owner shall be ultimately responsible for payment of sewer bills and fees for its property in the case of nonpayment by a tenant or other occupant.

ARTICLE 5. OTHER CHARGES, FEES AND DEPOSITS

5.1 Security Deposit for Service. TRIGID may require a security deposit in the amount of Five Hundred Dollars ($500.00) or one-year's total estimated rates (whichever is less) from all new Customers or applicants, from Customers whose accounts are delinquent on more than one occasion (i.e., two monthly payments overdue) in any one (1) year period, or in situations where TRIGID has cause to believe that a deposit is required to ensure payment of bills. At the end of one year of service, if all accounts have been kept current the amount of the deposit, plus interest accrued at the rate of 4% per annum simple interest, shall be credited to the succeeding months' bill(s). Service must be in place for a minimum of six (6) months for any interest to be accrued. Upon discontinuance of service, any deposit held by TRIGID will be applied to the final billing with any deposit amount refunded to the Customer. If the deposit is applied to a Customer's account because of delinquent bills, all interest accrued will first be applied to delinquent bills. By posting a deposit, the Customer agrees that the deposit is a pledge to make future payments to TRIGID and not payments for future services that are furnished by TRIGID.

Any application for service will not be granted unless full payment has been made for water or sewer services previously rendered to the applicant or Customer by TRIGID, if any. Failure on the part of the Customer to make a deposit within fifteen (15) days after written notice by TRIGID that such deposit be made or service may be discontinued, shall warrant TRIGID in discontinuing the service to the Customer. TRIGID may waive the security deposit requirement, in its sole discretion, or accept alternate security.

5.2 Wastewater Discharge Permits and Monitoring Fees. The fees for a wastewater discharge permits and monitoring shall be based on the actual time spent on inspection and monitoring. Fees for the wastewater discharge permit shall be the actual cost of the wastewater inspection, review and permit creation, plus a billing and processing fee of $15.00. The minimum charge for a wastewater discharge permit shall be $50.00. Fees for monitoring shall be the actual cost of monitoring, plus a billing and processing fee of $15.00.

5.3 Sewer Plan Checking and Inspection Fee. Any applicant, Customer or a Developer requiring approval of plans by TRIGID, a Will Serve letter, or desiring plan checking shall pay to TRIGID a $500 plan review fee and a $1000 inspection fee at the time of the Will Serve application.

5.4 Relocation of Service Connection. An existing service connection may be relocated, if the new service is of like size and will provide a sewer service to the same parcel of property, upon application and payment of applicable fees by the Customer.

5.5 Increase in Size of Service Connections. Enlargement of a service connection to the same property, requiring abandonment of the existing connection and installation of a complete replacement connection of increased size shall be treated as a new service connection and shall be charged accordingly. The fees to be paid by the Customer upon application for increase in size of service connection shall be a connection charge which shall be determined by subtracting the connection charge for the size of service being abandoned from the connection charge for the size of service being installed, if any.

5.6 Structure Under Construction. For the purposes of these Rules, until a structure has installed plumbing fixtures the structure shall be considered under construction and disconnected from the sewer system of TRIGID. No charges otherwise provided herein will be accrued during this period.

5.7 Public Agencies Exempted from Deposit Requirements. In lieu of cash deposits or sureties, purchase orders will be accepted from public agencies.

5.8 Delinquent Accounts. In addition to other provisions of these Rules, there will be a charge for late payment. If payment is not received before it becomes delinquent, a late penalty processing fee and a penalty on the outstanding balance will be charged in accordance with Article 7.3 and the service may be discontinued according to the procedure outlined in Article 9.

5.9 Damage to TRIGID Property. Persons causing damage to TRIGID property by any willful or negligent act shall be responsible for payment of costs incurred. Customers or their contractors, agents and representatives causing damage to TRIGID property shall be strictly liable for payment of all costs caused by such damage.

5.10 Photocopy Charges. The charge for making photocopies on TRIGID copying equipment shall be $.25 per copy.

5.11 Charges for Account Transfer and Special Reading. If the Customer requests an account transfer or special meter reading, a processing charge of Fifteen Dollars ($15.00) shall be charged. Customers must give 24-hours or previous working day's notice for special reading.

5.12 Reimbursement for District Costs Benefitting Individuals or Entities: The District shall seek reimbursement from those individuals or private companies for outside contract services, including but not limited to legal and engineering services, that are incurred by the District in relation to proposed new development or special projects that are deemed to benefit individual persons or entities, rather than the District customers at large. The reimbursements collected from individual persons or entities shall be limited to the actual time and materials and unit rate costs incurred by the District related to proposed new development or special projects that are deemed, in the District's discretion, to benefit individual persons or entities, rather than the District's customers at large.

ARTICLE 6. MAIN EXTENSION

6.1 General Conditions.

A. Construction Plans. A person proposing an extension to TRIGID distribution system to provide sewer service to a parcel of property shall submit detailed plans. Such plans shall indicate the size and location (horizontal and vertical) of mains and other facilities, including all service laterals. In addition, plans shall designate boundaries of the applicant's property which will be served by the proposed extension. Sewer system improvements shall be designed by a professional engineer licensed in Nevada.

TRIGID will review the plans and return written comments to the applicant indicating any necessary revisions. The applicant shall prepare and submit to TRIGID final plans of the sewer improvements with all comments addressed to the satisfaction of TRIGID. Upon execution of the appropriate agreement by the applicant; payment of applicable charges, fees and deposits; approval of other appropriate governmental agencies, and a preconstruction conference with TRIGID, TRIGID will give the applicant permission to start construction. No sewer related construction will be started before permission is granted by TRIGID.

B. Time Limitation. Approval by TRIGID for any main extension shall be valid for a limited time as will any related commitment of existing capacity in a particular main. In the event that construction of the mains covered by any approved plan is not started within one (1) year from the date of approval, the project shall be deemed to have been abandoned, and any subsequent proposal for reactivation shall be treated as a new project. The same shall apply when active construction work within a property is commenced and then discontinued for a period of six (6) months.

C. Compliance with Specifications. All main extensions, service connections, and appurtenances shall be constructed to conform with TRIGID specifications. Activation of the mains shall not be permitted until authorized by TRIGID. Connections to existing mains shall be made only in the presence of a representative of TRIGID and at times specified by TRIGID. Mains will be shut down only with the specific approval of TRIGID.

D. Guarantee. Materials and workmanship shall be guaranteed free of defect for a period of one (1) year from date of acceptance by TRIGID. Upon receipt of notice from TRIGID, the developer or Customer shall immediately cause any defect to be corrected, or shall reimburse TRIGID for the cost of correction.

E. Rights-of-Way. Sewer mains and appurtenances shall be located within off-site rights-of-way or within easement grants to TRIGID not less than 20 feet in width or as TRIGID may specify. All rights-of-way or easements shall be recorded prior to release of approved plans.

F. Commitment of Sewer Service. Main extensions or other facilities constructed by persons for development of property shall not be considered as reserved for supply to those properties exclusively. Extensions of and connections to such mains for service to others shall be permitted when, in the opinion of TRIGID, such connections will not substantially affect service to the original development or property.

6.2 Standard Main Extensions.

A. General Conditions. Main extensions proposed for construction under provisions of this Article shall be subject to the general conditions as described in Article 6.1.

B. Size of Mains. Proposed main extensions to serve developments, both on-site and off-site, shall be of sufficient size to adequately provide sewer service for the development. TRIGID reserves the right to establish sizes of all mains and appurtenances.

C. Responsibility for Cost. The cost of all main extensions, including service laterals and other appurtenances to be constructed under Article 6.2, including permit fees and any other related fees, shall be borne by the developer or Customer.

D. Agreement and Payment of Fees. Prior to TRIGID's permission to start construction, the developer or Customer shall execute a standard form of agreement with TRIGID and submit payment of all required fees, charges and deposits as required by these Rules.

E. Construction by Private Contractor or Developer. Design, permitting and preparation of construction drawings shall be done by competent registered professional engineer selected by the applicant. Construction work shall be performed by an experienced, properly licensed and competent person or firm selected by the applicant. In certain circumstances when, in the opinion of TRIGID, the extent of work to be performed is minor and can be accomplished efficiently and economically by TRIGID employees or representatives, TRIGID may elect to perform the work and the applicant shall deposit an amount equivalent to the estimated cost. Upon completion of construction, the differential between estimated and actual costs will be billed or refunded.

F. Completion. Upon completion of the work, the applicant's engineer shall certify that the work was completed according to the plans and specifications, except in the case of work completed by TRIGID. Sewer service will not be activated until the engineer's certification is submitted to TRIGID and TRIGID accepts the construction.

6.3 Oversized Main Extensions.

A. General Conditions. Main extensions proposed for construction under provisions of this Article shall be subject to the general conditions described in Article 6.1. When applicable, the provisions of this Article 6.3 shall govern over the provisions of Article 4.4.

B. Applicability. For the purpose of this Article, an oversized main is described as a main larger than eight inches (8") and which, in addition to providing an adequate sewer service to the proposed development, is required to be of a size which will be capable of meeting future demands for parcels other than Customer's on the distribution system and provide for orderly development of that system. TRIGID reserves the right to determine what constitutes an oversized main.

C. Location of Mains. Oversized mains may be off-site (outside the boundaries of a development) or traverse the interior area or combination thereof.

D. Identification of Mains. TRIGID shall indicate and identify on plans submitted for a proposed development both the standard and oversized diameters of pipelines to be constructed.

E. Approval by TRIGID Required. Proposals for oversizing of water mains shall be submitted to TRIGID for review and approval. Plans, conforming with TRIGID's directive, shall then be approved and TRIGID shall enter into an agreement with the developer or Customer, providing for TRIGID's participation in construction costs as hereinafter set forth.

F. Participation in Cost. Participation by TRIGID for the oversizing of a main extension shall be based on the difference in actual cost of pipe, fittings, and valves between the size required for the main extensions and the size required for oversizing and shall not include trenching and backfill. The cost

difference shall be established by a certified price list from the supplier. Prices quoted on the list shall be the actual prices charged to the buyer.

G. Alternate Method of Payment. TRIGID may, in lieu of a lump sum payment of TRIGID's portion of the construction costs, arrange with the developer or Customer for an alternate method of payment from future connection charges of other Customers for a period of ten (10) years.

ARTICLE 7. TIME AND MANNER OF PAYMENT

7.1 Issuance of Bills. TRIGID shall issue a monthly bill for each service in accordance with these Rules. TRIGID shall send out bills for sewer service and for which no payment has been received and shall use the rates and charges established by these Rules to determine the amount.

7.2 Bills Due When Presented. Upon presentation, all bills shall be due and payable at the operating office of TRIGID or as specified in the bills.

7.3 Delinquent Accounts. Accounts not paid in accordance with Article 5.8 are delinquent and shall be charged a late fee of 1.5 percent per month of the outstanding balance plus a basic penalty fee of ten percent (10%) of the delinquent monthly billing.

7.4 Discontinuance of Service. TRIGID may discontinue service to a Customer having a delinquent bill as specified in Article 9.2.

7.5 Represents Lien on Property. Until paid, all rates and charges provided in these Rules which are delinquent constitute a perpetual lien on and against the property served and may be foreclosed upon as provided by law.

7.6 Proration of Service Charges; Minimum Bill. If any opening or closing bill is for a period shorter than the regular billing period, the base rate charge for service shall be reduced in the same proportion as the actual period of use is reduced from the regular billing period.

7.7 Failure to Receive a Bill. Failure to receive a bill does not relieve the Customer of the obligation to pay for services received.

7.8 Checks Not Honored by Bank. Checks presented in payment to TRIGID which are returned by a bank shall be treated as though no payment had been made and a fifty dollar ($50.00) handling charge will be levied by TRIGID plus any additional charges of the bank. Payment in lieu of returned checks may be required to be by cash or equivalent. The Customer must reimburse TRIGID for any returned check fees charged by a bank to TRIGID.

7.9 Estimated Bills and Non-operable Meters. If a meter cannot be read because of obstructions or other causes, an estimate shall be made of the quantity of water used, and a bill shall be issued for the estimated service. The next succeeding bill which is based upon actual meter readings will reflect the difference between prior estimates and actual consumption. If a meter is found to be non-operable, consumption shall be estimated and billed, considering all pertinent factors.

7.10 Billing Adjustments. Where billing adjustments are processed for inaccurate meter recordings or other usage adjustments, if the meter has:

A. under-recorded the usage of water, the adjustment shall be only for the period of the most recent six (6) months of usage.

B. over-recorded the usage, the adjustment in the form of a credit shall be made only for the period of the most recent six (6) months of usage.

A Customer who, because of an adjustment to their bill, owes TRIGID money for service may pay that amount over a three (3) month period. TRIGID shall credit the Customer who was overcharged because of an inaccurate meter not later than thirty (30) days after the overcharge is determined.

7.11 Disputed Bills. In the case of a dispute between a Customer and TRIGID as to the correct amount of any bill rendered by TRIGID for service furnished to the Customer, the Customer will deposit with TRIGID the amount claimed by TRIGID to be due. Failure on the part of the Customer to make such deposit within fifteen (15) days after written notice by TRIGID that such deposit be made or service may be discontinued, shall warrant TRIGID in discontinuing the service to the Customer without further notice. A billing dispute not resolved to the Customer's satisfaction is subject to the dispute resolution procedures as provided in Article 13.

ARTICLE 8. APPLICATION FOR SERVICE

8.1 Application. Each person applying for a new sewer service or changes in an existing service, will be required to sign appropriate application forms provided by TRIGID and to pay all required fees and charges. The application form shall include an agreement to abide by all TRIGID rules and regulations and shall require furnishing such information as TRIGID may reasonably require. Each applicant shall describe the type of development proposed for the property.

8.2 Existing Service Connection. Applicants for service through existing service connections shall nevertheless provide required information on application forms provided by TRIGID.

8.3 New Service. The applicant shall provide any and all information which will assist TRIGID in properly sizing and locating a service lateral, including a description of the development, the use of water and plumbing plans of the private facilities, if required. Applications shall be accompanied by payment of any deposit, applicable fees, plus the connection charge, unless deferred.

8.4 Work to be Inspected. All sewer facilities construction work shall be inspected by TRIGID to ensure compliance with all TRIGID requirements. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the sewer system until all work has been completed, inspected, approved and accepted by TRIGID.

8.5 Self-identification of User Type. Whether a new, or existing service, the applicant shall identify themselves to the TRIGID if they are classified as a Significant Industrial User as defined in 40 CFR 403.3 (v), or a Categorical Industrial User subject to any standard in 40 CFR chapter I, subchapter N.

8.6 Correct Information. In the event that an applicant provides incorrect information as to the size and location of a service connection or requests a change in the size or location after work has commenced, the applicant shall pay any costs incurred by reason of such corrections and changes.

8.7 Rejection of Application. Applications for service through existing or new service connections accompanied by all required fees and charges may nevertheless be rejected if:

A. The account of the applicant or any other person (e.g., prior Customer, tenant, owner) at the same service location, or the applicant at another location, is delinquent; or

B. The purpose of the applicant, in the opinion of TRIGID, is to circumvent discontinuance of service in

another name because of nonpayment of sewer bills.

8.8 Service Outside Service Area Boundary. Only property within the service area boundary is eligible for sanitary sewer service from TRIGID. Property outside the service area must be annexed into the service area before application can be made for sanitary sewer service to the property. Applicant shall pay all costs associated with annexation of property into the service area. The Board may deny any annexation request, in its sole discretion, and the Board shall not approve any annexation that conflicts with existing County Master Plans and/or existing Development Agreements for the TRIGID Service Area. The Board may annex, in its sole discretion, any property for wholesale service, and any nonresidential property for retail service.

8.9 Design, Construction of New Connections, Inflow Sources. No new connection shall be made to TRIGID sewer system unless the same is properly designed and constructed complying with the Uniform Plumbing Code and approved TRIGID Design Standards and Details. All inflow sources including but not limited to roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains and springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage shall not be permitted to be connected to the sewer system.

8.10 Prohibition against Altering Connections. No person may bypass, adjust, or alter any piping arrangement (including metering devices) from a premises connecting to the sewer without the prior written consent of TRIGID.

8.11 Will Serve Commitment. Upon approval of Customer's application for service and compliance with all provisions of these Rules, TRIGID will issue to Customer a written will serve commitment for each sewer use of Customer. Unless Customer is required to build and dedicate sewer system improvements in accordance with Article 4.4 or Article 6, TRIGID agrees to cause the construction, at its sole cost and expense, of all community sewer system facilities deemed necessary by TRIGID in order to provide sewer service to Customer.

ARTICLE 9. TERMINATION OF SERVICES

9.1 Customer Request for Termination of Service. A Customer may have service terminated by giving not less than five (5) business days advance notice thereof to TRIGID and provide a mailing address to which the closing bill will be mailed. Charges for service may be required to be paid until the requested date of discontinuance or such later date as will provide not less than the required five (5) business days advance notice. When such notice is not given, the Customer will be required to pay for service until five (5) business days after TRIGID has knowledge that the Customer has vacated the premises or otherwise has terminated service. Failure to notify TRIGID of termination of service shall not relieve the Customer or property owner (if other than the Customer) of responsibility for payment of sewer bills.

9.2 Termination of Service by TRIGID.

A. For Nonpayment of Bills. A Customer's service may be discontinued for nonpayment of a bill for service furnished if the bill is delinquent, provided TRIGID has given the Customer at least five (5) days prior notice of its intention to discontinue service.

B. Premises to which charges have become delinquent may be disconnected from the sewer system. TRIGID shall charge the cost of disconnection of such premises and the cost of reconnection thereto, plus the discontinuance charge before such premises are reconnected to the sewer system.

C. For Noncompliance with Rules. TRIGID may discontinue service to any Customer for violation of

these Rules after it has given the Customer as least five (5) days written notice of such intention. Where safety of water supply or water quality is endangered, or other emergency circumstances exist, service may be discontinued or curtailed immediately without notice.

D. For Infiltration, Cross-Connections, or Illegal Connections. Where nonemergency infiltration, discharge of harmful waste, inter-connection, cross-connection, or illegal connection on or from a Customer's premises occurs, TRIGID may discontinue service and/or make such corrections as may be indicated at Customer's expense, if such practices are not remedied within five (5) days after it has given the Customer written notice to such effect.

E. For Unsafe Apparatus or Where Service is Detrimental or Damaging to TRIGID or its Customers. If any unsafe or hazardous condition is found to exist on the Customer's premises, or if any apparatus or illegal or prohibited connections, equipment or otherwise, is found to be detrimental or damaging to TRIGID or its Customers, the service may be discontinued without notice. TRIGID will notify the Customer immediately of the reasons for the discontinuance and the corrective action to be taken by the Customer before service can be restored.

F. For Fraudulent Use of Services. When TRIGID has discovered that a Customer has obtained service by fraudulent means, or has altered sewer service for unauthorized use, the service to that Customer may be discontinued without notice. TRIGID may not restore service to such Customer until that Customer has complied with all policies, rules and reasonable requirements of TRIGID and TRIGID has been reimbursed for the full amount of the service rendered and the actual cost that TRIGID incurred by reason of the fraudulent use.

9.3 Restoration of Service.

A. To Be Made During Regular Working Hours. TRIGID will endeavor to make reconnections during regular working hours on the day of the request, if conditions permit; otherwise, reconnection will be made on the regular working day following the day the request is made.

B. To Be Made at Other Than Regular Working Hours. When a Customer has requested that the reconnection be made at other than regular working hours, TRIGID will reasonably endeavor to so make the reconnection if practicable under the circumstances, but will be under no obligation to do so, unless an emergency exists. Disconnections or reconnections requested by the Customer at other than regular working hours may result in the requirement of payment of additional TRIGID costs in addition to the charges for disconnection and reconnection.

9.4 Refusal to Serve.

A. Conditions for Refusal. In addition to the provisions of Article 8.7, TRIGID may refuse an applicant for service under the following conditions:

1. If the applicant for service is not within the boundaries of TRIGID.

2. If the intended use of the service is of such a nature that it will be detrimental or injurious to existing Customers.

3. If the applicant fails to comply with these Rules or other rules as approved by the Board.

4. If, in the judgment of TRIGID, the applicant's installation for utilizing the service is unsafe or hazardous or subject to freezing, or flooding, or of such nature that satisfactory service cannot be

rendered.

5. Where service has been discontinued for fraudulent use, TRIGID may elect not to serve an applicant until it has determined that all conditions of fraudulent use or practice have been corrected.

6. When the collection lines, disposal systems, or treatment facilities do not have capacity or the capability to receive and/or treat sewage, septic tank effluent, or liquid waste without contamination of the ground or surface waters of the basin or the watershed of the Truckee River, or in violation of Health Department requirements.

7. If the applicant for service is for a residential use.

B. Notification to Customers. When an applicant is refused service under the provisions of this Article, TRIGID will notify the applicant promptly, by procedures specified in Article 3.3, of the reason for the refusal to serve and of the right of the applicant to appeal TRIGID's decision to the Board. Whenever termination of water service will affect more than one Customer, TRIGID will make reasonable effort to give notice to all Customers.

ARTICLE 10. REGULATION OF WASTEWATER DISCHARGE

10.1 Purpose and Policy. The portions of these Rules regarding wastewater discharge regulation impose uniform requirements for discharges into TRIGID's wastewater collection system and enable TRIGID to comply with any applicable state and federal water quality standards, limitations and pretreatment standards, to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged. These regulations provide a means for determining wastewater volumes, constituents, and characteristics, the issuance of discharge permits to certain users, and enforcement.

10.2 Administration. Except as otherwise provided herein, TRIGID shall administer, implement and enforce the provisions of this regulation of wastewater discharge. Any powers granted or duties imposed upon TRIGID may be delegated by TRIGID to persons acting in the beneficial interest of or in the employment of TRIGID.

10.3 Dischargers Subject to These Regulations. All wastewater dischargers, domestic and industrial/commercial, to TRIGID sewer system are subject to the wastewater regulations, inspection, enforcement and charges provided in these Rules.

10.4 Discharges Prohibited from Sanitary Sewers. Sewage, waste, or any matter having any of the following characteristics shall not, under any conditions, be discharged into, be placed where they might find their way into, or be allowed to run, leak or escape into any part of TRIGID sewer system:

A. Any gasoline, benzene, naphtha, solvent, fuel oil, or any other liquid, solid, or gas which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;

B. Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges; any waste with a pH greater than 9.5 pH units or high enough to cause alkaline incrustations on sewer walls or other adverse effects on the wastewater systems;

C. Any solids or viscous wastes that may cause deposition, obstruction, damage or reduction of flow in the sewer, be detrimental to proper wastewater treatment plant operations, or other interference. These objectionable substances include, but are not limited to: asphalt, dead animals, offal, ashes, sand, mud, straw, industrial process shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, bones, hair fleshings, entrails, paper, dishes, paper cups, milk containers, or other similar paper products, either whole or ground;

D. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.

E. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

F. Petroleum oil, nonbiodegradable cutting oil, refined petroleum products, or products of mineral oil origin in amounts that will cause interference or pass through;

G. Any waste containing or causing the promotion of toxic or poisonous solids, liquids, or gases that, alone or in combination with other waste substances may create a hazard for humans, animals, or the environment, interfere with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the wastewater system

H. Any trucked or hauled pollutants, except at discharge points designated by the POTW;

I. Any inflow sources, including rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, and water from yard fountains, ponds or law sprays, or any other uncontaminated water. It is unlawful to connect any sewer lateral to TRIGID's wastewater facilities which would allow infiltration discharges in excess of two hundred gallons per day per pipe diameter inch per mile of length;

J. Any water added for the purpose of diluting waste;

K. Any radioactive, radiological, or chemical/biological warfare, waste or material exceeding 100 mg/L except as regulated by the state or federal government;

L. Any matter that would be poisonous to or inhibit the biological organisms associated with any sewage treatment process, and which, in the opinion of the TRIGID, might interfere with the satisfactory operation of any treatment facility or any portion of the sewer system.

10.5 Administration - Determination of Prohibited Discharge. TRIGID shall make all discretionary determinations as may be required to administer these Rules and shall recover the cost incurred in making such determinations from the discharger.

10.6 Prohibition on Unpolluted Water. Unpolluted water including, but not limited to, process cooling water, blowdown from cooling towers or evaporator coolers, and swimming pool water, shall not be discharged through direct or indirect connection into TRIGID sewer system unless an discharge permit is issued by TRIGID for such discharge. TRIGID may approve the discharge of such water when no reasonable alternative method of disposal is available and such discharge does not violate other sections of these Rules. If a permit is granted for the discharge of such water into the wastewater facilities, the user shall pay the applicable charges and fees and shall meet such other conditions required by TRIGID.

10.7 Exclusions from Sanitary Sewers. In addition to the matter excluded heretofore, all surface drainage water shall be excluded from all parts of the sewer system designated by TRIGID as the sanitary sewer system.

10.8 Septic Tank Waste. It is unlawful to discharge any septic tank or cesspool waste to TRIGID sewer system unless specifically authorized in writing by TRIGID. The time and place for the specific discharge and required characteristics of the matter discharged shall be designated by TRIGID. No discharge shall violate any section of these Rules.

10.9 Limitations on the Use of Garbage Grinders, and Required Use of Grease Traps and Interceptors. Waste from garbage grinders shall not be discharged into TRIGID's wastewater facilities except when the wastes are generated in preparation of food normally consumed on the premises and the grinders shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the wastewater facilities, and to a size not to exceed one-half inch in any dimension. Garbage grinders shall not be used for grinding plastic, paper products, inert materials or garden refuse. All scullery or dish table wastes shall not be put through a garbage grinder unless the discharge is through an approved grease interceptor.

All waste discharged from establishments which may generate grease shall install and maintain a grease interceptor. Sizing specifications for grease traps and interceptors are outlined in Chapter 7 and Appendix H of the Uniform Plumbing Code. TRIGID may waive the required minimum size grease interceptor. The design, operation and sizing of all grease traps and interceptors must be approved by TRIGID.

Grease traps, interceptors and sand/oil separators shall be constructed to prevent any bypass of matter prohibited in the wastewater system. Sand/oil separators shall be a minimum capacity of 1,000 gallons except when otherwise specified in Appendix I of the Uniform Plumbing Code.

The introduction of emulsifiers, bacteria, enzymes or any other product into the grease trap or interceptor which could cause oil and grease to pass through the trap or interceptor is prohibited. Grease traps and interceptors shall be cleaned regularly to ensure proper operation.

10.10 Limitations on Point of Discharge. No person shall discharge any substances directly into a manhole or other opening in a TRIGID sewer other than through an approved building sewer unless he has been issued a permit by TRIGID. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by TRIGID.

10.11 Limitations on Wastewater Strength. Except as expressly permitted by these Rules or by TRIGID upon demonstration of good cause, no person shall discharge wastewater containing constituents in excess of:

Constituent	Maximum Concentration
Alkalinity, Total	430 mg/L
Arsenic	.05 mg/L
Barium	4.0 mg/L
Biological Oxygen Demand, BOD	240 mg/L
Boron	1.00 mg/L
Cadmium	0.01 mg/L
Chloride	110 mg/L
Chromium	0.05 mg/L
Chemical Oxygen Demand, COD	720 mg/L
Copper	0.05 mg/L
Cyanide	0.23 mg/L
Fluoride	4.0 mg/L
Iron	5.0 mg/L
Lead	0.30 mg/L
Manganese	0.70 mg/L
Mercury	0.01 mg/L
Nickel	1.80 mg/L
pH	6.5-9.5
Phenol	.005 mg/L
Phosphorus	8 mg/L
Selenium	0.04 mg/L
Silica, as SiO_2	80 mg/L
Silver	0.05 mg/L
Sulfate	240 mg/L
Total Chlorinated Hydrocarbons	0.005 mg/L
Total Dissolved Solids, TDS	500 mg/L
Total Kjeldahl Nitrogen, TKN	40 mg/L
Total Suspended Solids, TSS	240 mg/L
Zinc	1.0 mg/L

Pesticides and Herbicides	Maximum Concentration
Chlordane	0.005 mg/L
Lindane	0.005 mg/L
Heptachlor	0.005 mg/L
Methoxychlor	0.005 mg/L
Taxaphene	0.005 mg/L
2-4D	0.005 mg/L
2-4-5T	0.005 mg/L
Parathion	0.0016 mg/L
Malathion	0.004 mg/L
Guthion	0.004 mg/L

10.12 Revision of Wastewater Regulations. Effluent limitations promulgated by any federal, state or local law, and regulations and guidelines promulgated thereunder, shall apply in any instance where they are more stringent than those in these regulations.

Limitations on wastewater strength in Article 10.12 may be supplemented with more stringent limitations pursuant to Article 12 of these Rules:

A. If TRIGID determines that the limitations in Article 10.12 of these Rules may not be sufficient to protect the operation of the sewer system.

B. If TRIGID determines that the limitations in Article 10.12 may not be sufficient to enable TRIGID sewer system to comply with water quality standards or effluent limitations specified in any federal, state or local permit.

C. If any matter of any nature may be discharged into the sewer system, which discharge might reasonable be considered a violation of these Rules, the controlling characteristic of such matter shall be determined to the satisfaction of TRIGID. The responsibility of initiating such determinations of any costs involved and of submitting the results of the determinations to TRIGID for its approval lie solely with the party of parties desiring to discharge the matter into the sewer system. Verification of these results and the decision as to whether or not a permit shall be issued shall be the responsibility of TRIGID. The adoption of different rules or policies subsequent hereto does not constitute a waiver of TRIGID's right to regulate or prohibit the discharge of any matter.

10.13 Accidental Discharges. Customers shall notify TRIGID immediately upon accidentally discharging waste in violation of these Rules to enable TRIGID to take proper measures to reduce the impact of the discharge. This notification must be followed by a detailed written statement within fifteen (15) days of the date of occurrence.

10.14 Excessive Discharge. No Customer shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations enforceable under these Rules.

10.15 Cooling Water. Except as expressly permitted by TRIGID or these Rules, facilities using water for cooling shall not discharge the cooling water to the wastewater system or storm drain system. Recirculation of such cooling water shall be required.

10.16 Pretreatment. Industrial/commercial process water shall be pretreated, if necessary, to meet discharge requirements of these Rules. If process water can be recirculated or reused, equipment shall be installed to accomplish the recirculation or reuse.

10.17 Identification of Process Chemicals. All process chemicals and industrial wastes shall be properly labeled for identification purposes.

ARTICLE 11. WASTEWATER DISCHARGE PERMITS

11.1 Permit for Industrial/Commercial Dischargers. Industrial/Commercial dischargers connected to the TRIGID sewer system shall obtain a wastewater discharge permit from TRIGID. No industrial/commercial discharger may discharge without such a permit. TRIGID shall require permits for the following categories of industrial/commercial dischargers:

A. Dischargers with an average process waste stream of twenty-five thousand (25,000) gallons per day or more to the TRIGID wastewater plant (excluding sanitary, noncontact cooling and boiler blowdown wastewater)

B. Dischargers whose effluent strength (BOD, total suspended solids, total Kjeldahl nitrogen) exceeds the limitations on wastewater strength as described in article 10.12;

C. Dischargers using an unmetered water source;

D. All industrial dischargers for which national pretreatment standards have been established under federal, state or local law and regulations and guidelines promulgated thereunder;

E. Other dischargers as determined by TRIGID to require special regulation or source control.

11.2 Exemption from Requirement to Obtain a Wastewater Discharge Permit. The TRIGID may determine that an industrial/commercial discharger is nonsignificant based on information supplied by the discharger representing a process wastewater stream determined to not impact the WWTP.

11.3 Permit Application.

A. To obtain a wastewater discharge permit the industrial/commercial user shall complete and file with TRIGID an application in the form prescribed by TRIGID. The application may require the following information:

1. Name, address and Standard Industrial Classification (S.I.C.) number or numbers of applicants;

2. Estimated volume of wastewater to be discharged;

3. Wastewater constituents and characteristics as prescribed by TRIGID;

4. Time and duration of discharge;

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location and elevation as required by TRIGID;

6. Description of business activities including type of products, raw materials used, variation in operation, and number and duties of employees;

7. Any other information as may be deemed by TRIGID to be necessary to evaluate the permit application.

B. TRIGID will evaluate the data furnished by the discharger. After evaluation, inspection, and approval of all the data required, TRIGID may issue a wastewater discharge permit subject to terms and conditions provided herein.

C. Before a new industrial/commercial discharger is allowed, the discharger must first obtain a wastewater discharge permit from TRIGID. Violation of this provision shall subject the discharger to enforcement and charges as provided in these Rules.

D. Fees for wastewater discharger permit and monitoring shall be as stated in Article 5.3 of these Rules.

11.4 Terms and Conditions.

A. Duration of Discharge Permits. Wastewater discharge permit shall be issued for a specified time period not to exceed one year. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by TRIGID thirty (30) days prior to the expiration of the permit, the permit shall be extended until such notice is made. The terms and conditions of the permit may be subject to modification and change by TRIGID during the life of the permit as limitations or requirements as identified in Article 10 of these Rules are modified and changed. The user shall be informed of any proposed changes in their permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a time schedule for compliance, at a maximum of six months.

B. Permit Conditions. Wastewater discharge permit shall be expressly subject to all provisions of these Rules and all other applicable regulations, user charges and fees established by TRIGID. Permits may contain the following:

1. the unit charge or schedule of user charges and fees for the wastewater to be discharged to a sewer;

2. limits on the average and maximum wastewater constituents and characteristics;

3. limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

4. requirements for installation and maintenance of inspection and sampling facilities;

5. specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

6. compliance schedules;

7. requirements for submission of technical reports or discharge reports;

8. requirements for maintaining and retaining records relating to wastewater discharge as specified by TRIGID, and affording TRIGID access thereto;

9. requirements for notification to TRIGID of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the sewer system.

10. requirements for notification of sludge discharges;

11. pretreatment of wastes before discharge;

12. relocation of discharge points;

13. prohibition of discharge of certain wastewater constituents;

14. notification to TRIGID of any new introduction of wastewater constituents or any substantial change in the volume or character of wastewater discharge;

15. development of a compliance schedule for the installation of technology required to meet applicable pretreatment standards and requirements;

16. other conditions necessary to accomplish the purpose of these Rules.

17. The permit may include a time schedule which allows the discharger time to meet the conditions of the permit. The industrial/commercial discharger who has been issued a permit, will be responsible for all costs required to comply with conditions of the permit.

C. Change of Permit Terms and Conditions. TRIGID may change any or all terms and conditions of a discharge permit for cause. TRIGID shall specify a reasonable compliance period to comply with any required changes in the permit.

D. Transfer of a Permit. Wastewater discharge permits are issued to a specific user for a specific corporation. Except as expressly permitted by TRIGID or these Rules , a wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

11.5 Minimum Reporting Requirements. All industrial/commercial dischargers applying for a new permit or proposing changes to a stream covered by an existing permit are subject to monthly reporting for 30-day average and maximum daily flow, and for all constituents listed in article 11.12, except those listed under Pesticides and Herbicides.

11.6 Reduced Reporting. Following periods of continuous compliance, the TRIGID may reduce the required reporting requirements and frequencies.

11.7 Trade Secrets and Confidentiality. Any information, except effluent data as defined in 40 CFR 2.302 may be claimed as confidential, or as a trade secret by the discharger. Confidentiality claims must be asserted at the time of submission by sampling the words "CONFIDENTIAL BUISINESS INFORMATION" on each page containing such information. If no claim is made at the time of submission, the District may provide information to the public by request.

Information as defined in 40 CFR 2.302 (a)(2)(ii) may be classified as effluent data only to the extent necessary to allow the regulatory agency to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow the regulatory agency to demonstrate the feasibility, practicability, or attainability (or lack thereof) an existing or proposed limitation.

11.8 Monitoring Facilities, Reports and Access by Industrial Waste Inspector. TRIGID may require discharger, at their own expense, to construct, operate and maintain monitoring facilities and equipment, and to submit monitoring reports in order to allow inspection, sampling and flow measurement. The monitoring facility will normally be required to be located on the discharger's premises outside of the building. There shall be accommodations to allow safe and immediate access for the Industrial Waste Inspector, as may be required by TRIGID. No person shall prevent, or attempt to prevent, any such entrance or obstruct or interfere with any such officer or employee of TRIGID while so engaged.

11.9 Inspection. TRIGID, Industrial Waste Inspector, or government officials or employees, shall have the right of entry for inspection purposes of the facilities discharging to TRIGID's sewer system to ascertain compliance with TRIGID's sewer regulations or any federal, state or local law. Person or occupants of premises where wastewater is created or discharged shall allow TRIGID or its representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any other duties as called for in these Rules. TRIGID or its representative will verify the discharge flows and strength reported by discharger, or to determine compliance with these Rules.

Inspection, measurement and sampling may be conducted periodically by the Industrial Waste Inspector. TRIGID may install, maintain and operate sampling and measuring equipment on the premises of the discharger. Where a discharger has security measures in force which would require proper identification and clearance before entry into the user's premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification the Industrial Waste Inspector will be permitted to enter without delay for the purposes of performing the specific responsibilities of these Rules.

11.10 Pretreatment of Sewage. When at any time it becomes necessary or desirable to discharge into the sewer system any matter from any source which does not conform to the requirements outlined in Articles 10 or 11 of these Rules, it is required that before such matter may be discharged into the sewer system, the producer thereof shall pretreat same at their own expense to a degree that will produce an effluent which does conform to the requirements. Such pretreatment plants shall be understood to include grease traps, chemical or biochemical plants, sedimentation chambers and any other devices which effect a change of any nature in the characteristics of the matter being treated. Any and all such devices and equipment shall not be put into operation without a written permit of approval issued by TRIGID and shall be provided with all necessary features of construction to permit inspection of operations and testing of material passing through them, and shall be open to the inspection of TRIGID at any time, but the producer, in lieu of the treatment of the sewage as hereinabove provided for, may, with the written approval of TRIGID being first obtained, discharge the sewage, waste or other matter into the sewage system, subject to the provisions of Article 10, and subject to the payment of the additional cost of the treatment thereof, as provided for in these Rules.

TRIGID may require users of TRIGID's sewer system to pretreat wastewater. Users shall make wastewater acceptable under the limitations established herein before discharging into any wastewater facility. Any facilities required to pretreat wastewater to a level acceptable to TRIGID shall be provided and maintained at the user' s expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to TRIGID for review and shall be approved by TRIGID before construction of the pretreatment facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of these Rules. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by TRIGID.

11.11 Monitoring Equipment Construction and Report Requirements.

A. Monitoring facilities and equipment may be required of any sewer user in order to allow inspection, sampling and flow measurement of the building sewer, or internal drainage system. When more than one sewer user can discharge into a common building sewer, TRIGID may require installation of a separate monitoring facility for each user. Also when, in the judgment of TRIGID, there is significant difference in wastewater constituents and characteristics produced by different operations of a single user, TRIGID may require that separate monitoring facilities be installed for each separate discharge. Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by TRIGID, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. TRIGID, however, when such a location would be impractical or cause hardship to the user, may allow the facility to be constructed in the public street or public sidewalk area.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for the Industrial Waste Inspector, such as a gate secured with a TRIGID lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the sewer user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with TRIGID's requirements. When, in the judgment of TRIGID, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within ninety (90) days following written notification unless a time extension is otherwise granted by TRIGID.

B. Within ninety (90) days following the date for final compliance with applicable discharge limitations, or in case of a new source following commencement of the introduction of wastewater into TRIGID sewer system, any commercial/industrial discharger subject to such discharge limitations shall submit to TRIGID a report indicating the nature and concentration of all pollutants in the discharge from the affected commercial or industrial establishment. The discharger's report will include reporting on the discharge from any regulated processes which are limited by the discharge limitations and the average and maximum daily flow from these process units in the user facility which are limited by such standards or discharge limitations. The report shall state whether the applicable limitations are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the sewer user into compliance with the applicable limitations. The submitted report shall be signed by an authorized representative of the industrial/commercial user and certified to be a qualified professional.

C. Any user subject to a discharge limitation after the compliance date of such discharge limitation, or, in the case of a new source after commencement of the discharge into TRIGID sewer system shall submit to TRIGID during the months of June and December, unless requirement more frequently by TRIGID, a report indicating the nature and concentration of pollutants in the effluent which are limited by such discharge limitations. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported, as required under the permit. At the discretion of TRIGID, and in consideration of such factors as local high or low flow rates, holidays, budgets and cycles, TRIGID may agree to alter the months during which the above reports are to be submitted. TRIGID may impose mass limitations on users which are using dilution to meet applicable discharge limitations or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by the above paragraph shall indicate the mass of pollutants regulated by the discharge limitations in the effluent of the sewer user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature of concentration, or production and mass, where requested by TRIGID, of pollutants contained therein which are limited by such applicable pretreatment standards. The frequency of monitoring shall be prescribed in the discharge permit. All analyses shall be performed in accordance with procedures established in standard methods or other procedures approved TRIGID.

11.12 Violation Notice. In the event of a minor or potential hazard, the Industrial Waste Inspector shall issue a notice to the discharger to remedy the hazard. Said notice shall require the discharger to submit to TRIGID within ten days a detailed plan and time schedule of specific action the discharger will take in order to correct or prevent a violation. If the discharger fails to submit an acceptable plan, fails to comply with the notice, or fails to comply with the plans submitted, the discharger shall be in violation of these Rules.

11.13 Cease and Desist Order. In the event of a discharge or potential discharge threatens the operation of the TRIGID sewer system, or endangers the health or safety of any person, TRIGID shall issue a cease and desist order to the discharger. If the discharger fails to obey said order immediately, the Industrial Waste Inspector may take such action pursuant to these Rules as may be necessary to ensure compliance.

11.14 Enforcement Procedures.

A. When discharge of wastewater has taken place in violation of these Rules or the provisions of a wastewater discharge permit, TRIGID, Industrial Waste Inspector, or other duly authorized TRIGID employee, may issue a cease and desist order and direct those persons not complying with such prohibitions, limits, requirements, or provisions, to: comply forthwith, comply in accordance with a time schedule set forth by TRIGID, or take appropriate remedial, or preventative action.

B. Any user who violates the following conditions of this title, or applicable state and federal regulations, is subject to having their permit revoked by TRIGID for:

1. failure of a user to factually report the wastewater constituents, flow and/or characteristics of their discharge;

2. failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

3. refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

4. violation of conditions of a wastewater discharge permit.

C. In the event of a significant upset or permit violation, the TRIGID may issue a public notice with details regarding the event if there is potential for the event to cause issues to public health.

11.15 Indemnity. Any person who violates or aids or abets the violation of any provisions of these regulations, requirements, or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable to indemnify, defend and hold harmless TRIGID in the full amount of any penalty or judgment rendered against TRIGID which is attributable to, or results from, such violation.

11.16 Falsifying of Information. Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with TRIGID, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules, is declared to be in violation of these Rules, and subject to the charges imposed under these Rules, or subject to the procedures specified in these Rules.

ARTICLE 12. SERVICE AREAS

12.1 Intention. The intent of these Rules is to establish rules, regulations and rates for sewer service supplied hereunder only to areas allowed by TRIGID's service territory for retail service and for wholesale service. No other areas shall be served by TRIGID. Otherwise, TRIGID shall establish the service area, based on its ability to serve and as provided by law and these Rules.

12.2 Wholesale Service. TRIGID may enter into an agreement with a person who is a regulated public utility company, a governmental entity authorized by law to provide retail water service, or an accommodator under NRS 704.030 to provide wholesale water service to said person, provided said person provides retail water service outside TRIGID's retail service area in a manner allowed by law.

ARTICLE 13. DISPUTES, RELIEF, APPEALS, REVIEWS

13.1 Relief on Application. When any person by reasons of special circumstances is of the opinion that any provision of these Rules is unjust, inequitable or improper as applied to their premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to their premises. If such application be approved, the Board may suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

13.2 Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of these Rules should be suspended or modified as applied to a particular premises and may order such suspension or modification for any such premises during the period of such special circumstances, or any part thereof.

13.3 Review by the Board. These Rules shall be reviewed by the Board on a periodic basis to ensure that the provisions of these Rules are kept up to date, and that the charges and fees set out in Articles 4 and 5 are adequate to meet the costs of operating the water facilities and recovering the cost of Capital Outlays.

13.4 Adjustment of Complaints. The Board shall have the power of discretion in the interpretation and application of these Rules, including adjustments or rebate of charges, if in the Board's opinion, the intent of the Rules would not be accomplished, and an injustice would result by their strict application.

13.5 Ruling Final. All rulings of the Board shall be final, unless appealed in writing as provided in this Article within thirty (30) days.

13.6 Billing Disputes. Any dispute regarding the payment of any bill, charge or fee demanded by TRIGID is subject to relief and review as provided in this Article 14.

13.7 Right to Arbitration. Any request for relief made pursuant to Article 14.1 or other dispute arising from these Rules shall be subject to arbitration and be decided by arbitration in accordance with the Rules of the American Arbitration Association currently in effect, unless the parties mutually agree otherwise. Notice of demand for arbitration shall be filed in writing with the Board and with the American Arbitration Association.

13.8 Limitation on Claim. A demand for arbitration shall be barred unless made within thirty (30) days after the ruling of the Board, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such claim would be barred by the applicable statute of limitations.

13.9 Claims and Timely Assertion of Claims. A party who files a notice of demand for arbitration must assert in the demand all claims then known to that party on which arbitration is permitted to be demanded. When a party fails to include a claim through oversight, inadvertence or excusable neglect, or when a claim has not matured or been acquired subsequently, the arbitrator or arbitrators may permit amendment. Otherwise, all unasserted claims are barred.

13.10 Judgment on Final Award. The award rendered by the arbitrator or arbitrators shall be binding and final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof.

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 8/18/20 **Estimate of time required:**

Agenda: Consent [ ] Regular agenda [x] Public hearing required [ ]

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1. **Title:** Approval of 2nd reading for General Home Based Business License for Highland Arms, internet firearm sales. Applicants are: Calvin, Pamela and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521

2. **Recommended motion:** I motion to approve the 2nd reading for General Home Based Business License for Highland Arms, internet firearm sales. Applicants are: Calvin, Pamela and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521

3. **Prepared by:** Brandy Gavenda, Admin. Asst.

   Department: Storey County Sheriff's Office **Telephone:** 775-847-0959

4. **Staff summary:** Approval of 2nd reading for General Home Based Business License for Highland Arms, internet firearm sales. Applicants are: Calvin, Pamela and Jacob Willey, 2538 Cartwright Rd., Reno, NV 89521

5. **Supporting materials: None**

6. **Fiscal impact: None**

   Funds Available: Fund: ____ Comptroller

7. **Legal review required:** ____ District Attorney

8. **Reviewed by:**

   _X__ Department Head Department Name: Sheriff, Gerald Antinoro

   ____ County Manager Other agency review: _____

9. **Board action:**

   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 10

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 8/18/20 **Estimate of time required:**

Agenda: Consent [ ] Regular agenda [x] Public hearing required [ ]

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1. **Title:** Approval of 2nd reading for General Home Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore.

2. **Recommended motion:** I motion to approve the 2nd reading for General Home Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore.

3. **Prepared by:** Brandy Gavenda, Admin. Asst.

   Department: Storey County Sheriff's Office **Telephone:** 775-847-0959

4. **Staff summary:** Approval of 2nd reading for General Home Based Business License for Silver State Firearms, 1399 Highland Spur, VC Highlands, NV 89521. Applicants are: David Cooley and Tony Midmore.

5. **Supporting materials: None**

6. **Fiscal impact: None**

   Funds Available: Fund: ____ Comptroller

7. **Legal review required:** ____ District Attorney

8. **Reviewed by:**

   _X__ Department Head Department Name: Sheriff, Gerald Antinoro

   ____ County Manager Other agency review: _____

9. **Board action:**

   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 11

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 8/18/20 **Estimate of time required:**

Agenda: Consent [ ] Regular agenda [x] Public hearing required [ ]

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1. **Title:** Approval of 2nd reading for General Business License. Out of County Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV 89081.

2. **Recommended motion:** I motion to approve the 2nd reading for General Business License. Out of County Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV 89081.

3. **Prepared by:** Brandy Gavenda, Admin. Asst.

   Department: Storey County Sheriff's Office **Telephone:** 775-847-0959

4. **Staff summary:** Approval of 2nd reading for General Business License. Out of County Petroleum Distributor, Senergy Petroleum, 464 Andrews St, Ste. 1, North Las Vegas, NV 89081.

5. **Supporting materials: None**

6. **Fiscal impact: None**

   Funds Available: Fund: ____ Comptroller

7. **Legal review required:** ____ District Attorney

8. **Reviewed by:**

   _X__ Department Head Department Name: Sheriff, Gerald Antinoro

   ____ County Manager Other agency review: _____

9. **Board action:**

   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 12

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 8/18/20 **Estimate of time required:**

Agenda: Consent [ ] Regular agenda [x] Public hearing required [ ]

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1. **Title:** Approval of 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

2. **Recommended motion:** I motion to approve the 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

3. **Prepared by:** Brandy Gavenda, Admin. Asst.

   Department: Storey County Sheriff's Office **Telephone:** 775-847-0959

4. **Staff summary:** Approval of 2nd reading for General Business License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

5. **Supporting materials: None**

6. **Fiscal impact: None**

   Funds Available: Fund: ____ Comptroller

7. **Legal review required:** ____ District Attorney

8. **Reviewed by:**
   _X__ Department Head Department Name: Sheriff, Gerald Antinoro

   _____

   ____ County Manager Other agency review: _____

9. **Board action:**
   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 13

Storey County Board of County Commissioners
Agenda Action Report
LIQUOR BOARD

Meeting date: 8/18/20 **Estimate of time required:**

Agenda: Consent [ ] Regular agenda [x] Public hearing required [ ]

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1. **Title:** Approval of 2nd reading for Liquor License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

2. **Recommended motion:** I motion to approve the 2nd reading for Liquor License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

3. **Prepared by:** Brandy Gavenda, Admin. Asst.

   Department: Storey County Sheriff's Office **Telephone:** 775-847-0959

4. **Staff summary:** Approval of 2nd reading for Liquor License for Tahoe House Hotel & Bar. 162 S C St., Virginia City, NV 89440. Applicant is Paul Hoyle, Lark Lane Hospitality.

5. **Supporting materials: None**

6. **Fiscal impact: None**

   Funds Available: Fund: ____ Comptroller

7. **Legal review required:** ____ District Attorney

8. **Reviewed by**:
   _X__ Department Head Department Name: Sheriff, Gerald Antinoro

   ____ County Manager Other agency review: _____

9. **Board action:**
   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 15

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 8/18/20 **Estimate of time required:**

Agenda: Consent [X] Regular agenda [X] Public hearing required [ ]

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1. **Title:** 1st reading for LensLock camera system to replace the existing VieVu contract.
(Language revised)
2. **Recommended motion:** I motion to approve the 1st reading of the LensLock camera system to replace the current VieVu system.

3. **Prepared by:**

Department: SCSO **Telephone: 775-847-0959**

4. **Staff summary**: 1st reading for approval of the 1st reading for cancelling the VieVu camera system and replacing with LensLock camera system.

5. **Supporting materials:** See attached quote from two separate vendors, LensLock and Watch Guard. Watch Guard is considerably higher. See spreadsheet of issues with the VieVu equipment during the period of our current contract.

6. **Fiscal impact: None**

Funds Available: Fund: ____ Comptroller

7. **Legal review required:**

__ __ District Attorney

8. **Reviewed by**:

__X__ Department Head Department Name: Gerald Antinoro

____ County Manager Other agency review: _____

9. **Board action:**

[ ] Approved [ ] Approved with Modifications
[ ] Denied [ ] Continued

Agenda Item No. 16

LensLock Business Proposal

LensLock, Inc.

"Securing Trust - One Incident at a Time"

13135 Danielson Street #112
Poway, CA 92064 - U.S.A.
Toll Free - 888-538-0589 - Direct - 858-524-3477
www.LensLock.com

PROPOSAL # 20-635
DATE: JUNE 17, 2020

TO: Sheriff Gerald Antinoro
Storey County Sheriff's Department
205 S C St.
Virginia City, NV 89440
Customer ID #20-635

SHIP TO: Chief Deputy Tony Dosen

SALES REPRESENTATIVE	PAYMENT TERMS	LENGTH OF SERVICE	START DATE
Sean O'Grady 949-690-6552	50% COD - 50% Net 30 Days	60 Months	06/30/20

QTY	DESCRIPTION	UNIT PRICE	ANNUAL COST
19	Gen 12 Body Worn Camera Service - **UNLIMITED Data Plan**	$999.00	$19,980.00
	Year One of a Five Year Service Period: (example - 07/01/20-06/30/25)		
1	Gen 12 Body Worn Camer Service - **Administrator** (Waived)	$999.00	$0.00
20	Vievu Hardware Buy Back Program	-$80	-$1,600.00
1	On Site Implementation & Training Fee - One-Time Fee	$1,895.00	$0.00
1	Shipping & Handling Fees - One-Time Fee	$295.00	$285.00
1	Software & Database Maintenance Fee - Annual Fee	$495.00	$495.00
		SUBTOTAL	$19,160.00
		SALES TAX	Exempt
		TOTAL	**$19,160.00**

Please Make All Checks Payable to LensLock Inc.

Thank you SINCERELY for your business!

Important Note: Please be informed that ***pricing integrity is very important to our entire company*** *including our Board of Directors, employees, and especially our valued customer base. As such, it is our corporate goal to charge all customers the exact same price of $999.00/BWC/Year & $1,999/Vehicle/Year through December 31, 2020.*

4RE/VISTA Price Quote

CUSTOMER: Storey County Sheriff's Department

ISSUED: 8/28/2017 8:54 AM

EXPIRATION: 9/29/2017 10:00 AM

Attn: Accounts Payable,
P.O. Box 498,,
Virginia City,NV,United States,
89440

TOTAL PROJECT ESTIMATED AT: $36,240.00

ATTENTION: Chief Dosen

SALES CONTACT: Tim Culberson

PHONE: 775-847-0959

DIRECT: (469) 640-5204

E-MAIL: tdosen@storeycounty.org

E-MAIL: TCulberson@WatchGuardVideo.com

4RE and VISTA Proposal

VISTA HD Cameras and Options

Part Number	Detail	Qty	Direct	Discount	Total Price
VIS-CAM-EXT-002	VISTA HD Extended Capacity Wearable Camera with 9 hours continuous HD recording. Includes one camera mount, 32 GB of storage, USB charging/upload docking base and 1 year warranty.	18.00	$895.00	$0.00	$16,110.00
VIS-CHG-BS2-KIT	VISTA Charging Base R2 Kit, incl. Power and USB Cables	2.00	$95.00	$0.00	$190.00
VIS-VTS-DTC-001	VISTA Transfer Station Assy, for 8 Cameras, Ethernet	2.00	$1,495.00	$0.00	$2,990.00

VISTA HD Warranties

Part Number	Detail	Qty	Direct	Discount	Total Price
WAR-VIS-CAM-NOF	3 Year No-Fault Hardware and Software Maintenance Bundle	18.00	$580.00	$0.00	$10,440.00

Evidence Library 4 Web Software and Licensing

Part Number	Detail	Qty	Direct	Discount	Total Price
KEY-EL4-SRV-001	Evidence Library 4 Web Server Site License Key	1.00	$1,000.00	$0.00	$1,000.00
KEY-EL4-DEV-002	Evidence Library 4 Web VISTA Device License Key	18.00	$150.00	$0.00	$2,700.00

Software Maintenance and CLOUD-Share

Part Number	Detail	Qty	Direct	Discount	Total Price
SFW-MNT-EL4-001	Software Maintenance, Evidence Library, 1st Year (Months 1-12)	18.00	$0.00	$0.00	$0.00
SFW-EL4-CLD-BAS	Evidence Library 4 Web CLOUD - SHARE - Basic for VISTA	18.00	$0.00	$0.00	$0.00

WatchGuard Video Technical Services

Part Number	Detail	Qty	Direct	Discount	Total Price
SVC-4RE-ONS-400	4RE System Setup, Configuration, Testing and Training (WG-TS)	1.00	$2,500.00	$0.00	$2,500.00

Shipping and Handling

4RE/VISTA Price Quote

Part Number	Detail	Qty	Direct	Discount	Total Price
Freight	Shipping/Handling and Processing Charges	1.00	$310.00	$0.00	$310.00
					$36,240.00

Total Estimated Tax, may vary from State to State $0.00

Configuration Discounts	**$0.00**
Additional Quote Discount	**$0.00**
Total Amount	**$36,240.00**

NOTE: This is only an estimate for 4RE & VISTA related hardware, software and WG Technical Services. Actual costs related to a turn-key operation requires more detailed discussion and analysis, which will define actual back-office costs and any costs associated with configuration, support and installation. Please contact your sales representative for more details.

To accept this quotation, sign, date and return with Purchase Order: _____ DATE: _____

415 Century Parkway • Allen, TX • 75013
Toll Free (800) 605-6734 • Main (972) 423-9777 • Fax (972) 423-9778
www.WatchGuardVideo.com

Cameras Replaced:	Docks Replaced:
LE5-000268	MD2-004768
LE5-000280	One additonal, was a replacement that didn't work
LE5-000270	
LE5-000269	
LE5-000264	
LE5-000273	
LE5-000262	

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: August 18, 2020 **Estimate of time required:** 20 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/Possible Action:** Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 5.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** See enclosed Staff Report No. 2017-020-A1-2020

6. **Supporting materials:** Enclosed Staff Report No. 2017-020-A1-2020

7. **Fiscal impact:** None on local government.

Funds Available: Fund: ____ Comptroller

8. **Legal review required:** ____ District Attorney

9. **Reviewed by:**

____ Department Head KC Department Name: Planning

____ County Manager ____ Other agency review: _____

10. **Board action:**

[ ] Approved [ ] Approved with Modifications
[ ] Denied [ ] Continued

Agenda Item No. 18

Storey County
Planning Department
Storey County Courthouse
26 South B Street, PO Box 176, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org

To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: August 18, 2020

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Storey County, Nevada, via Zoom

Staff Contact: Kathy Canfield

File: Special Use Permit Amendment File 2017-020-A1-2020

Applicant: Asia Union Electronic Chemicals-Reno, Inc (AUECC)

Property Owner: Waltham Road Industrial LLC

Property Location: 1400 Waltham Way, McCarran, Storey County, Nevada, APN 004-093-36 (formerly APN 004-091-81)

Request: Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

Planning Commission Hearing: The Planning Commission heard this request at their August 6, 2020 meeting. Staff provided a brief discussion of the history of the project and why this amendment was being requested. The applicant provided a presentation focused on their request. There was no public comment on the project. The Planning Commission had a discussion of the project, asking questions to staff and the applicant. The Planning Commission voted 7-0 to forward an approval recommendation to the Board of County Commissioners.

1. **Proposed Project.** The applicant is requesting to modify several conditions associated with their 2017 Special Use Permit. Construction has commenced on developing the project, and as the project construction has been implemented, specifications outlined in the Special Use Permit have been identified as needing to be modified in order to be consistent with the State of Nevada permitting, with revised operations plans and with other best management practices associated with the operations and other regulating agencies.

This application only addresses modifying Conditions of Approval C, D, S, T and BB. No other portion of the Special Use Permit is being addressed at this time. If modifications to the above Conditions of Approval are not approved, the original conditions of approval remain in effect.

2. **Conditions of Approval Modifications.** The following existing conditions of Special Use Permit 2017-020 are requested to be amended as follows (*original language shown in italics*):

Condition C

C. ***Substances Limitations.*** *The chemicals and other substances allowed on the subject property are those which are included in Special Use Permit Application No. 2017-020 (See Exhibit B of this staff report). The quantities of those materials listed therein must not be exceeded. All chemicals must be in the State Chemical Data Base and at no time should there be any chemical on site that is not in the data base.*

AUECC is requesting that this list be updated pursuant to changes in planned facility operation. The updated proposed Exhibit B is provided as Attachment 1. The changes from the 'original' Exhibit B are minor and include:

- Updating the maximum sulfuric acid concentration from 96% to 100%
- Consolidating the list to only include the maximum concentration of a chemical instead of listing the same chemicals multiple times at differing concentrations, (for example: Currently, 'hydrogen peroxide, 31%' and 'hydrogen peroxide, 45%' are included, in the updated Exhibit B only 'hydrogen peroxide, up to 45%)
- Addition of 'various utility chemicals, lab standards/reagents, and research and development materials kept onsite in small quantities (< 500 gallons)'
  This addition is meant to capture numerous chemicals and materials that are required for operational maintenance, laboratory use, research and development, and other uses that are only present in small quantities

Additionally, AUECC wishes to the modify the language in the SUP regarding the State Chemical Data Base. Instead of the current language, AUECC requests the following: "Permit Holder is required to obtain and maintain their State Fire Marshal (SFM) hazardous materials permit"

AUECC rationale for the change:
It is our opinion that the proposed changes to Exhibit B do not have any impact on the intent or purpose of the SUP and can be made without any other stipulations or

requirements being added to the SUP. It appears the current SUP language in regards to the State Chemical Data Base is in reference to the *State Fire Marshal and State Emergency Response Commission Hazardous Material Inventory Reporting and Permitting Requirements*; if that is the case, then AUECC's requested language change is appropriate. This program only requires the reporting of certain chemicals above certain threshold quantities. As currently written, the SUP indicates all chemicals must be in the data base, which is not consistent with the requirements of the State Fire Marshal. It is our recommendation that the SUP only needs to stipulate that the procurement and proper updating and maintenance of the SFM hazardous materials permit is required. Based on our understanding of the intent of the original SUP language, this change does not impact the purpose of this section of the SUP.

Staff comments:
County staff have reviewed the proposed modifications to Condition C and believe that having the proposed chemical list and reporting of certain chemicals be consistent with the State Fire Marshal is appropriate. Upgrading the concentration of sulfuric acid does not generate the need to provide any additional safety measures than what currently is proposed. Providing for additional chemicals to be onsite, below the State Fire Marshal reporting amount, is appropriate and was an oversight at the time the original staff report was prepared, as some additional chemicals not involved in the manufacturing process are assumed to be onsite for basic functioning of a business (cleaning chemicals, well water chemicals, gasoline, etc...).

Recommended Revised Condition C Language:

The chemicals and other substances allowed on the subject property associated with the onsite manufacturing are those which are included in Special Use Permit Application No. 2017-020 (See amended Exhibit B of this staff report). The quantities of those materials listed therein must not be exceeded. ~~All chemicals must be in the State Chemical Data Base and at no time should there be any chemical on site that is not in the data base~~. The Permit Holder is required to obtain and maintain a State Fire Marshal (SFM) hazardous materials permit. A copy of such permit shall be provided to the County Fire Marshal.

Condition D

D. ***Allowed Modes of Transport.*** *The facility may receive and distribute chemicals and other substances via truck and rail. All loading and unloading of liquid substances must occur in designated areas having spill containment consistent with Condition S of this approval. All loading and unloading of liquid substances must occur within an entirely enclosed structure, and all doors to the structure(s) must be closed entirely and secured during the entire time that the material is being loaded and unloaded. The structure(s) must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development Department and Fire Protection District plan review are required for any proposed rail spur facilities.*

AUECC is requesting that the SUP be modified to allow for outdoor loading and unloading of the tanks located in the outdoor covered tank yard (see Condition S and T) as well as the outdoor transfer a of totes and drums (<500 gallons) on the facility outdoor loading docks.

AUECC rational for the change:
AUECC has no concerns with the first two sentences of this Condition. Concerns with loading and unloading will be addressed with Condition S.

Staff Comments:
The topic of this condition is "allowed modes of transportation". Staff proposes to remove the language associated with loading and unloading and to refer to Condition S of the staff report to address the loading/unloading modifications.

Recommended Revised Condition D Language:

Allowed Modes of Transport. *The facility may receive and distribute chemicals and other substances via truck and rail. All loading and unloading of liquid substances by either truck or rail must occur in designated areas having spill containment consistent with Condition S of this approval.* ~~*All loading and unloading of liquid substances must occur within an entirely enclosed structure, and all doors to the structure(s) must be closed entirely and secured during the entire time that the material is being loaded and unloaded*~~. ~~*All areas of loading/unloading must provide emergency spill containment The structure(s) must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development Department and Fire Protection District plan review are required for any proposed rail spur facilities.*~~

Condition S

S. ***Operations Safety***. *The facility/site design and layout must meet International Fire Code 2012 and International Building Code 2012 with amendments, National Fire Protection Association standards, and International Building Code 2012 requirements with amendments, as well as Federal, State and County environmental and safety requirements.*

The facility must have a hazardous occupancy designation. The main building will be subdivided into numerous areas to provide and comply with the required hazardous occupancy requirements and emergency egress routes defined in both above mentioned Codes. Each area is designed to be able to be sealed off from the rest of the facility in case of an incident. The Codes have descriptions for construction, quantities allowed to be stored, how products are stored in regards to compatible versus incompatible chemicals and other building features which must be complied with such as wall assembly fire ratings.

Corrosive, toxic and high toxic materials will be stored and processed in areas specified and designed to meet H4 occupancy requirements. Proposed onsite materials that

require the H4 requirements include hydrochloric acid, hydrofluoric acid, phosphoric acid, ammonium fluoride, ammonia and ammonium hydroxide.

Materials classified as oxidizers, class II combustibles, class II water reactives and flammables, will be stored and processed in areas specified and designed to meet H3 Occupancy requirements. Proposed materials that require H3 requirements include: anhydrous hydrofluoric acid, sulfuric acid, acetic acid, nitric acid and solvents and flammables. Solvents and flammable materials will be stored and processed in areas separated from the main building and specified and designed to meet H3 occupancy requirements with additional electrical classification requirements.

Warehousing of finished products will be separated from the office and process areas by Code to allow for the segregation of packaged materials by hazard classification. Administrative offices will be located at the front of the building and segregated from the factory operations.

All building occupancy classifications must be equipped with independent and dedicated heating and ventilation systems and meet containment and fire separation and suppression requirements, including scrubbed exhaust ducting interlocks. All filling processes must be completed in an enclosure that has air monitors, and if a leak is detected, the process must be automatically shut down and the air within the enclosed section must be automatically treated through the closed system scrubbers.

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified in OSHA's 40 hour Hazwoper practical course, and plant management and engineers will be trained in incident command. Multiple drills must be practiced annually and jointly with the local emergency responders.

All loading and unloading of materials must occur within the enclosed structure with any access doors closed in order to contain all elements of the transition from truck to facility within a controlled environment. This will provide for water fog deluge system, containment that will control vapor pressure releases by absorbing gases in water and diluting the chemistry to lower the vapor pressure and risk. Multiple layers of engineered containment will exist and will feed back to onsite chemical mitigation equipment, including the use of chemical monitors that are interlocked to automatic isolation valves that will shut down equipment if a breach in the closed system is detected. Tertiary Air scrubbers, onsite response equipment, and trained personnel are made available for activation in the event of a release. There will also be no loading or unloading of bulk products by forklift. Loading and unloading of bulk materials must be accomplished by a motor carrier vehicle carrying an isocontainer of the product, pulling into the facility, connecting to an onsite plumbing system, inside of the building and offloading to appropriate containers for each product. Anhydrous hydrofluoric acid shall be stored inside with two tanks always available for use. One will be used and the other will serve as redundancy to offload to when maintenance is required or if a release is encountered.

AUECC is requesting modifications to the last three paragraphs of Condition S. AUECC requests that outdoor loading and unloading, including filling and storage, be permitted under specific circumstances. They are also requesting clarification to the water deluge system, the Hazwoper training, the keeping of security footage and release reporting requirements.

AUECC rationale for the change:

Filling

AUECC wishes to modify the SUP language to indicate that upon a leak being detected that the processes must be automatically or manually shutdown and that the air within the enclosure must be automatically or manually treated through the scrubbers. AUECC's licensed fire protection engineers (FP&C Consultants) have indicated that International Building Code (IBC), International Mechanical Code (IMC), or the International Fire Code (IFC) does not contain requirements for these actions to be automatically initiated. AUECC has indicated that their operating procedures include shut down and scrubber treatment procedures in the event a leak is detected but that in many cases an operator will manually initiate shutdown by pressing an emergency (E-stop) button.

OSHA Hazwoper Training

AUECC wishes to modify the SUP to indicate that the training requirements of *29 CFR 1910.120 –Hazardous Waste Operations and Emergency Response* (HAZWOPER) must be met instead of specifying a specific durational HAZWOPER course. AUECC will be performing all of their required OSHA HAZWOPER training in-house. AUECC has indicated that the training they require all applicable employees to complete more than satisfies the requirements of 29 CFR 1910.120.

Loading, Unloading & Storage

AUECC is requesting that the SUP be modified to allow for outdoor loading and unloading of the tanks located in the outdoor covered tank yard as well as the outdoor transfer of totes and drums (<500 gallons) on the facility outdoor loading docks. Additionally, due to safety concerns, AUECCs main supplier (CALAMCO) of Anhydrous Ammonia is requiring that a door into the Anhydrous Ammonia unloading area remain open during chemical transfer. This is to ensure that the driver has an escape route to outside in the event of a release during chemical transfer. As indicated in the attached letter from CALAMCO (see Attachment 2 of this staff report), they have never unloaded anhydrous ammonia in an enclosed facility in their entire 65-year history. AUECC has indicated that the door remaining open during unloading activities does not affect the functionality of the emergency scrubber system.

AUECC wishes to modify the SUP to allow for storage, loading, and unloading of various raw and product chemicals in their outdoor covered tank yard located on the southeastern side of the building. In addition, they are requesting the allowance to store empty and filled ISO-containers and tank-wagons outside pending transportation off-site or emptying into a facility tank. AUECC has indicated that under no circumstances will Anhydrous Hydrogen Fluoride or Anhydrous Ammonia be stored, loaded, or unloaded outside or in the covered tank yard.

Covered Tank Yard	**ISO-Container or Tank Wagon**
Nitric Acid – up 70%	Hydrochloric Acid – up to 37%
Sulfuric Acid – up to 100%	Sulfuric Acid – up to 100%

Ammonium Hydroxide – up to 30%	Ammonium Hydroxide – up to 30%
Hydrochloric Acid – up to 37%	Nitric Acid – up 70%
Hydrofluoric Acid – up to 49%	Hydrofluoric Acid – up to 49%
Ammonium Fluoride – up to 40%	Empty Iso-Containers with Residual Chemical

AUECC is also requesting that the SUP be modified to indicate the leak-detection for the covered tank yard and outdoor storage area be accomplished by liquid-leak detectors located in the containment areas as opposed to air monitors as currently specified in the SUP. Liquid leak-detection is more appropriate since it is an outdoor environment and due to the physical properties of these chemicals, any significant release will be better detected with liquid leak-detectors rather than air-monitors. In an outdoor environment, gas-detectors may not efficiently detect a leak as ambient weather conditions (e.g wind) could prevent the gasses from reaching the detector and due to the physical properties of the chemicals, any significant release will result in liquid being released and detected by properly placed liquid-leak detectors

This requested modification does not affect the results of the release modeling conducted for the original permit as only Anhydrous Hydrogen Fluoride and Anhydrous Ammonia were assessed. Since no technical release modeling for the chemicals indicated in the above list of modified outdoor chemical storage were considered or assessed during the original SUP approval process, it is does not appear the proposed modifications change the conditions under which the SUP was previously granted. As long as AUECC abides by the Operations Safety requirements of Section S, Fluid Containment, requirements of Section Y for the tank yard, iso-containers, and tank wagons, and NDEP permit requirements (CAPP permitting for 37% hydrochloric acid and 30% ammonium hydroxide) of Section N & FF, and other pertinent SUP stipulations, modifying the SUP to allow these above-referenced chemicals to be store outside of an enclosed building does not change the conditions under which the SUP was originally approved .It is worth noting that the requirements of CAPP should ensure that 37% hydrochloric acid, 30% ammonium hydroxide, and 40% ammonium fluoride storage and associated processes are designed and operated as required based on applicable codes and standards. The CAPP also conducts annual inspections of their permitted facilities. [The facility has not yet started the CAPP permitting process for hydrochloric acid or hydrogen fluoride but has received their Permit to Construct from NDEP-CAPP for the processes involving anhydrous ammonia (ammonium hydroxide & ammonium fluoride)].

AUECC wishes to clarify the SUP to explicitly indicate that 'bulk products' refers to ISO-containers and tank-wagons. The facility will include loading, unloading and transporting containers as big as 500-gallon intermediate bulk container (IBC) totes and 55-gallon drums using forklifts which is common practice. Only personnel trained in the use of forklift per OSHA requirements will perform these tasks. AUECC also requests that the SUP be clarified to indicate that the requirement for the indoor off loading of the ISO-containers and tank-wagons is only pertinent to AHF and anhydrous ammonia. It is not operationally or logistically feasible to safely empty the AHF ISO-container directly from the transport vehicle. As currently written, it can be interpreted that the ISO-containers must be emptied without being unloaded from their transport vehicle. This is not possible for the AHF ISO-container as there is a specially designed 'pit' for the safe emptying of the AHF ISO-container and the container must be placed into this pit. The pit will be equipped with the required water deluge system and scrubber exhaust. As such, it is necessary to unload the container from its transport vehicle via overhead crane in the

indoor ISO-container loading and unloading area. AUECC has indicated that directly emptying the AHF ISO-container without removing it from its transport vehicle was never the intention and don't believe it was presented that way during the initial SUP approval process.

It is common practice to load, unload, and transport containers as big as 500-gallon IBC totes with a forklift and that it can be done safely and properly as long as operators are appropriately trained. Clarification to the current language of the SUP to limit the use of forklifts for anything except the ISO-containers as an ISO-container is specifically referred to in the sentence immediately following the limitation on the use of forklifts is desired. Since the term 'bulk' is a relative term and is used differently in different contexts the SUP should be modified to make it clear that the forklift limitation only refers to ISO-containers and tank-wagons.

Clarification of the use of an overhead crane for the unloading of an ISO-container from its transport vehicle is requested. The planned facility design and operation has always included the use of the overhead crane for the AHF ISO-containers. ISO-containers are specifically designed to be safely lifted and transported by cranes. The containers are designed and manufactured to specifications from the International Organization of Standardization (ISO), which are meant to ensure the containers can withstand the hazards and risks associated with transport. By the time the ISO-containers arrive at the AUECC facility they have likely been loaded and unloaded by a crane several times. In order for the required water deluge and scrubber exhaust systems to be available during emptying, the AHF ISO-containers must be placed in the specially designed controlled containment pit. If the ISO container was required to be emptied while still on its transport vehicle, it would not be possible to use the deluge and scrubber exhaust system during tank emptying. It is also noteworthy that AHF is subject to NDEP CAPP permitting requirements, which are designed to ensure that all processes and systems involving AHF are designed and operated as required based on applicable codes and standards.

Water deluge system

AUECC wishes to add clarifying language to the SUP to indicate that the water fog deluge system is only required and pertinent to Anhydrous Hydrogen Fluoride. AUECC asserts that this type of mitigation system is not appropriate for any other chemical processes onsite other than Anhydrous Hydrogen Fluoride. The modeling done with the original permit only considered the effects of a water fog deluge system for Anhydrous Hydrogen Fluoride.

Staff Comments

Filling

The County Fire Marshal has reviewed industry standards and has found that adding manual along with automatic follows industry standards. Staff has no concerns with the proposed modification.

OSHA Hazwoper Training

Staff is in agreement that as long as appropriate training occurs to meet the various agencies with jurisdictions requirements, a specific course identified for training is not appropriate for the Special Use Permit. All staff shall be appropriately trained related to the safety procedures for the property and as appropriate for their job description.

Loading, Unloading and Storage.

The original staff report was written prior to the applicant applying for State and Federal permits. Staff worked with the applicant to identify and address as many safety concerns as possible at that time without the benefit of having State and Federal regulators weigh in on how their regulations apply to the project. As a result, conditions of approval were written with very technical requirements that don't always match what industry standards dictate and state and federal regulations require.

As part of the permitting process, the applicant is required to follow the requirements and obtain permits associated with Nevada Department of Environmental Protection, NDEP's Chemical Accident Prevention Program (CAPP), International Building Code, International Fire Code, National Fire Protection Association Standards, State Fire Marshal's office, County Fire Marshal, Department of Transportation and U.S. Department of Homeland Security.

Staff is proposing to remove much of the specific technical language in Condition S that was in the original permit and reference those standards and regulations that the applicant will follow rather than have the actual design as part of the condition of approval. This will allow for more flexibility by the regulators and the applicant to identify and implement necessary safety features without contradicting design features in the Special Use Permit.

Water Deluge System

As stated above, staff proposes to leave the details of the operational aspects of the project to the regulatory agencies with expertise and not condition a specific technology within the Special Use Permit. Through the construction and permitting process with both Storey County and other regulatory agencies, the applicant is required to demonstrate the project complies with all local, state and federal regulations regarding the chemicals proposed for manufacturing on the property and to provide all safety features associated with specific chemicals.

Recommended Revised Condition S Language (last three paragraphs):

S. *All building occupancy classifications must be equipped with independent and dedicated heating and ventilation systems and meet containment and fire separation and suppression requirements, including scrubbed exhaust ducting interlocks. All filling processes must be completed in an enclosure that has air monitors, and if a leak is detected, the process must be automatically or manually shut down and the air within the enclosed section must be automatically treated through the closed system scrubbers.*

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified in OSHA's ~~40 hour~~ Hazwoper ~~practical~~ course, and plant management and engineers will be trained in incident command. Multiple drills must be practiced annually and jointly with the local emergency responders.

~~*All loading and unloading of materials must occur within the enclosed structure with any access doors closed in order to contain all elements of the transition from truck to facility within a controlled environment This will provide for water fog deluge system, containment that will control vapor pressure releases by absorbing gases in water and*~~

~~*diluting the chemistry to lower the vapor pressure and risk. Multiple layers of engineered containment will exist and will feed back to onsite chemical mitigation equipment, including the use of chemical monitors that are interlocked to automatic isolation valves that will shut down equipment if a breach in the closed system is detected. Tertiary Air scrubbers, onsite response equipment, and trained personnel are made available for activation in the event of a release. There will also be no loading or unloading of bulk products by forklift. Loading and unloading of bulk materials must be accomplished by a motor carrier vehicle carrying an isocontainer of the product, pulling into the facility, connecting to an onsite plumbing system, inside of the building and offloading to appropriate containers for each product. Anhydrous hydrofluoric acid shall be stored inside with two tanks always available for use. One will be used and the other will serve as redundancy to offload to when maintenance is required or if a release is encountered.*~~

All loading and unloading of Anhydrous Hydrogen Fluoride materials must occur within the enclosed structure with any access doors closed in order to contain all elements from transport to building within a controlled environment. Loading, unloading and temporary outdoor storage of empty totes, tank wagons and other appropriate materials as determined by regulating agencies must be in a controlled area and must follow all local, state and federal requirements for capture of any release or spill containment. The Permit Holder shall follow all NDEP requirements, including the Chemical Accident Prevention Program, International Building Code requirements, International Fire Code requirements, National Fire Protection Association standards, Environmental Protection Agency requirements, State Fire Marshal's office regulations, Department of Transportation regulations and Department of Homeland Security requirements. Under no circumstances will Anhydrous Hydrogen Fluoride or Anhydrous Ammonia be stored, loaded, or unloaded outside or in the covered tank yard.

Condition T

T. ***External Safety. The following security measures must be implemented at a minimum.*** *The main entrances of the facility will be gated, each with a security guard. Admittance will be allowed for pre-authorized personnel only. The site will be fenced with at least a six foot iron bar or chain-link fence. The fence will be topped with a minimum of three strands of barbed wire or otherwise topped to prevent climb-over. Closed caption video monitoring with 360 degree views feeding to the command and control office shall be installed. The video must record 24-7 and maintain recordings for at least 90 days. All security measures shall be consistent with U.S. Homeland Security requirements (See Condition GG).*

The premises must be well lit in order to maintain property security. At a minimum, all entrances, driveways, walkways and areas in which chemicals and other substances and control systems related to those systems must be well illuminated. However, the lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.

The permit holder must coordinate with the U.S. Department of Homeland Security to implement required safety measures.

No outside storage of potentially hazardous materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory buildings designed to meet the requirements of this special use permit and any federal, state, and local regulations.

AUECC wishes to modify the SUP to only require security footage to be stored for the period of time included in their Site Security Plan (SSP), consistent with US Department of Homeland Security recommendations.

It is also requested to remove the outside storage language for the rationale listed above in Condition S.

AUECC Rationale

Security Footage Storage
The requirement to maintain video records for 90 days represents a significant data storage and cost burden that AUECC feels is excessive. The project site is required to submit for review and approval a Site Security Plan (SSP) to the U.S. Department of Homeland Security. As part of the review and approval of the SSP, the security footage data storage will be determined.

Outdoor Storage
The rationale for the outdoor storage modification is provided in Condition S.

Staff Comments

Security Footage Storage
Staff is in agreement that the video security footage should follow the storage requirements of the U.S. Department of Homeland Security review and approval of the Site Security Plan.

Outside Storage
This language should be removed from Condition T and the topic of outdoor storage is addressed in Condition S.

Recommended Revised Condition T Language:

External Safety. The following security measures must be implemented at a minimum. *The main entrances of the facility will be gated, each with a security guard. Admittance will be allowed for pre-authorized personnel only. The site will be fenced with at least a six foot iron bar or chain-link fence. The fence will be topped with a minimum of three strands of barbed wire or otherwise topped to prevent climb-over. Closed caption video monitoring with 360 degree views feeding to the command and control office shall be installed.* ~~*The video must record 24-7 and maintain recordings for at least 90 days*~~*. All security measures shall be consistent with U.S. Homeland Security requirements (See Condition GG).*

The premises must be well lit in order to maintain property security. At a minimum, all entrances, driveways, walkways and areas in which chemicals and other substances and control systems related to those systems must be well illuminated. However, the lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.

The permit holder must coordinate with the U.S. Department of Homeland Security to implement required safety measures.

~~*No outside storage of potentially hazardous materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory buildings designed to meet the requirements of this special use permit and any federal, state, and local regulations.*~~

Condition BB

BB. ***Incident Reporting****. Any release of hazardous materials, regardless of quantity, shall be immediately reported via the 9-1-1 public safety answering point (PSAP). Additionally, under Nevada State law, the incident shall be immediately reported to Storey County Emergency Management, Storey County Fire Protection District, Building and Planning Departments and the Nevada Division of Environmental Protection (NDEP) and the Local Emergency Planning Committee (LEPC). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm fire will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company. AUECC shall be required to maintain a 24/7/365 contract with third party private clean-up and mitigation companies that are fully equipped, trained and prepared for responses to their facility. A copy of this contract shall be submitted to the Storey County Fire Protection District, Planning Department and Emergency Management.*

AUECC wishes to modify the SUP to more explicitly specify the conditions under which a release of a hazardous material triggers the reporting requirements specified in Section BB. Specifically, they wish to specify the reporting requirements as it relates to quantity of the release and potential for the release to have off-site consequences.

AUECC Rationale for the change

As Section BB is currently written, it cannot be practically abided by as numerous minor 'releases' of hazardous substances will occur as part of normal facility operations that are easily handled by facility personnel, have no potential for off-site consequences, and do not warrant reporting or involvement of outside agencies. These types of releases are common across many industries. AUECC suggests the two following release reporting requirement triggers:

1. Any release of a hazardous substance meeting the notification requirements specified in Nevada Administrative Code (NAC) 445A.347 or 445A.3473 (these NAC sections are provided as Attachment 4)

2. Any release that does not meet the notification requirements above but otherwise has the potential for off-site consequences.

Staff Comments

Staff is in agreement that the reporting of any release regardless of the quantity is too cumbersome and burdensome to the 911 Emergency system. Not reporting an insignificant release does not mean the release isn't attended to and cleaned up appropriately. Any quantity of release will be located in a controlled area of containment as all areas of transfer where a release could occur are within controlled areas.

Recommended Revised Condition BB Language:

BB. ***Incident Reporting***. ~~*Any release of hazardous materials, regardless of quantity, shall be immediately reported via the 9-1-1 public safety answering point (PSAP).*~~ *Any release of a hazardous substance meeting the notification requirements specified in Nevada Administrative Code (NAC) 445A.347 or 445A.3473 or any release that has the potential for offsite consequences shall be immediately reported. Additionally, under Nevada State law, the incident shall be immediately reported to Storey County Emergency Management, Storey County Fire Protection District, Building and Planning Departments and the Nevada Division of Environmental Protection (NDEP) and the Local Emergency Planning Committee (LEPC). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm fire will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company. AUECC shall be required to maintain a 24/7/365 contract with third party private clean-up and mitigation companies that are fully equipped, trained and prepared for responses to their facility. A copy of this contract shall be submitted to the Storey County Fire Protection District, Planning Department and Emergency Management.*

3. **Special Use Permit**. A Special Use Permit was issued for this project in 2017. This request to amend and clarify conditions of approval associated with SUP 2017-020.

If approved, Conditions C, D, S, T and BB would be modified and all other conditions of approval would remain in effect. The Special Use Permit only authorizes the uses described in the original SUP.

If this amended Special Use Permit request is denied, the proposed conditions of approval requested to be modified would not occur. The Special Use Permit 2017-020 remains in effect as was approved in 2017. This Special Use Permit does not address any other portions of SUP 2017-020 other than the requested modified conditions of approval stated in this SUP amendment.

4. **Compatibility and Compliance.** The proposed modifications to conditions of approval C, D, S, T and BB are consistent with the Zoning Code and Master Plan. The modifications to the

Conditions of Approval do not impact the original modelling of offsite impacts. All descriptions of the proposed activities and operations remain the same, with the exception of the proposed modifications. Rationale is provided for the proposed modifications to justify the need for the modification and to demonstrate how the project will remain implemented in a safe and reasonable way with the proposed changes.

As stated earlier, the Storey County Special Use Permit was the first permit the applicant applied for and received. Since that time, the project has been scrutinized by other agencies with regulatory authority that have provided more technical input than the Special Use Permit. Staff is proposing to remove some of the technical detail requirements from the Special Use Permit to allow for other regulatory agencies to implement more appropriate technology and processes and eliminate any potential conflicts in language from the Special Use Permit. In no way does this diminish the safety needs or protocols, this just allows for other regulatory bodies to implement the best available technology for the site without conflicting with the Special Use Permit.

5. Findings of Fact

A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit modifications when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

(1) This approval is for Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

(2) The Amended Special Use Permit 2017-020-A1-2020 conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located.

(3) Granting of the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

(4) The Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

(5) The conditions under the Amended Special Use Permit 2017-020-A1-2020 modifying Conditions of Approval C, D, S, T and BB do not conflict with the minimum requirements in the Storey County Zoning Ordinance.

B. **Motion for denial**. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

(1) This denial is for Special Use Permit Amendment 2017-020-A1-2020 by applicant Asia Union Electronic Chemicals – Reno, Inc. (AUECC). The applicant requests an amendment to Special Use Permit (SUP) Number 217-020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

(2) The conditions under the Amended Special Use Permit 2017-020-A1-2020 conflict with the minimum requirements in the Storey County Zoning Ordinance.

(3) The conditions under the Amended Special Use Permit 2017-020-A1-2020 do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

6. Recommended Conditions of Approval. The following conditions will be amended as shown. The remaining conditions of the prior Special Use Permit (SUP 2017-020) will remain unchanged and will be incorporated into SUP 2017-020-A1-2020.

C. *The chemicals and other substances allowed on the subject property associated with the onsite manufacturing are those which are included in Special Use Permit Application No. 2017-020 (See amended Exhibit B of this staff report). The quantities of those materials listed therein must not be exceeded. ~~All chemicals must be in the State Chemical Data Base and at no time should there be any chemical on site that is not in the data base~~. The Permit Holder is required to obtain and maintain a State Fire Marshal (SFM) hazardous materials permit. A copy of such permit shall be provided to the County Fire Marshal.*

D. ***Allowed Modes of Transport.*** *The facility may receive and distribute chemicals and other substances via truck and rail. All loading and unloading of liquid substances by either truck or rail must occur in designated areas having spill containment consistent with Condition S of this approval. ~~All loading and unloading of liquid substances must occur within an entirely enclosed structure, and all doors to the structure(s) must be closed entirely and secured during the entire time that the material is being loaded and unloaded~~. ~~All areas of loading/unloading must provide emergency spill containment The structure(s) must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development~~*

~~*Department and Fire Protection District plan review are required for any proposed rail spur facilities.*~~

S._ ***Operations Safety.*** *The facility/site design and layout must meet International Fire Code 2012 and International Building Code 2012 with amendments, National Fire Protection Association standards, and International Building Code 2012 requirements with amendments, as well as Federal, State and County environmental and safety requirements.*

The facility must have a hazardous occupancy designation. The main building will be subdivided into numerous areas to provide and comply with the required hazardous occupancy requirements and emergency egress routes defined in both above mentioned Codes. Each area is designed to be able to be sealed off from the rest of the facility in case of an incident. The Codes have descriptions for construction, quantities allowed to be stored, how products are stored in regards to compatible versus incompatible chemicals and other building features which must be complied with such as wall assembly fire ratings.

Corrosive, toxic and high toxic materials will be stored and processed in areas specified and designed to meet H4 occupancy requirements. Proposed onsite materials that require the H4 requirements include hydrochloric acid, hydrofluoric acid, phosphoric acid, ammonium fluoride, ammonia and ammonium hydroxide.

Materials classified as oxidizers, class II combustibles, class II water reactives and flammables, will be stored and processed in areas specified and designed to meet H3 Occupancy requirements. Proposed materials that require H3 requirements include: anhydrous hydrofluoric acid, sulfuric acid, acetic acid, nitric acid and solvents and flammables. Solvents and flammable materials will be stored and processed in areas separated from the main building and specified and designed to meet H3 occupancy requirements with additional electrical classification requirements.

Warehousing of finished products will be separated from the office and process areas by Code to allow for the segregation of packaged materials by hazard classification. Administrative offices will be located at the front of the building and segregated from the factory operations.
All building occupancy classifications must be equipped with independent and dedicated heating and ventilation systems and meet containment and fire separation and suppression requirements, including scrubbed exhaust ducting interlocks. All filling processes must be completed in an enclosure that has air monitors, and if a leak is detected, the process must be automatically or manually shut down and the air within the enclosed section must be automatically treated through the closed system scrubbers.

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified in OSHA's ~~*40 hour*~~ *Hazwoper* ~~*practical*~~ *course, and plant management and engineers will be trained in incident command. Multiple drills must be practiced annually and jointly with the local emergency responders.*

~~All loading and unloading of materials must occur within the enclosed structure with any access doors closed in order to contain all elements of the transition from truck to facility within a controlled environment~~. *All loading and unloading of Anhydrous Hydrogen Fluoride materials must occur within the enclosed structure with any access doors closed in order to contain all elements from transport to building within a controlled environment. Loading, unloading and temporary outdoor storage of empty totes, tank wagons and other appropriate materials as determined by regulating agencies must be in a controlled area and must follow all local, state and federal requirements for capture of any release or spill containment. The Permit Holder shall follow all NDEP requirements, including the Chemical Accident Prevention Program, International Building Code requirements, International Fire Code requirements, National Fire Protection Association standards, Environmental Protection Agency requirements, State Fire Marshal's office regulations, Department of Transportation regulations and Department of Homeland Security requirements. Under no circumstances will Anhydrous Hydrogen Fluoride or Anhydrous Ammonia be stored, loaded, or unloaded outside or in the covered tank yard.*

T. ***External Safety*. The following security measures must be implemented at a minimum.** *The main entrances of the facility will be gated, each with a security guard. Admittance will be allowed for pre-authorized personnel only. The site will be fenced with at least a six foot iron bar or chain-link fence. The fence will be topped with a minimum of three strands of barbed wire or otherwise topped to prevent climb-over. Closed caption video monitoring with 360 degree views feeding to the command and control office shall be installed.* ~~*The video must record 24-7 and maintain recordings for at least 90 days*~~. *All security measures shall be consistent with U.S. Homeland Security requirements (See Condition GG).*

The premises must be well lit in order to maintain property security. At a minimum, all entrances, driveways, walkways and areas in which chemicals and other substances and control systems related to those systems must be well illuminated. However, the lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.

The permit holder must coordinate with the U.S. Department of Homeland Security to implement required safety measures.

~~*No outside storage of potentially hazardous materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory buildings designed to meet the requirements of this special use permit and any federal, state, and local regulations.*~~

BB. ***Incident Reporting***. ~~*Any release of hazardous materials, regardless of quantity, shall be immediately reported via the 9-1-1 public safety answering point (PSAP).*~~ *Any release of a hazardous substance meeting the notification requirements specified in Nevada Administrative Code (NAC) 445A.347 or 445A.3473 or any release that has the potential*

for offsite consequences shall be immediately reported. Additionally, under Nevada State law, the incident shall be immediately reported to Storey County Emergency Management, Storey County Fire Protection District, Building and Planning Departments and the Nevada Division of Environmental Protection (NDEP) and the Local Emergency Planning Committee (LEPC). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm fire will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company. AUECC shall be required to maintain a 24/7/365 contract with third party private clean-up and mitigation companies that are fully equipped, trained and prepared for responses to their facility. A copy of this contract shall be submitted to the Storey County Fire Protection District, Planning Department and Emergency Management.

7. Public Comment

As of July 28, 2020, Staff has not received any comments from the public.

8. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

9. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff in accordance with the Findings of Fact under Section 5.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 5.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended motion for approval

In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 5.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

B. Alternative motion for denial

Against the recommendation by staff and the Planning Commission, but in accordance with the Findings of Fact under Section 5.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I (*commissioner*),move to deny Special Use Permit Amendment 2017-020-A1-2020 to modify the language associated with Conditions of Approval C, D, S, T and BB which relate to chemical and substance inventory, outdoor loading/unloading, water/fog deluge systems, bulk product loading/unloading, filling stations, training requirements, outdoor chemical storage, security footage storage and release reporting requirements. The subject property is located at 1400 Waltham Way, APN 004-091-81, McCarran, Storey County, Nevada.

Attachment 1
Amended Exhibit B of SUP 2017-020
Updated Chemical Product List

Chemical Product List (+/- 0.5%)

- Hydrogen Peroxide (H_2O_2) up to 45%
- Sulfuric Acid (H2SO4) up to 100% (Bulk Storage Outside)
- Oleum up to 29% Free SO3
- Nitric Acid (HNO3) up to 70% (Bulk Storage Outside)
- Hydrochloric Acid (HCl) up to 37% (Bulk Storage Outside)
- Calcium Chloride up to 50% - Used for HCl Processing
- Acetic Acid (CH2COOH) up to 100%
- Phosphoric Acid (H3PO4) up to 85%
- Hydrofluoric Acid (HF) up to 49% (Bulk Storage Outside)
- Anhydrous Hydrogen Fluoride (AHF) (Raw Material Inside)
- Ammonium Hydroxide (NH4OH) up to 29% (Bulk Storage Outside)
- Anhydrous Ammonia (NH3) (Bulk Storage in Detached, Enclosed Structure)
- Ammonium Fluoride(NH4F) up to 40%
- Isopropyl Alcohol (IPA) up to 100%
- Etch #1- Dilute Hydrofluoric Acid Mixtures (HF & Ultra Pure Water)
- Etch #2- Dilute Mixed Acid Etch Mixtures (HNO3, HF, HAC & Ultra Pure Water)
- Etch #3- Dilute Mixed Acid Etch Mixtures (HNO3, HF, HAC & Ultra Pure Water)
- Etch #4- Aluminum Etch Acid Mixtures (HF, NH4F & Ultra Pure Water)
- Etch #5- Buffered Oxide Etch Mixtures (HF, NH4F & Ultra Pure Water)
- Etch #6- Buffered Oxide Etch Mixtures w/Surfactant (HF, NH4F & Ultra Pure Water)
- Cyclohexanone (C6H10O) up to 100%
- Hexamethyldisilazane (HMDS) up to 100%
- Propylene Glycol Monomethyl Ether (PGME) up to 100%
- Propylene Glycol Monomethyl Ether Acetate (PGMEA) up to 100%
- TMAH up to 25% (TetramethylAmmonium Hydroxide)
- TEOS (Tetraethyl Orthosilicate)
- TEPO (Triethyl Phosphate)
- TMPO (Trimethyl Phosphate)
- TEB (Triethyl Borate)
- TMB (Trimethyl Borate)
- TMPI (Trimethyl Phosphite)
- 3MS (Trimethylsilane)
- 4MS (Tetramethylsilane)
- TDMAT (Tetrakis(dimethylamine) Titanium)
- TiCl4 (Titanium Tetrachloride)
- TMA (Trimethyl Aluminum)
- POCl3 (Phosphorus Oxychloride)
- BBR3 (Boron Tribromide)
- Various utility, lab standards/reagents, and research and development chemicals kept onsite in small quantities (<500 gallons each)

Attachment 2
CALAMCO Letter

CALAMCO
A PARTNERSHIP WITH GROWERS

February 20, 2020

Asia Union Electronic Chemical Corporation
AUECC Management Team
1400 Waltham Way
McCarran, NV 89434
(775) 200-6420

RE: INCIDENT RATE AND ENCLOSED ANHYDROUS AMMONIA OFF-LOAD CONCERNS

To Whom It May Concern:

This letter is in response to the AUECC request to address CALAMCO's three (3) year transportation incident rate:

From January 1, 2016 thru December 31, 2019 CALAMCO has had zero incidents of transportation accidents and/or accidental releases of Anhydrous Ammonia to any of our delivery sites. CALAMCO Customer sites include locations in California, Nevada, Oregon, Washington, Utah and Arizona.

Additionally, this letter intends is to express CALAMCO Management's concern regarding the enclosed Anhydrous Ammonia offload requirements placed upon this project. CALAMCO has been in business for over 65 years delivering Anhydrous Ammonia to110+ industrial and agricultural customer sites. In all those years our company has never unloaded Anhydrous Ammonia at an enclosed facility.

The chemical properties of Anhydrous Ammonia make enclosed offloading substantially more hazardous than outdoor/open air off load sites.

The overall mission of CALAMCO is safe and reliable delivery of Anhydrous Ammonia to our industrial customers. CALAMCO looks forward to working with AUECC soon.

If you need further clarification, please do not hesitate to contact me.

Regards,

Matthew J. Duaime

Matt Duaime
CALAMCO EHS Manager
(209) 986-0751
Matt.duaime@Calamco.com

1776 WEST MARCH LANE, SUITE 420 | STOCKTON, CALIFORNIA 95207 PHONE: 209.982.1000 | WITHIN CA: 800.624.4200 | FAX: 209.983.0822
www.calamco.com

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: August 18, 2020 **Estimate of time required:** 10 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/Possible Action:** Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** See enclosed Staff Report No. 2020-026

6. **Supporting materials:** Enclosed Staff Report No. 2020-026

7. **Fiscal impact:** None on local government.

Funds Available: Fund: ____ Comptroller

8. **Legal review required:** ____ District Attorney

9. **Reviewed by:**

____ Department Head KC Department Name: Planning

County Manager _____Other agency review: _____

10. **Board action:**

[ ] Approved [ ] Approved with Modifications
[ ] Denied [ ] Continued

Agenda Item No. 19

Storey County
Planning Department
Storey County Courthouse
26 South B Street, PO Box 190, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org

To:	Storey County Board of County Commissioners
From:	Storey County Planning Department
Meeting Date:	August 18, 2020
Meeting Location:	Storey County Courthouse, 26 South "B" Street, Virginia City, Nevada, via Zoom
Staff Contact:	Kathy Canfield
File:	Special Use Permit File 2020-026
Applicant:	Storey County
Property Owner:	Storey County
Property Location:	1001 Six Mile Canyon Road, Virginia City, Nevada
Request:	Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

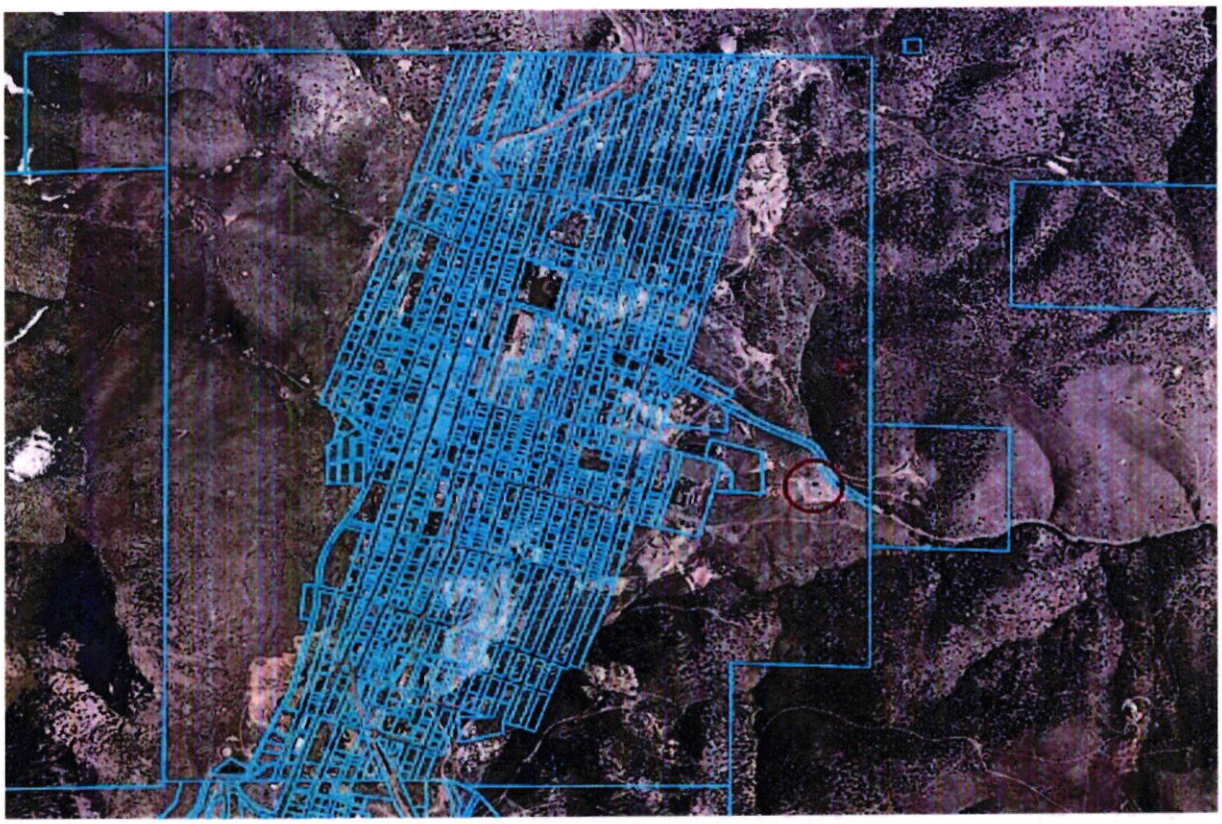
Planning Commission Hearing: The Planning Commission heard this request at their August 6, 2020 meeting. There was a brief discussion of the project. There were no comments regarding this project from the public. The Planning Commission voted 6-0 (1 absent) to recommend approval of the proposed project to the Board of County Commissioners.

1. Background & Analysis

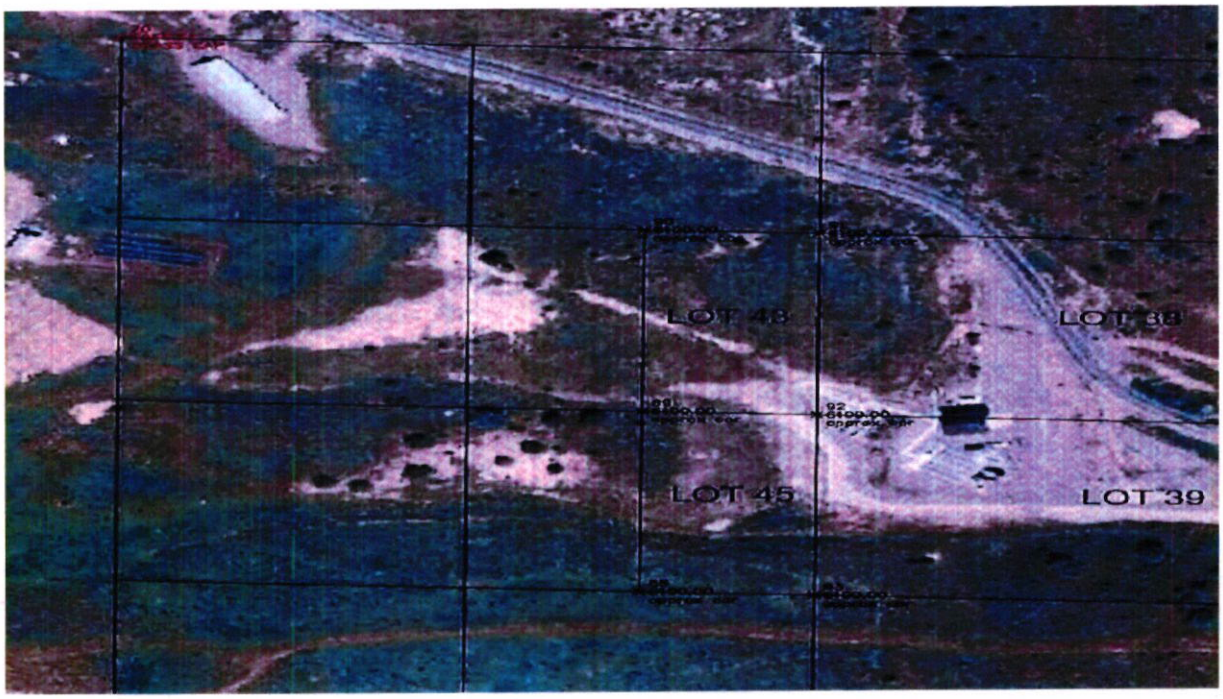
A. **Site Location.** The property is located at the existing Wastewater Treatment Plant along Six Mile Canyon Road just prior to entering into Six Mile Canyon. The site is at the

bottom of the slope associated with Virginia City, with the main portion of developed Virginia City being uphill from this property.

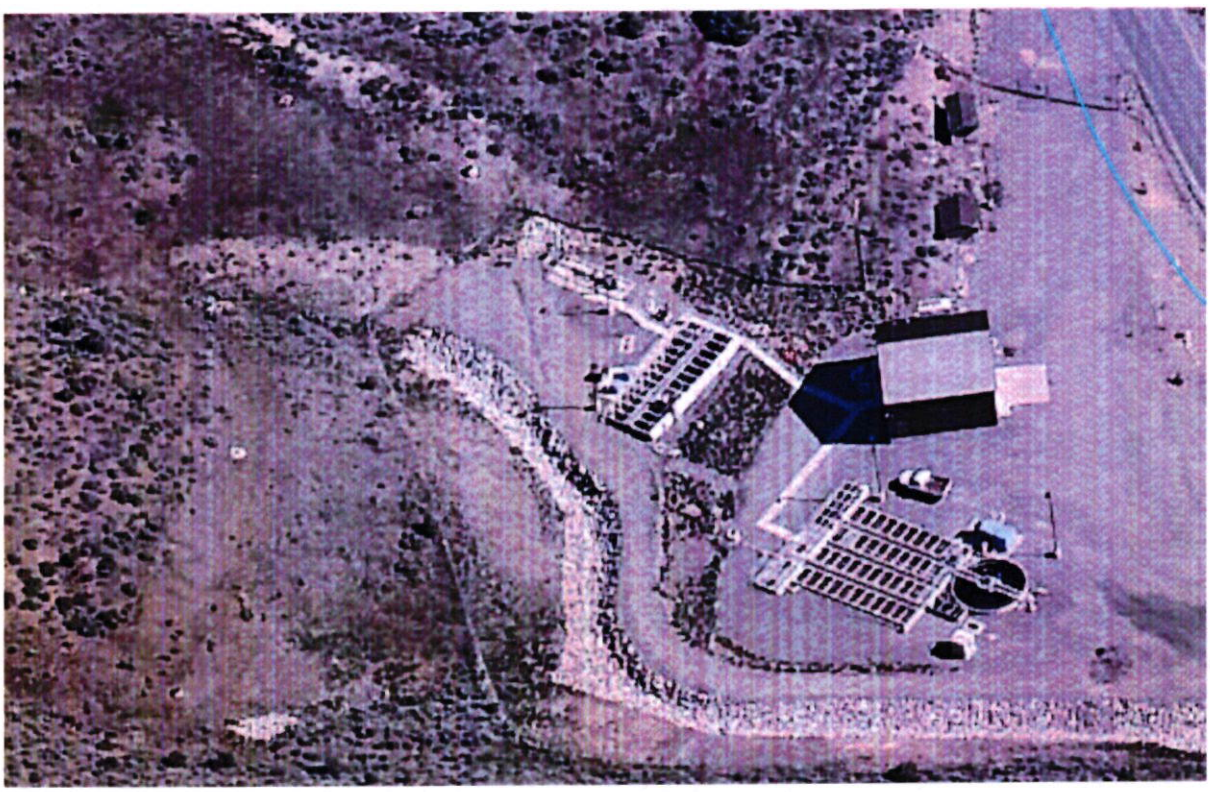
The property associated with the sewer treatment plant was acquired by Storey County from the Bureau of Land Management in 2014 by Patent 27-2014-0006. The site is approximately 12.383 acres in size and is associated with Lots 38, 39, 43 and 45 of Township 17 North, Range 21 East, Section 28, Mount Diablo Meridian. As part of the land acquisition, the Patent identifies the use of the land to be the proposed Virginia City sewage treatment plant expansion project. The proposed tower will be an accessory use to the existing treatment plant by providing wireless connections to water and sewer monitoring systems of the County. The new tower and associated equipment will be located immediately adjacent to the treatment plant and utilize existing access associated with the treatment plant.



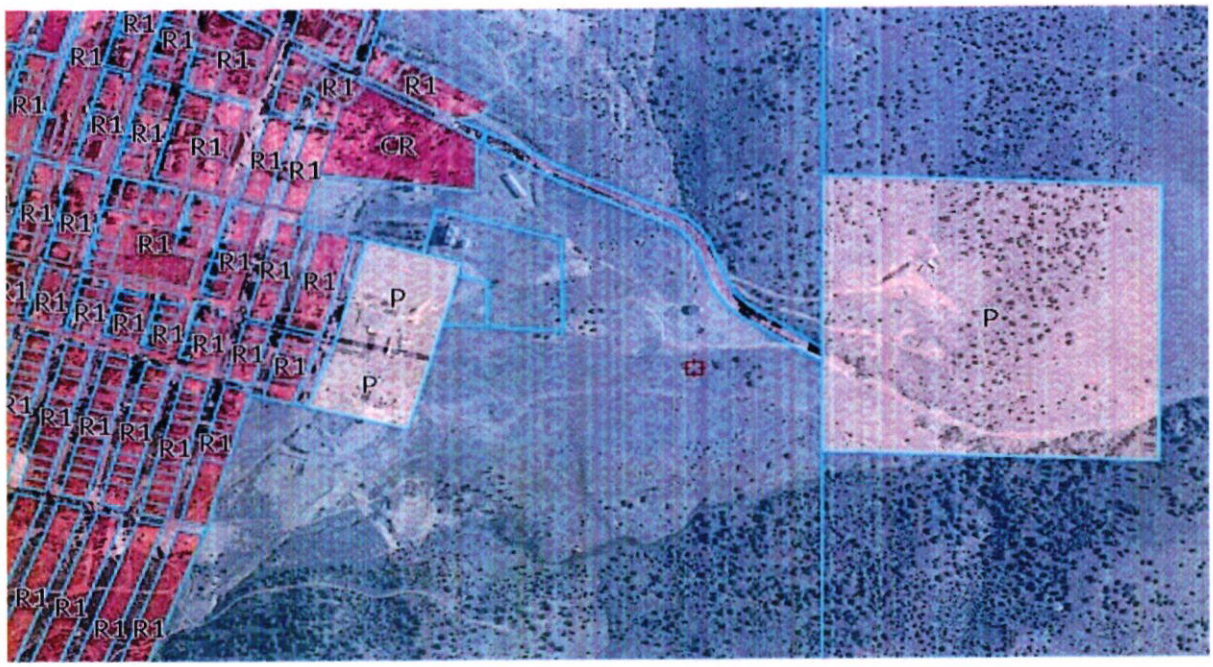
Vicinity Map



Property Location



Communication tower approximate location



Zoning Map (green is Forestry zoning)

B. **Proposed Project**. Storey County proposes to install a 110-foot high radio public service communications tower on the existing 12.383 acre parcel occupied by the sewer treatment plant. The tower will provide communications technology to the sewer treatment plant, along with other public services, provided by or associated with the County. This site provides excellent line of sight paths throughout Virginia City while minimizing visual impacts to the community. The tower will sit below the visual skyline versus on a mountaintop like most ratio sites require.

The tower will serve multiple functions, but the primary functions are to provide support for water and sewer operations in the County as well as enhancing existing SCADA radio systems that control and monitor critical infrastructure, along with supporting life-safety related services such as 911/Dispatch, Fire District radio communications and sheriff communications. Secondary usage for the tower will be to relocate and enhance existing point-to-point microwave radio data links and provide adequate space and infrastructure for proposed future microwave links.

Other potential uses may include weather and traffic cameras, weather stations, low level radio repeater for enhanced 6-mile Canyon radio reception, amateur radio usage associated with public service, providing internet links to unserved county facilities such as the Fairgrounds and enhancing redundant infrastructure to existing facilities.

The project may also include installation of ground-mounted support equipment and a emergency-use backup generator.

C. **Zoning Ordinance.** The property is located within a Forestry Zone (F). The General Provisions Section 17.12.100 states "Wireless communication facilities are allowed in all zoning districts, subject to height requirements of Section 17.12.044.B and the other provisions as applicable identified in this chapter and the zoning code". The proposed wireless communications facility is an allowed use for the zoning district.

D. **Special Use Permit.** General Provisions Section 17.12.044 states that any proposed wireless communication facility over 45-feet in height in the Forestry (F) zoning district requires a special use permit. The provision goes on to state "A special use permit may be granted to exceed these height limitations provided that the structures may be safely erected and maintained at that height in view of surrounding conditions and circumstances." As the wireless communications facility is an allowed use for the Forestry zoning district, this Special Use Permit is addressing the additional height only.

E. **Comstock Historic District**. This project will require Comstock Historic District review and approval prior to any construction permits being issued for the project.

F. **Additional Height.** The applicant is proposing a tower height of 110-feet. The Forestry zoning district allows for a height of 45-feet, with additional height being subject to a Special Use Permit. The additional height is needed to allow for the antenna/equipment to function without interference of land features.

View looking west, across sewer treatment plant

View looking north east from Virginia City High School parking lot.

2. Compatibility and Compliance

A. <u>Compatibility with surrounding uses and zones</u>.

The following table documents land uses, zoning classifications, and master plan designations for the land at and surrounding the proposed project.

	Land Use	Master Plan Designation	Zoning Code
Applicant's Land	Public Service – sewer treatment plant	Resources	Forestry
Land to the North	vacant	Resources	Forestry
Land to the East	vacant	Resources	Forestry
Land to the South	vacant	Resources	Forestry
Land to the West	Vacant	Resources	Forestry

B. <u>Compliance with Zoning</u>. The proposed wireless commercial communications tower, with the request for additional height, is consistent with the requirements of the 2015 zoning ordinance including Section 17.12 General Provisions and Section 17.32 Forestry Zone.

C. <u>General use allowances and restrictions.</u> Storey County Code 17.03.150, Special Use Permit, identifies the administration for the Board and Planning Commission for allowing a special use permit. The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum to be cited in an approval.

(1) Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.

The proposed wireless commercial communication tower will be consistent with the requirements of Section 17.32 Forestry Zone and 17.12 General Provisions. The project is requesting additional height beyond 45-feet which requires a special use permit. The project, as conditioned, is consistent with the Zoning Ordinance and the Storey County Master Plan.

(2) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

The proposed communication tower will be located adjacent to the existing Storey County sewer treatment plant. The property is zoned Forestry and the proposed tower will provide service to the onsite sewer treatment plant along with providing a connection for the area to public safety communications and critical infrastructure. The 110-foot height is proposed to allow for site paths and connections to other existing towers in the Virginia City area.

(3) Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

The proposed wireless commercial communications tower will be constructed on the existing sewer treatment plant property. The tower use will allow for the sewer plant to wirelessly be connected to other public services, and is a location that can provide additional systems that control and monitor critical infrastructure, along with supporting life-safety related services such as 911/Dispatch, Fire District radio communications and sheriff communications that serve the community. Access to the site is from within the sewer treatment plant, which has access from Six Mile Canyon Road. The project is an addition to the sewer treatment plant, which is consistent with the use outlined in land Patent 27-2014-0006 for the original land transaction with the Bureau of Land Management.

(4) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

The proposed use is expected to provide a benefit to the governmental services and existing governmental facilities. The wireless commercial communications tower will serve the surrounding area.

D. **2016 Storey County Master Plan**. The 2016 Storey County Master Plan identifies this area as Resources and is located east of the Silver Star Neighborhood Area Specific Plan. The location of the sewer treatment plant is downslope from this residential area, with the St. Mary's Art Center and Virginia City High School properties located between the sewer treatment plant and the residential neighborhood. Because of the topography, the sewer treatment plant is not visible from the adjacent neighborhood. The proposed tower, although 110-feet in height, will have a backdrop of land, not sky, when viewed from land uses upslope, making the tower blend into the background and not readily visible, if visible at all from some locations due to topography. The tower and associated equipment will be accessory to the existing sewer treatment plant.

3. Findings of Fact

A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

(1) This approval is for Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Public Facilities designated area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit. The Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.

(3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

(4) The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other

plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

(5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

(6) The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 – Special Use Permit, 17.12 – General Provisions, and 17.32 - Forestry Zone.

(7) The proposed project is an accessory use to the existing Storey County sewage treatment plant, and therefore is consistent with the land acquisition requirements of Patent 27-2014-0006.

B. **Motion for denial**. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

(1) This denial is for Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

(2) The conditions under the Special Use Permit conflict with the minimum requirements/findings in the 2015 Storey County Zoning Ordinance Sections 17.03.150-Special Use Permit, 17.12–General Provisions and/or 17.32 - Forestry Zone.

(3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

A. **Special Use Permit**. This approval is for Special Use Permit 2020-026 is a request to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

B. **Requirements**. The Permit Holder shall apply for any/all required permits and licenses, including building and fire permits, for the project within 24 months from the date of final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder remains in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.

C. **Permit Contents**. This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans and submitted separately from this permit. The requirements of all submitted plans, along with support material submitted with the application, become part of this Special Use Permit.

D. **Separate Permits Required**. This Special Use Permit shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit may be required for work previously performed or for future construction.

E. **Legal Responsibility**. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.

F. **Color of Tower**. The tower color shall be designed to blend, rather than contrast, with the natural surroundings. The tower shall have a matte finish (not shiny) and shall be unpainted or an earthtone color.

G. **Comstock Historic District**. Prior to, or concurrent with, submittal for building permits, the Permit Holder shall demonstrate that the Comstock Historic District has approved the proposed design and construction materials and submit such approval to the Community Development Department and the Planning Department.

H. **Lighting**. Any lighting of the tower and facility must conform to Storey County Code 8.02 Outdoor Lighting (Dark Skies).

I. **Emergency Management Plan**. A comprehensive emergency management plan shall be developed by the Permit Holder and submitted to the Storey County Fire District for review and approval before obtaining a building permit. The plan shall include, but not be limited to, the following in case of tower failure of the support structure, antenna(s) thereon, and related appurtenances: (1) Permit Holder's emergency contact phone number(s); (2) emergency contact procedure, including for Dispatch 9-1-1, Storey County Emergency Direct-Connect 775.847.0950; (3) documenting and reporting; (4) post structure failure management, clean-up, reclamation, and material disposal; (5) electrical system shut-down procedure; (6) disclosure and management of hazardous materials (e.g., asbestos) or other conditions (e.g., radiation), if applicable; and (7) post structure failure damage reporting and treatment of affected neighboring properties.

J. **Noise.** Any proposed power generator(s) (also to include "alternator(s)") shall be muffled and remain within a sound-insulated structure, encasement, or sound buffer walls (such as concrete masonry unit walls) sufficient to attenuate noise to or below

the limitations set forth by the Storey County Code. Any generator shall only operate during power outages and/or during routine recharge and maintenance intervals. All other noise emitted from the facility, except during times of periodic maintenance and repair, shall not exceed 40 dBA at a point of 100' from the antenna support structures or any other noise emitter within the property.

K. **Cautionary Signage.** Signage shall be installed at the main port of entry (i.e., facility gates) stating the company's name, site address, and 24-hour emergency contact phone number(s). Signage shall indicate all potential hazards and safety requirements associated with entering the facility.

L. **Antenna Limitations.** The communications tower and facility shall be used exclusively for public service wireless communications.

M. **Electrical Distribution and Controls.** The location, routing, and alignment of exterior electrical and communication controls, associated wiring, and power lines (except those now existing) shall be approved by the Building Department, when applicable.

5. Public Comment

As of July 28, 2020, Staff has not received any comments from the public.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff in accordance with the Findings of Fact under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended motion for approval

In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

B. Alternative motion for denial

Against the recommendation by staff and the Planning Commission, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I (*commissioner*), move to deny Special Use Permit 2020-026 to allow for construction of a 110-foot high public service communication facility associated with the existing Storey County sewer treatment plant. The project includes a tower, equipment shelters and other associated equipment. The tower will be located on the property associated with the Storey County Wastewater Treatment Plant at 1001 Six Mile Canyon Road, Virginia City, Storey County, Nevada and being a portion of Assessor's Parcel Number (APN) 001-311-04.

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: August 18, 2020 **Estimate of time required:** 5 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

---

1. **Title: Discussion/For Possible Action:** First Reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

2. **Recommended motion:** I [county commissioner] motion to continue to the next Board of County Commissioner's meeting, the First Reading of Bill 118, Ordinance No. 20-307 , text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** This item was discussed at the August 6, 2020 Planning Commission meeting. There are still some outstanding concerns to address related to minimum residence size. The Planning Commission voted (6 ayes, 0 nays, 1 absent) to continue the item to the August 20, 2020, or next available Planning Commission meeting.

6. **Supporting materials**. Additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at http://storeycounty.org/517/Updates. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance.

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:**

   ____ District Attorney

9. **Reviewed by**:

   ____ Department Head Department Name: Planning

   ____ County Manager Other agency review: _____

10. **Board action:**

   [ ] Approved [ ] Approved with Modifications

   [ ] Denied [ ] Continued **Agenda Item No.** 20

Bill No. 118

Ordinance No. 20-307

Summary

An Ordinance amending Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

Title

An Ordinance amending Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses, minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

Chapter 17.16

R1 Residential Zones

Sections:

17.16.015 Purpose and intent
17.16.020 Allowed uses
17.16.030 Uses subject to special use permit
17.16.040 Minimum floor area
17.16.050 Minimum parcel area and width requirements
17.16.060 Setback requirements
17.15.065 Height of buildings and structures
17.60.070 Home enterprises
~~17.16.080 Distance between buildings on the same lot~~

17.16.015 Purpose and Intent

The R1 residential zone is established to provide for the development of single-family residential uses and to prohibit the development of uses that are incompatible and detrimental to the residential environment.

17.16.020 Allowed Uses

In an R1 residential zone, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended and designed for the following uses:

A. One single-family detached dwelling of permanent character in a permanent location.
B. Accessory uses, buildings, and structures when they are incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and comply with the regulations under section 17.12.045-046.
C. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. These uses also include community gardens.
~~D. Childcare where 4 or less children are cared for.~~
~~E.~~*D.* Storage parking for recreational vehicles, boats, utility trailers, horse trailers and similar equipment owned by the occupant of the onsite principal residence, provided that such items are stored entirely on private property.

17.16.030 Uses Subject to Special Use Permit

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions.

A. Congregational establishments including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.
B. The keeping of large domestic animals such as sheep, bovine, swine, llamas, horses, goats, and other similar domestic farm animals under the ownership of the resident occupant of the lot, provided that any combination of such animals on any one lot does not exceed 2 for the first 20,000 square feet of lot area. Additional animals may be allowed at the rate of 1 for each additional 10,000

square feet of lot area. There must be a minimum of 400 square feet per animal of penned land area, which must be on less than 10 percent slope grade.

C. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

D. Bed and breakfast inns offering accommodations for up to 8 guests, subject to providing one off-street parking space for each sleeping room.

E. Short-term vacation rental of a single-family detached residential dwelling. This provision does not apply to long-term rental and lease arrangements

~~F. Child care facilities where 5 or more children will be cared for. Child care must not exceed 15 children.~~

~~G. Natural resources river restoration regulated under section 17.12.100~~

~~H.~~ *F.* Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.

~~3. Crisis care use, temporary~~.

~~4.~~*3* Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial, but not including student residential accommodations.

~~5.~~*4.* Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

5. Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.

17.16.040 Minimum Floor Area

~~In the R1 residential zone, no detached~~ *No* single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence.

17.16.050 Minimum Parcel Area and Width Requirements

R1 shall have a minimum parcel size of 5,000 square feet, with an exception for civic uses listed above in consideration with the special use permit.

~~Each R1 residential zone must have a minimum parcel area limit. The minimum parcel area limit number is the suffix for the respective zone (e.g., "R1-5" is an R1 zone with 5,000 square feet minimum parcel area) A parcel zoned R1 must be at least 5,000 square feet~~ The area contained within the R1 zone parcel must include all easements, including easements for access to an adjacent parcel. The minimum ~~area and~~ width for each R1

Residential *parcel is 50-feet*. ~~zone is indicated in the following table:~~

Zone and Suffix	Minimum Lot Area (square feet)	Minimum Width From Street (feet)
R1-5	5,000	50
R1-6	6,000	50
R1-8	8,000	60
R1-10	10,000	60
R1-15	15,000	80
R1-20	20,000	100

17.16.060 Setback Requirements

The required distances between the building and the property line ~~is~~ *are 20-foot front yard, 5-foot side yard and 10-foot rear yard. For corner lots, the side yard adjacent to the street shall have an 8-foot setback.* ~~shown in the following table~~. Setback requirements for accessory structures must comply with section 17.12.045.

Zone and Suffix and Lot Configuration	Front Setback	Side Setback	Rear Setback
R1-5, R1-6, and R1-8	20 feet	~~8~~ *5* feet	~~20~~ *10* feet
R1-10 and R1-15	~~30~~ *20* feet	~~8~~ *5* feet	~~20~~ *10* feet
R1-20	~~40~~ *20* feet	~~8~~ *5* feet	~~20~~ *10* feet
Corner lot facing two streets	Same as above	~~10~~ *8* feet street side; ~~8~~ *5* feet non-street side	Same as above

17.15.065 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

17.60.070 Home Enterprises

Home enterprises, *including in-home child care*, are regulated under chapter 17.12 General Provisions.

~~**17.16.080 Distance Between Buildings on the Same Lot**~~

~~There must be a minimum distance of 10 feet between a building used for dwelling purposes and an accessory building. There must be a minimum distance of 6 feet between accessory buildings.~~

Chapter 17.20

R2 Multi-Family Residential Zone

Sections:

17.20.010 Applicability
17.20.015 Purpose and intent
17.20.020 Allowed uses
17.20.025 Uses subject to special use permit
17.20.030 Minimum parcel area
17.20.035 Home enterprises
17.20.040 Setback requirements
17.20.050 Height of buildings and structures
17.20.060 ~~Signs~~ *Manufactured and Mobile Home Parks*

17.20.070 Minimum Floor Area

17.20.015 Purpose and Intent

The R2 multi-family residential zone is established to provide for the development of medium or higher density multi-family residential uses and to prohibit the development of incompatible uses which are detrimental to the residential environment.

17.20.020 Allowed uses

In an R2 multi-family residential zone, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended and designed for the following uses:

A. Residential uses and buildings of permanent character and permanent location including the following.

1. One single-family dwelling~~, detached~~. The parcel containing this use must be at least 5,000 square feet.

2. ~~One~~ *Two* or more single-family dwellings~~, attached~~ *per parcel*. This use includes townhouses, rowhouses, twinhomes, and condominiums. ~~Only one principal building is allowed per lot~~. Only one dwelling unit is allowed for every 2,000 square feet of gross lot area. ~~A special use permit may be granted for increased dwelling units per square feet of gross lot area when the use is located within the Virginia City Downtown District boundaries (see Chapter 17.30 Appendix A). Findings for approval of the special use permit for increased density must, at a minimum, cite no significant adverse impacts to area vehicular parking, circulation, and egress, and public health, safety,~~

~~comfort, convenience, and general welfare.~~

3. Multi-family dwellings. This use includes apartment buildings, apartment complexes, ~~duplexes, triplexes~~, and other configurations of multi-family uses. Only one dwelling unit is allowed for every 2,000 square feet of gross lot area. ~~A special use permit may be granted for increased dwelling units per square feet of gross lot area when the use is located within the Virginia City Downtown District boundaries (see Chapter 17.30 Appendix A). Findings for approval of the special use permit for increased density shall, at a minimum, cite no significant adverse impacts to area vehicular parking, circulation, and egress, and public health, safety, comfort, convenience, and general welfare.~~

4. ~~Accessory uses, buildings, and structures if they are clearly incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and comply with the regulations of section (B) below and section 17.12.045 Accessory buildings.~~

~~5 Manufactured and mobile home parks are prohibited.~~

B. Accessory uses, buildings, and structures when they are incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and comply with the regulations under section 17.12.045. Examples of accessory uses incidental to the uses allowed in the R2 zone include self-service or coin-operated laundry facilities, manager's office, swimming pool and related uses, recreation facilities and buildings, community center, and other uses which customarily serve residents within the multi-family dwelling property. ~~Accessory uses may be permitted by the director but are subject to special use permit requirement.~~

~~C. Childcare where 4 or less children are cared for. A special use permit is required for more than 4 children.~~

~~D.~~*C.* Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

~~E.~~*D.* Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. A special use permit is required for education institutions and academies that include student residential accommodations.

E. Storage parking for recreational vehicles, boats, utility trailers, horse trailers and similar equipment owned by an occupant of the onsite residence, provided that such items are stored entirely on private property.

17.20.025 Uses Subject to Special Use Permit

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions.

A. Boarding accommodations including ~~extended stay hotels,~~ dormitories, rooming and boarding houses, bed-and-breakfast inns, time-shares, and short-term vacation rentals. A special use permit is not required for long-term rental and lease arrangements. Hotels, motels, hostels and other transient lodging uses are

prohibited.

B. Congregational uses including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.

~~C. *Home enterprise child care* facilities where 5 or more children will be cared for. Child care must not exceed 15 children.~~

~~D.~~*C.* Temporary real-estate tract offices not located within a permanent structure.

~~E.~~*D.* Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other use.

~~3. Crisis care uses, temporary.~~

~~4.~~*3.* Libraries, governmental offices, post offices, and community centers

~~5~~4. Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

5. Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.

~~F.~~*E.* Education facilities that include student residential accommodations.

~~G.~~*F.* ~~Natural resources river restoration regulated under section 17.12.100~~.

~~H.~~*G.* Multi-family and attached single-family dwellings with density exceeding 1 unit for every 2,000 square feet of gross lot area. ~~(see Section 17.20.020)~~.

H. The keeping of large domestic animals such as sheep, bovine, swine, llamas, horses, goats, and other similar domestic farm animals under the ownership of the resident occupant of the lot, provided that any combination of such animals on any one lot does not exceed 2 for the first 20,000 square feet of lot area. Additional animals may be allowed at the rate of 1 for each additional 10,000 square feet of lot area. There must be a minimum of 400 square feet per animal of penned land area, which must be on less than 10 percent slope grade.

I. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

17.20.030 Minimum Parcel Area

The lot or parcel must have a minimum area of ~~8,000~~ *5,000* square feet *with an exception for civic uses listed above in consideration with the special use permit.* The minimum gross lot area per dwelling unit ~~or suite~~ is 2,000 square feet, and the maximum number of units allowed on any one lot or parcel is determined by dividing the total *parcel* area by 2,000.

17.20.035 Home Enterprises

Home enterprises, *including in-home child care*, are regulated pursuant to chapter 17.12 General provisions.

17.20.040 Setback Requirements

Setbacks for R2 zoning are 20-foot for the front yard setback, 5-foot for side yard (8-foot

if side yard is adjacent to a street or public roadway access) and 10-foot rear yard setback. ~~The minimum distance between a building and the property line is indicated in the following table.~~ Setback requirements for accessory structures must comply with the regulations under section 17.12.045.

Lot Configuration	Front Setback	Side Setback	Rear Setback
Regular lot	20 feet	*5*~~8~~ feet	*10*~~20~~ feet
Corner lot facing two streets	20 feet	*8* ~~20~~ feet street side; *5*~~8~~ feet non-street side	*10* ~~20~~ feet

17.20.050 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044. ~~; Height of buildings and structures.~~

17.20.060 ~~*Signs*~~ *Manufactured and Mobile Home Parks*

~~Signs associated with multi-family residential uses must comply with the regulations under chapter 17.84 Signs and billboards.~~

Manufactured and mobile home parks are prohibited in the R2 zoning district.

17.20.070 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence.

Chapter 17.24

A - Agricultural Zone

Sections:

17.24.015 Purpose and intent
17.24.020 Allowed uses
17.24.02~~0~~*5* Uses subject to special use permit
17.24.030 Minimal parcel area
17.24.040 Setback requirements
17.24.050 Height of buildings and structures

17.24.060 Home Enterprises
17.24.070 Minimum Floor Area

17.24.015 Purpose and Intent

The A agricultural zone is intended to protect and preserve areas of prime agricultural soils for continued agricultural and agriculturally oriented uses. These areas consist of the most agriculturally productive soils. Their loss cannot be readily compensated, since these soils are relatively scarce, particularly on the natural level, and poorer soils require more capital energy and nutrients to provide equal productivity.

17.24.020 Allowed uses

The following uses are allowed in the A agricultural zone:

A. One single-family detached dwelling of a permanent nature in a permanent location.

B. General ~~agricultural. uses.~~ *agriculture.*

C. Agricultural animal production.

D. Custom animal processing.

E. Agricultural entertainment and commercial uses.

F. The growing or production of trees, shrubs, bushes, sod, and other plants for nursery stock, off-site milling and processing, off-site commercial sale, and other uses.

G. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

H. Seasonal *stands*, holiday sales and uses.

I. Harvesting, curing, processing, packaging and storage incidental to the principal permitted uses on the premises and shipping of agricultural products produced on the premises.

J. *Beekeeping.* ~~The keeping of bees for agricultural purposes when beehives are setback at minimum of 200 feet from CR, E, R, and SPR zones and occupied residential uses within the premises, and 50 feet from any shared access easement or public right-of-way.~~

K. Veterinary service*s, indoor and outdoor.* ~~and shelters, for large and small animal.~~

L. *Equestrian establishments*~~, including stables and riding academies, rodeos and equestrian events.~~.

M. Farm machinery equipment *sales* and services *associated with* ~~incidental to~~ the permitted *onsite* agriculture use.

N. Animal Boarding and Grooming Facilities, indoor and outdoor

O. Agriculture buildings such as barns, grain silos, water towers, and storage facilities for products, machinery and equipment directly related to the agricultural uses taking place on the premises.

P. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~N. Childcare of 4 or less children. *(up to 6 children).*~~

~~O. Home enterprises are regulated pursuant to chapter 17.12 General provisions. *occupation (also see chapter 17.12).*~~

~~P. Two signs of 32 square feet each used only to advertise the agricultural products produced or sold on the premises or identifying the premises or the occupants. ((Per Ordinance 18.275))~~

~~Q. The use of up to one shipping container per gross acre of land as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises. Additional shipping containers may be used incidentally for shipping agricultural products to and from the permitted principal agriculture use when the containers remain on the premises for no longer than 90 days.~~

~~R. Accessory use, buildings, and structures incidental to allowed agriculture uses, placed upon the same lot or parcel with the allowed agriculture uses, and compliant with section 17.12.045-046. A special use permit is required for accessory dwellings. Accessory dwellings may include those listed in section 17.12.046, and may include those used to house or provide boarding accommodations to laborers and other persons directly associated with the permitted agricultural use. A principal building is not required for accessory structures incidental to allowed agriculture uses on the premises; however, a principal single-family residential dwelling is required for an accessory dwelling to be approved. The following uses are found to be customary to the allowed agriculture uses.~~

~~1. Uses accessory to the principal residence, including private garages, garden houses, playhouses, greenhouses, enclosed swimming pools, tool sheds, storage sheds, well houses, hobby shops, and similar buildings.~~

~~2. Uses accessory to the general agricultural use including barns, grain silos, water towers, and storage facilities for products, machinery and equipment directly related to the agricultural uses taking place on the premises.~~

~~3. Buildings used for the confinement or protection of animals, animal feed, and agricultural commodities.~~

~~4. Private equestrian riding arenas and stables.~~

~~5. Temporary stands for selling goods and products produced on-site, provided that the stands are temporary, 200 square feet or less, located on the premises in which the products sold were raised or grown, no less than 20 feet from a~~

~~public right-of-way, and are placed with the premises no more than 30 days within a 1 year period.~~

17.24.025 Uses Subject to Special Use Permit

Unless stated otherwise, the following uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions:

A. *Wild Animal keeping.*

B. *Recreation, outdoor passive.*

C. *Boarding accommodations for laborers and other persons directly associated with the permitted agricultural use. A principal building is not required for accessory structures incidental to allowed agriculture uses on the premises; however, a principal single-family residential dwelling is required for an accessory dwellings to be approved.*

D. *Boarding accommodations including bed and breakfast inns, dude ranches, and other transient lodging associated with an allowed agricultural use.*

E. *Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.*

F. *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

17.24.030 Minimal Parcel Area

Parcels zoned "A" agricultural must be at least 3 acres, *except for the public utility use listed above in consideration with the special use permit*.

17.24.040 Setback Requirements

Required setbacks for the principal residential dwelling are the minimum setbacks of the abutting zone, but no less than 10 feet. Accessory buildings, including laborer boarding accommodations, must be setback a minimum of 100 feet from any property line. The required setback for other rooming and boarding accommodations, such as bed and breakfast inns and dude ranches allowable by this chapter, are the minimum setbacks of the abutting zone, but no less than 20 feet, unless more stringent setback requirements are imposed as a condition of the special use permit. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

17.24.050 Height of Buildings and Structures

~~A building, manufactured home, or structure may not~~ *No building may* exceed a height of three stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

17.24.060 Home Enterprises

Home enterprises, including in-home child care, are regulated pursuant to chapter 17.12 General provisions.

17.24.070 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence.

Chapter 17.28

C Commercial Zone

Sections:

17.28.010 Applicability
17.28.015 Purpose and intent
17.30.020 Allowed uses
17.28.030 Uses subject to special use permit
17.28.040 Height and width of buildings and structure
17.28.050 Setback requirements

17.28.010 Applicability

The provisions under this chapter apply to the C commercial zone. Uses in the CR commercial-residential zone are regulated by chapter 17.30 Commercial-~~r~~Residential zone and uses in the IC Industrial-~~c~~Commercial zone are regulated by chapter 17.39 Industrial-Commercial zone.

17.28.015 Purpose and Intent

The purpose of the C commercial zone is to provide suitable areas within the county where commercial uses and activities may be established and maintained to promote efficiency by grouping compatible land uses, and to protect the residential areas from adverse impacts that may be associated with commercial uses.

17.28.020 Allowed Uses

The following uses are allowed in the C commercial zone unless stated otherwise:

A. Retail sales and shopping centers including:
   1. General stores, shopping centers, convenience stores, principal grocery stores, neighborhood stores and shopping centers, regional stores and shopping centers, and super regional stores and shopping centers.
   2. Seasonal holiday sales and uses.
   3. Seasonal farmers markets.

B. Commercial offices and financial institutions:
   1. Real-estate permanent office, banks and credit unions, accountants,

insurance, employment agencies, consulting firms, manufacturer representatives, newspapers, secretarial services, associations and other similar office uses and activities.

2. Building maintenance and services.
3. Business offices and professional buildings.
4. Convention and meeting facilities.

C. Personal services:

1. Barbers, hair stylists, beauticians, manicurists/pedicurists, spas, salons, tailors, massage establishments, and similar type uses.
2. Wedding chapels and travel agencies.
3. Childcare ***facilities.*** ~~where 4 or less children are cared for. A special use permit is required for more than 4 children.~~
4. Laundromats, personal dry cleaning, and laundry services.

D. Boarding accommodations including hotels, motels, hostels, bed and breakfast inns, time shares, and vacation rentals, and other transient lodging.

E. Tourist and visitor services:

1. Eating and drinking establishments such as restaurants, cafes, drive-in diners, fast-food, coffee shops, coffee houses, and soda-fountains; and saloons, taverns, brew-pubs, micro-breweries, and micro-wineries with on- and off-site sales. A special use permit is required for micro-distilleries.
2. Entertainment and casual education services such as docents, guided tours on foot, gold panning, and museums.
3. ~~Equestrian facilities and uses including riding arenas, stables, horse and pony rides, and carriage and stagecoach rides.~~

F. Recreation. Bowling lanes, billiard parlors and pool halls, arcades, gaming (when incidental to a primary use and limited to no more than 15 slot and/or video machines), golf driving ranges, miniature golf, country clubs, health clubs and personal fitness gyms, swimming pools and saunas, tennis courts, permanent indoor and seasonal outdoor roller and ice skating rinks and facilities, permanent indoor and seasonal or temporary outdoor theatres, and other similar recreational uses and activities.

G. Civic uses:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. Crisis care use, temporary *and permanent*.
4. Libraries and cultural services, governmental offices, post offices, community centers, and courts of law.
5. Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. A special use permit is required for education institutions and academies that include student residential accommodations.
6. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and

information kiosks.

7. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, parking garages and storage, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.
8. Indoor veterinarian services ~~and shelters for large and small animals~~.

H. General services:

1. Catering, equipment and appliance repair, gun repair, general contractors offices, heavy and light equipment rental, feed and tack stores, manufactured home sales and service, pawn brokers, pet sales and grooming, print shops, upholstery shops, video rentals, and other similar general services uses and activities.
2. Uses involving the indoor discharge of firearms.
3. Uses involving indoor archery.

I. Automotive services including washing and detailing (manual hand-washing, coin-operated, and production line methods), service and fueling stations, repair (but not body repair and painting), sales, and rental.

J. Congregational establishments including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.

K. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

~~L. Signs as regulated by chapter 17.84 Signs and billboards.~~

M. Private garages, no outdoor storage.

~~M.~~*N.* Accessory use, buildings and structures if they are clearly incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and in conformance with section 17.12.045.

~~N. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.~~

O. Animal Boarding and Grooming, indoor facilities

P. Beekeeping

17.28.030 Uses Subject to Special Use Permit

Unless stated otherwise, the following uses may be permitted subject to securing a special use permit pursuant to chapter 17.03 Administrative provisions.

A. Automobile paint shops and body repair shops.

B. Buildings and structures constructed for permitted uses as listed in section 17.28.020 that will exceed ~~45~~ *55* feet in height, or that will be less than 25 feet in width.

C. Casinos and gaming establishments ~~of more than 5,000 square feet of total floor area where slots and/or video machines are located, where there are more than 15 slots and/or video machines, and where other forms of gambling such as poker, craps, blackjack, keno, sports book and other similar activities may take place.~~ *(this use does not include accessory gaming with 15 or less slots/video machines to a primary non-gaming retail*

establishment).

D. Manufactured home sales lots.

E. Propane sales and storage.

F. Firewood sales and storage.

G. Fortune tellers, astrology parlors, clairvoyance and palmistry. Additionally, uses under this subsection must comply with the regulations under title 5 Business licenses, and be located no closer than 1,000 feet from a public or private school, religious institution, public building or facility, or another permitted fortune teller, astrology parlor, clairvoyance and palmistry use, and 300 feet from any E, R, or SPR zone.

~~H. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.~~ *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

~~I.~~*H.* Recreational vehicle (RV) parks.

~~J. Billboards as regulated pursuant to Chapter 17.84 Signs and billboards.~~

~~K.~~*I.* The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~L.Commercial kennel. A minimum of 10 acres is required.~~

~~M.~~*J.* Mini-warehouses and storage facilities for rent including recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.

~~N.~~*K.* Healthcare facilities including hospital services, medical services, convalescent services, civic convalescent and group care service, continuum of care facilities for seniors, and group care services.

~~O.~~*L.* ~~Crisis care uses and facilities, permanent~~.

~~P.~~*M.* Open-air markets, flea-markets, and similar outdoor venues for the sale of goods, not including farmers markets featuring exclusively the sale of edible and items made from edible products.

~~Q.~~*N.* Trade and craftsman industries, including furniture and carpentry manufacturing and refining, upholstery shops, monument works, and similar uses.

~~R.~~*O.* ~~Outdoor veterinarian services and shelters for small and large animals.~~ *Veterinary Services with outdoor facilities*

~~S.~~*P.* Permanent outdoor skateboard parks and related facilities.

~~T.~~*Q.* Display, sale, barter, or trade of items associated with a business outside of a permanent building, except farmer's markets pursuant to this chapter and permitted temporary uses. The sale and display of merchandise and other items, and business that is conducted on the public right-of-way and between the public travelled way and the building is prohibited pursuant 17.12 General provisions.

~~U.~~*R.* ~~The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active~~

~~building permit for the principal use on the premises.~~

~~V.~~*S.* Uses involving the outdoor discharge of firearms.

~~W.~~*T.* Uses involving outdoor archery.

~~X.~~*U.* Fairgrounds, ~~rodeo arenas, horse and other animal~~ competition tracks and arenas, and similar uses.

~~Y.~~*V.* Amusement parks. involving various devices for entertainment such as thrill and theme rides, roller-coasters, water slides, and games and concession booths.

~~Z.~~*W.* Facilities and uses that include outdoor sets and props for the development and production of movies, film, television, and similar visual media.

~~AA.~~*X.* Race tracks and arenas involving the use of automobiles, trucks, tractors, ~~a~~nd other motorized vehicles.

~~BB.~~*Y.* Radio-controlled (RC) cars, vehicles, watercraft, and aircraft facilities and uses.

~~CC. Child care of more than 4~~ *6* ~~children.~~

~~DD.~~*Z.* Education facilities that include student residential and boarding accommodations.

~~EE.~~*AA.* Temporary real-estate tract offices not located within a permanent structure.

~~FF.~~*BB.* Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

~~GG.~~*CC.* Permanent outdoor theatres and other uses involving the outdoor discharge of firearms

~~HH.~~*DD.* Micro-distilleries

~~II.~~*EE.* Open storage not directly associated with an active construction project on the premises.

~~JJ. The use of two or more shipping containers as accessory buildings exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

~~KK. Zoos, animal theme and amusement parks, and other maintenance, display, or possession of one or more wild animals.~~

~~JJ.~~*FF.* ~~*Zoos, wildlife parks, game farms, and the keeping, maintenance, display, or possession of 1 or more wild animals.*~~ *Wild Animal Keeping*

~~LL~~*GG.* Adult retail, ~~adult bookstore~~, and adult motion picture theatre. The adult use may not exceed 20 percent or 500 square-feet, whichever is less, of the building. When allowed by a granted special use permit, the use must be located within a fully enclosed room which is entirely segregated from the remaining floor area of the business and the room's entrance must be screened from view of the remaining floor area. Establishments featuring the above material in excess of the allowable retail floor area are prohibited.

~~MM. Natural resources river restoration regulated under section 17.12.100.~~

HH. Animal Boarding and Grooming with outdoor facilities, a minimum 10 acres

is required.

II. Equestrian Establishments.

JJ. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.

17.28.040 Height and Width of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of ~~three stories or 35~~ *55* feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

17.28.050 Setback Requirements

Front and side setbacks for commercial uses are 0 (zero) feet unless the use abuts an E or R zone or a permitted detached single-family residential use in other zones. When the commercial building abuts an E or R zone or a detached single-family residential use in other zones, the abutting side minimum setback distance is 8 feet, and the front minimum setback is 20 feet. The minimum rear setback is 10 feet. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

Chapter 17.30

CR Commercial Residential Zone

Sections:

17.30.010 Applicability
17.30.015 Purpose and intent
17.30.020 Allowed uses
17.30.030 Uses subject to special use permit
17.30.040 Height and width of buildings and structures
17.30.050 Setback requirements
17.30.060 Use density and parcel width
17.30.070 Manufactured and Mobile Home Parks
17.30.080 Home Enterprises
17.30.090 Minimum Floor Area

Appendix A – Virginia City Downtown District boundaries

17.30.010 Applicability

The provisions under this chapter apply to the CR commercial-residential zone. Uses in the C commercial zone are regulated by chapter 17.28 commercial zone, and uses in the IC industrial-commercial zone are regulated by chapter 17.39 industrial-commercial zone.

17.30.015 Purpose and Intent

The commercial-residential zone is intended to serve as a walkable, pedestrian-friendly, live-work community providing a three dimensional center of vertical and horizontal mixed uses including single-family and multi-family residences which are stand-alone and/or integrated with commercial, cultural, and civic uses. It is also intended to become a transportation center in the form of a destination for vehicular, public transit, and rail traffic supporting all allowable uses.

In general, the zone provides for centers and uses of regional importance and provides an integrated and attractive environment for visitors and residents. It is intended to be an area of high intensity uses in which a full range of public facilities (including water, sewer, schools, law enforcement, fire protection, etc.) will generally be focused in accordance with the county master plan and connected to the immediate surrounding residential uses.

17.30.020 Allowed uses

The following uses are allowed in the CR commercial-residential zone unless stated otherwise:

A. Retail uses and shopping centers:

1. General stores, shopping centers, convenience stores, principal grocery stores; and neighborhood stores and shopping centers.
2. Seasonal holiday sales and use.
3. Seasonal farmers markets.
4. The display, sale, lease, or rental of "adult" material is prohibited. Adult material includes books, merchandise, periodicals, video tapes, video disks including DVDs and other recorded video devices, computer disks, instruments, devices or paraphernalia which are distinguished or characterized by the emphasis on matter depicting, describing, or relating to "specific sexual activities" and "specific anatomical areas".

B. Commercial offices and financial institutions:

1. Real-estate permanent office, banks and credit unions, accountants, insurance, employment agencies, consulting firms, manufacturer representatives, newspapers, secretarial services, associations and other similar office uses and activities.
2. Building maintenance and services.
3. Business offices and professional buildings.
4. Convention and meeting facilities.

C. Personal Services:

1. Barbers, hair stylists, beauticians, manicurists/pedicurists, spas, salons, tailors, massage establishments, and similar type uses.
2. Wedding chapels and travel agencies. A special use permit is required for cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.
3. ~~Childcare where 4 6 or less children are cared for. A special use permit is required for more than 4 6 children.~~
4. ~~4.~~ 3. Laundromats.

~~5.~~4. Laundry and dry cleaning pick-up service. A special use permit is required for personal dry cleaning services.

~~6.~~5. ~~Indoor~~ Veterinary services, indoor. ~~for small animals~~.

6. *Childcare facilities.*

D. Tourist and visitor services:

1. Eating and drinking establishments such as restaurants, cafes, drive-in diners, fast-food, coffee shops, coffee houses, and soda-fountains; and saloons, taverns, brew-pubs, micro-breweries, and micro-wineries with on- and off-site sales. A special use permit is required for micro-distilleries.

2. Entertainment and casual education services such as docents, guided tours on foot, gold panning, and museums.

3. Equestrian Establishments ~~Equestrian facilities and uses including riding arenas, stables, horse and pony rides, and carriage and stagecoach rides.~~

E. Recreation including bowling lanes, billiard parlors and pool halls, arcades, gaming (when incidental to a primary use and limited to no more than 15 slot and/or video machines), golf driving ranges, miniature golf, country clubs, health clubs and personal fitness gyms, swimming pools and saunas, tennis courts, permanent indoor and seasonal outdoor roller and ice skating rinks and facilities, permanent indoor and seasonal or temporary outdoor theatres, and other similar recreational uses and activities.

F. Civic uses:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.

2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.

3. Crisis care *facility,* temporary *and permanent.*

4. Libraries and cultural services, governmental offices, post offices, community centers, and courts of law.

5. Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. A special use permit is required for education institutions and academies that include student residential and boarding accommodations.

6. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

7. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, transportation garages and storage, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.

8. Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.

G. General services:

1. Catering, equipment and appliance repair, gun repair, general contractors offices, heavy and light equipment rental, feed and tack stores, pawn brokers, pet sales and grooming, print shops, upholstery shops, video rentals, and other similar general services uses and activities. Businesses featuring "adult material" are prohibited.

2. Uses involving the indoor discharge of firearms.

3. Uses involving indoor and outdoor archery.

H. Congregational establishments including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.

I. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

J. Boarding accommodations including hotels, motels, hostels, bed and breakfast inns, short-term vacation rentals, time shares, and other transient lodging.

K. Residential uses and buildings of permanent character and permanent location including the following.

~~1. One single-family dwelling, detached~~.

1.~~2.~~ ~~One or more~~ single-family dwellings~~, attached.~~

2.~~3.~~ Multi-family dwellings.

3.~~4.~~ Mixed-uses. This includes any commercial-residential combined uses on a single lot *or within a building on a single lot*.

4.~~5.~~ Accessory uses, buildings, and structures if they are clearly incidental to a permitted residential use, placed upon the same lot or parcel with a permitted use, and comply with the regulations of section 17.12.045-046.

~~6. Manufactured and mobile home parks are prohibited.~~

L. Private garages, no outdoor storage..

~~L. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.~~

M. Animal Grooming and Boarding, all indoor facility.

N. Beekeeping

17.30.030 Uses Subject to Special Use Permit

Unless stated otherwise, the following uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions:

A. Buildings and structures exceeding 45 feet in height or less than 25 feet in width.

B. Recreational vehicle (RV) parks.

C. Regional stores and shopping centers and super regional stores and shopping centers.

D. Automotive washing and detailing using coin-operated and production line methods.

E. Automotive services including service and fueling stations, repair, sales, and rentals.

F. Casinos and gaming establishments ~~of more than 5,000 square feet of total floor area where slots and/or video machines are located, where there are more than 15 slots or video machines, and where other forms of gambling such as poker, craps, blackjack, keno, sports book and other similar activities may take place. .~~ *(this use does not include accessory gaming with 15 or less slots/video machines to a primary non-gaming retail establishment).*

G. Golf courses.

H. Fairgrounds, rodeo arenas, ~~horse and other animal~~ competition tracks and arenas, and similar uses.

I. ~~Outdoor veterinary service for small animals.~~*Veterinary Services with outdoor facilities, a minimum of 10 acres is required..*

J. Amusement parks. ~~involving various devices for entertainment such as thrill and theme rides, roller-coasters, water slides, and games and concession booths.~~

K. Facilities and uses that include outdoor sets and props for the development and production of movies, film, television, and similar visual media.

L. Fortune teller, astrology parlor, clairvoyance and palmistry. Uses under this subsection must comply with the requirements under title 5 Business licenses, and be located no closer than 1,000 feet from a public or private school, religious institution, public building or facility, or another permitted fortune teller, astrology parlor, clairvoyance and palmistry use, and 300 feet from any E, R, or SPR zone.

M. Race tracks and arenas involving the use of automobiles, trucks, tractors, and other motorized vehicles.

N. Facilities for the use of radio-controlled (RC) cars, vehicles, watercraft, and aircraft.

O. Healthcare facilities including hospital services, medical services, convalescent services (but not civic convalescent and group care service), continuum of care facilities for seniors, and group care services.

~~P. Crisis care uses and facilities, permanent.~~

~~Q.~~ *P.* Education facilities which include student residential and boarding accommodations.

~~R.~~ *Q.* The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~S.~~ *R.* ~~Commercial kennels when entirely indoors. A minimum of 10 acres is required.~~ *Animal Boarding and Grooming with outdoor facilities. A minimum of 10 acres is required.*

~~T.~~ *S.* Mini-warehouses and storage facilities for rent, including operable recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.

~~U.~~ *T.* Outdoor storage or maintenance of building materials, vehicles, trailers, and heavy equipment associated with a commercial building contractor or business when not directly associated with a construction project on the premises.

~~V.~~ *U.* Open-air markets, flea-markets, and similar outdoor venues for the sale of goods. A special use permit is not required for farmers markets featuring the sale of edible and items made of edible products.

~~W.~~ *V.* Permanent outdoor skateboard parks and related facilities.

~~X.~~ *W.* Display, sale, barter, or trade of items associated with a business outside of a permanent building, except farmer's markets pursuant to this chapter and permitted temporary uses. The sale and display of merchandise and other items, and business that is conducted on the public right-of-way and between the public travelled way and the building is prohibited pursuant 17.12 General provisions.

~~Y.~~ *X.* Personal dry cleaning.

~~Z.~~ *Y.* Micro-distilleries.

~~AA.~~ *Z.* Childcare facilities (*in-home child care regulated by Chapter 17.12)* ~~where five 5 or more children will be cared for. Childcare must not exceed 15 children.~~

~~BB.~~ *AA.* Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

~~CC.~~ *BB.* Temporary real-estate tract offices not located within a permanent structure.

~~DD.~~ *CC.* Uses involving the outdoor discharge of firearms.

~~EE. Open Storage not directly associated with an active construction project on the premises.~~

~~FF. The use of a shipping container as an accessory building exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

~~GG.~~*DD.* ~~Zoos, animal theme and amusement parks, and other maintenance, display, or possession of one or more wild animals.~~ ~~*wildlife parks, game farms, and the possession of 1 or more wild animals.*~~ *Wild Animal Keeping*

~~HH.~~*EE.* Multi-family and attached single-family dwellings with density exceeding

1 unit for every 2,000 square feet of gross lot area (see Section 17.30.020).

~~H~~ *FF.* Single-family detached dwellings less than 800 square-feet.

~~JJ. Natural resources river restoration regulated under section 17.12.100.~~

GG. Equestrian Establishments.

HH. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.

17.30.040 Height and Width of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 45 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12.044 Height of buildings and structures.

17.30.050 Setback Requirements

The following are the required setback distances for uses in the CR zone. For the purposes of this section, the Virginia City Downtown District means all parcels delineated in Appendix A. Setback distances must also comply with section 17.12.050 Visibility at intersections. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

Downtown District	***Land Use***	***Front Setback (feet)***	***Side Setback (feet)***	***Rear Setback (feet)***
No	*Commercial Use Or mixed commercial residential use*	*0*	*0*	*0*
No	*Multi-Family Use*	*20*	*5*	*10*
No	*Single-Family ~~and Two-Family Residential Use~~*	*20*	*5*	*10*
Yes	*Commercial Use or mixed commercial residential use*	*0*	*0*	*0*
Yes	*Multi-Family Use*	*0*	*0*	*0*
Yes	*Single-Family ~~and Two-Family Residential Use~~*	*0*	*0*	*0*

Notes: No primary emergency egress doors or windows may be placed on the building side walls unless the subject side walls, doors, and windows are setback a minimum of 5 feet from the side lot line. Exception to the 5 foot setback may be made by the recording of an access easement on the abutting parcel (with the abutting lot owner's consent) for the purpose of establishing and maintaining emergency egress for the abutting building. Primary emergency egress doors and windows are those which provide the only required emergency egress pursuant to currently adopted International Fire Codes (with amendments); National Fire Protection Association (NFPA); or specific agencies having jurisdictional requirements.

In addition, required vehicle parking must be provided.

~~A. Commercial uses~~

~~1. Virginia City Downtown District. Setbacks are: front, 0 feet; side, 0 feet; and rear, 10 feet. However, if the use abuts an E or R zone, or a permitted detached single-family residential use in other non-CR zones, the abutting minimum side setback is 8 feet, and the front minimum setback is 20 feet. The required rear setback is 10 feet.~~

~~2. Other areas zoned CR. Setbacks are: front, 0 feet; side, 0 feet; and rear, 10~~ *0* ~~feet. However, if the parcel in which a new commercial building is to be developed abuts on one or both side(s) a parcel(s) containing an existing permitted detached single-family dwelling, the front setback for the new commercial building shall be 20 or more feet, or shall be the average distance~~

~~between the front outside wall (excluding porches and awnings) of the existing detached single-family residential dwelling(s) and the front property line (see Figure 30.1), or otherwise beyond that average distance. If the existing neighboring single-family residential dwelling is setback more than 20 feet from the front property line, the required 20 foot setback, not the actual structure distance, shall be the determining point for establishing the average for the new commercial structure.~~

~~3. State Route 342 Setbacks in Gold Hill. Except under the following circumstances, setback distances must meet the requirements in subsections 1 and 2 above.~~

~~a. For buildings located between the Virginia City/Gold Hill city limits line and Sky Lane in Gold Hill, the minimum setback distance between the building and State Route 342 is 5 feet. This requirement applies to all properties abutting State Route 342.~~

~~b. For buildings located between Sky Lane and the Storey/Lyon County boundary, the minimum setback distance between the building and State Route 342 is 20 feet. This requirement applies to all properties abutting State Route 342.~~

~~B. Residential uses~~

~~1. Virginia City Downtown District~~

~~a. Single-Family Dwelling, Detached. Setbacks are: front, 0 feet; side, 0 feet; and rear, 10 feet. No primary emergency egress doors or windows may be placed on the building side walls, unless the subject side walls, doors, and windows are setback a minimum of 5 feet from the side lot line.*~~

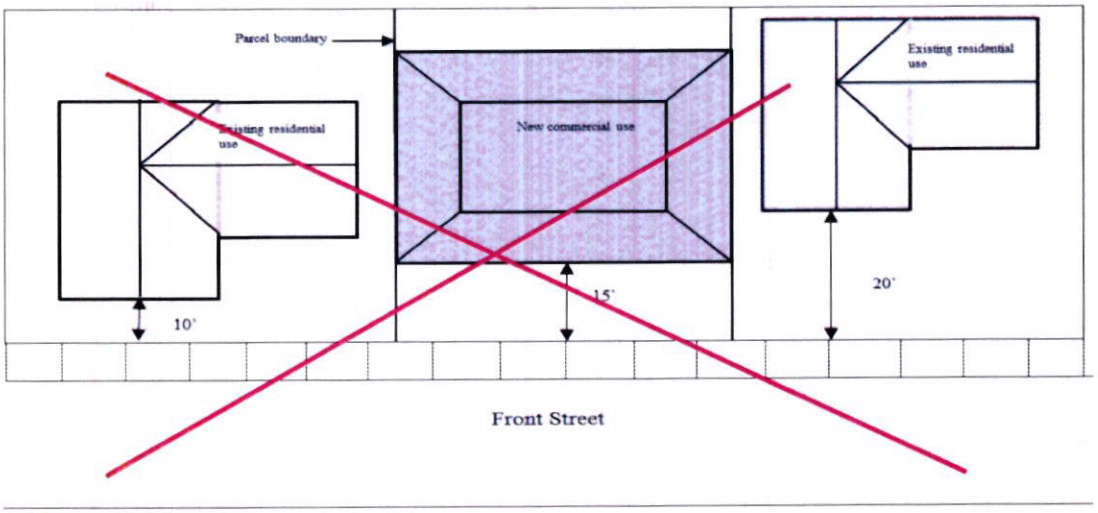
~~b. Single-Family and Multi-Family Dwelling, Attached. Setback distances are: front, 0 feet; side, 0 feet (between each dwelling unit and between the building and property line); and rear, 10 feet. No primary emergency egress doors or windows may be placed on the building side walls, unless the subject side walls, doors, and windows are setback a minimum of 5 feet from the side lot line.*~~

~~*Note: Primary emergency egress doors and windows are those which provide the only required emergency egress pursuant to currently adopted International Fire Codes (with amendments); National Fire Protection Association (NFPA); or specific agencies having jurisdictional requirements. Nothing in this ordinance may replace, amend, or supersede the currently adopted fire codes.~~

~~2. Other areas zoned CR~~

~~Except for parcels described in section (1) above, the required setback distances for single-family attached, single-family detached, and multi-family residential buildings not combined within a commercial use are: front, 20 feet; side, 8 feet (except 0 feet between each attached dwelling unit); and rear, 20 feet. A corner lot abutting two streets shall have a 10 foot side~~

~~setback for the side abutting the street.~~



~~**Figure 30.1:** The figure shows the front setback distance for the new use abutting existing uses to be the average of the front setback distance of the existing uses.~~

17.30.060 Use Density, Minimum Dwelling Area, and Parcel Width

The density for commercial, residential, and mixed uses is regulated as follows. Uses must also comply with setback and minimum parking area requirements in this chapter and chapter 17.12 General provisions.

A. Commercial use, residential use, and mixed-use.

1. The parcel must be at least 2,000 square feet and at least 25 feet in width (the side facing the street).
2. There is no minimum *building* square-foot requirement for a commercial use except as may be required by the International Building Code (IBC).
3. Single-family detached residential dwellings must be at least 800 square-feet unless a special use permit is granted pursuant to section 17.30.030.

~~4. Only one single-family detached dwelling is allowed on a lot.~~

~~5.~~*4.* ~~For single-family attached and multifamily dwellings, one~~ *One* dwelling unit is allowed for every 2,000 square feet of gross lot area except when a special use permit is provided to exceed this density pursuant to subsection ~~(5)~~ *(6)* below.

5. There may be one or more separate detached dwellings on the lot.

6. Except for detached single-family residential uses, a special use permit may be granted for increased dwelling units per square feet of gross lot area when the use is located within the Virginia City Downtown District boundaries (see Appendix A of this chapter). Findings for approval of the special use permit for increased density shall, at a minimum, cite no significant adverse

impacts to area vehicular parking, circulation, and egress, and public health, safety, comfort, convenience, and general welfare.

17.30.070 Manufactured and Mobile Home Parks

Manufactured and mobile home parks are prohibited.

17.30.080 Home Enterprises

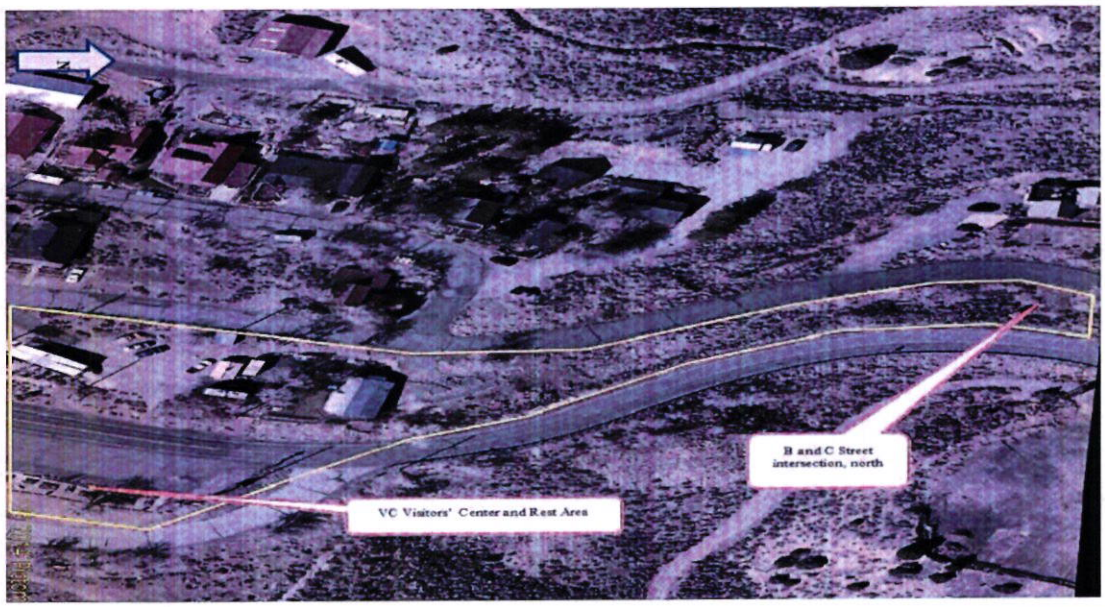
Home enterprises, including in-home child care, are regulated under chapter 17.12 General Provisions.

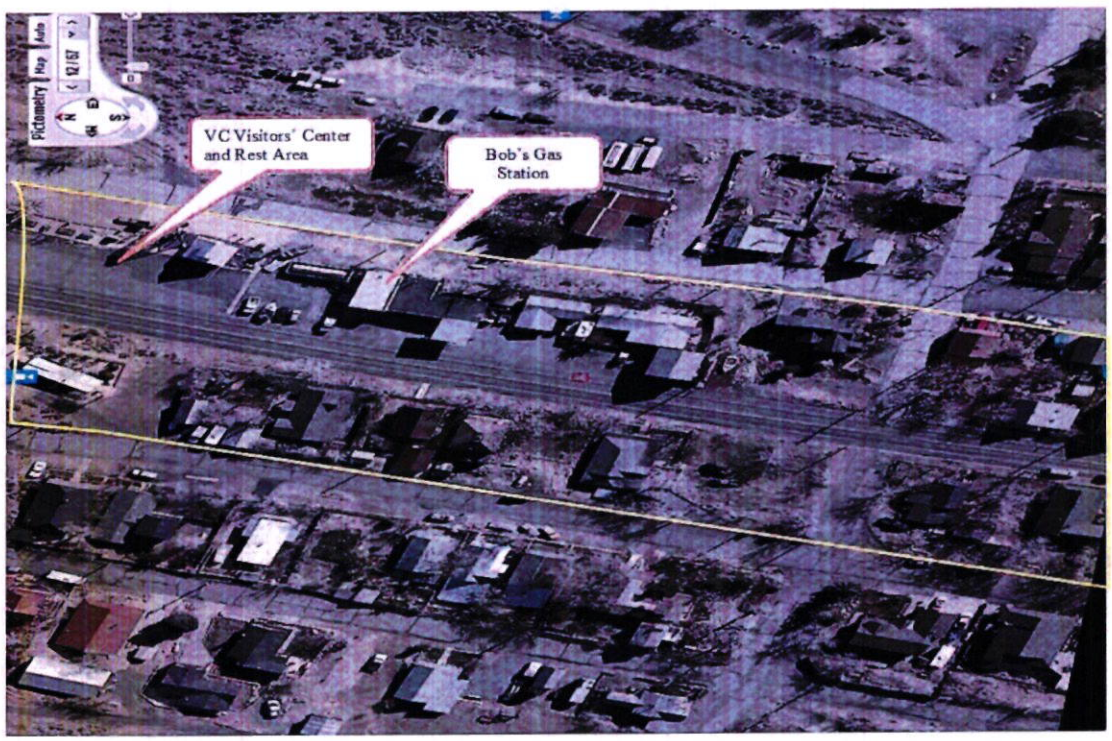
17.30.090 Minimum Floor Area

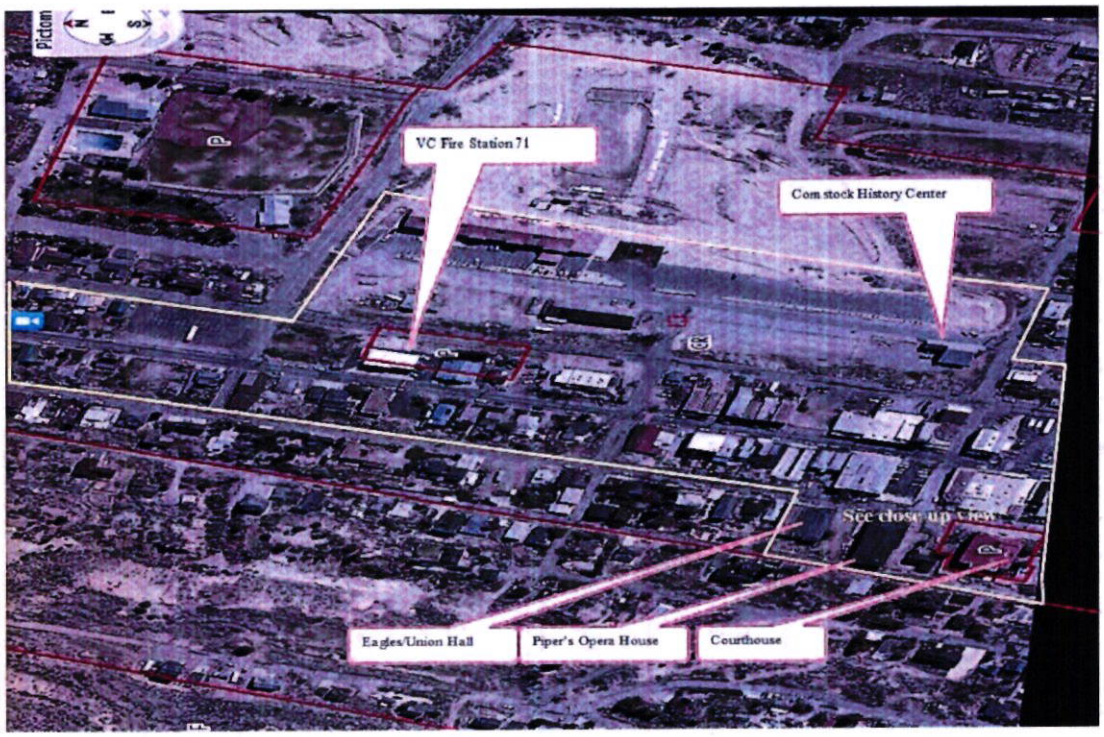
No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence, unless a special use permit has been obtained.

Appendix A: Virginia City Downtown District Boundaries

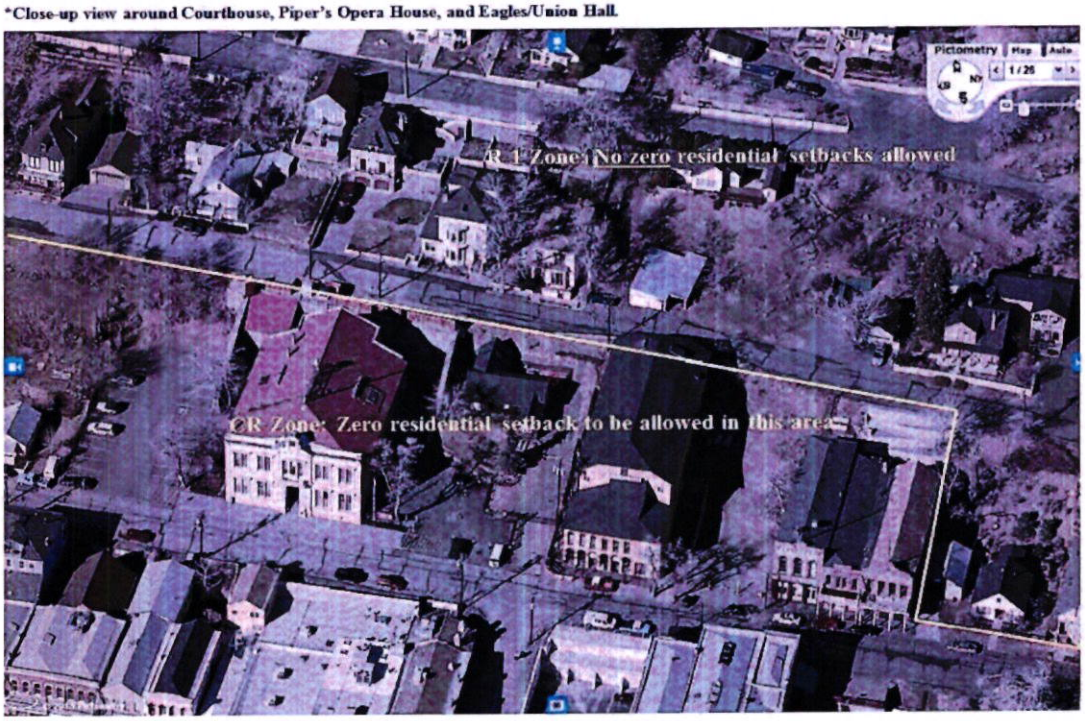
(The "Virginia City Downtown District" (area inside yellow boundary line shown below) includes all parcels shown below, in which a pattern of historic higher-density and mixed-uses are found. The information shown below is approximate and does not represent survey delineation and should not be construed as a replacement of authoritative sources, zone maps, plat maps, deeds, resurveys, etc.)



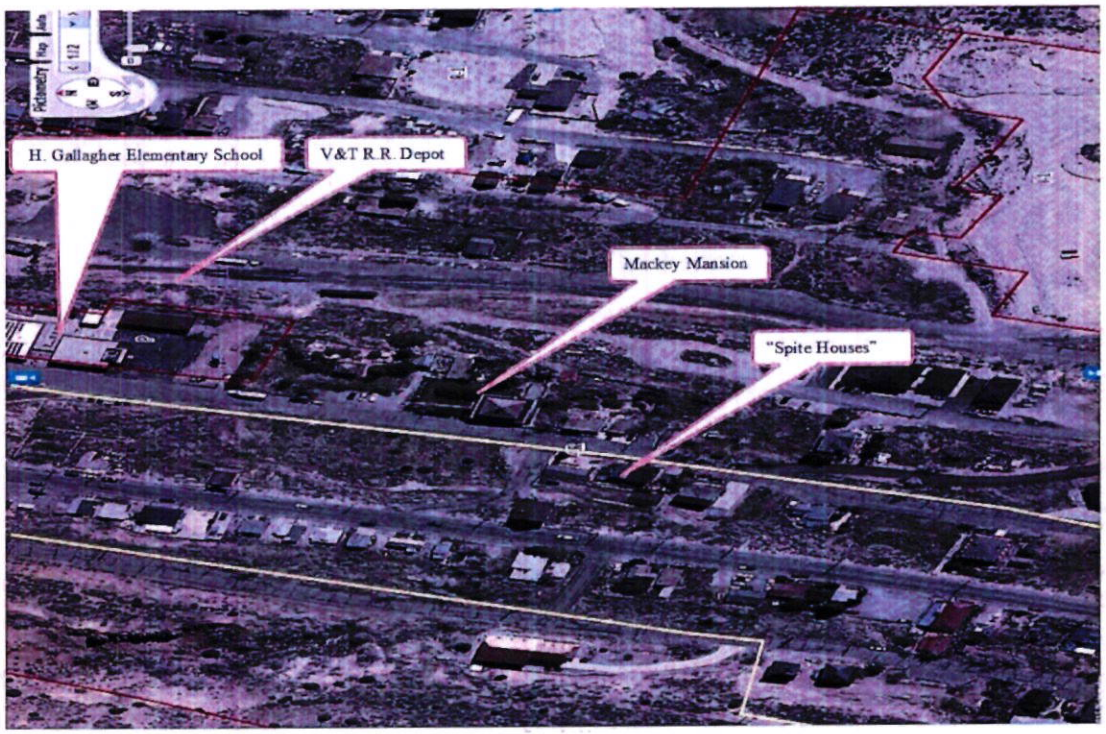


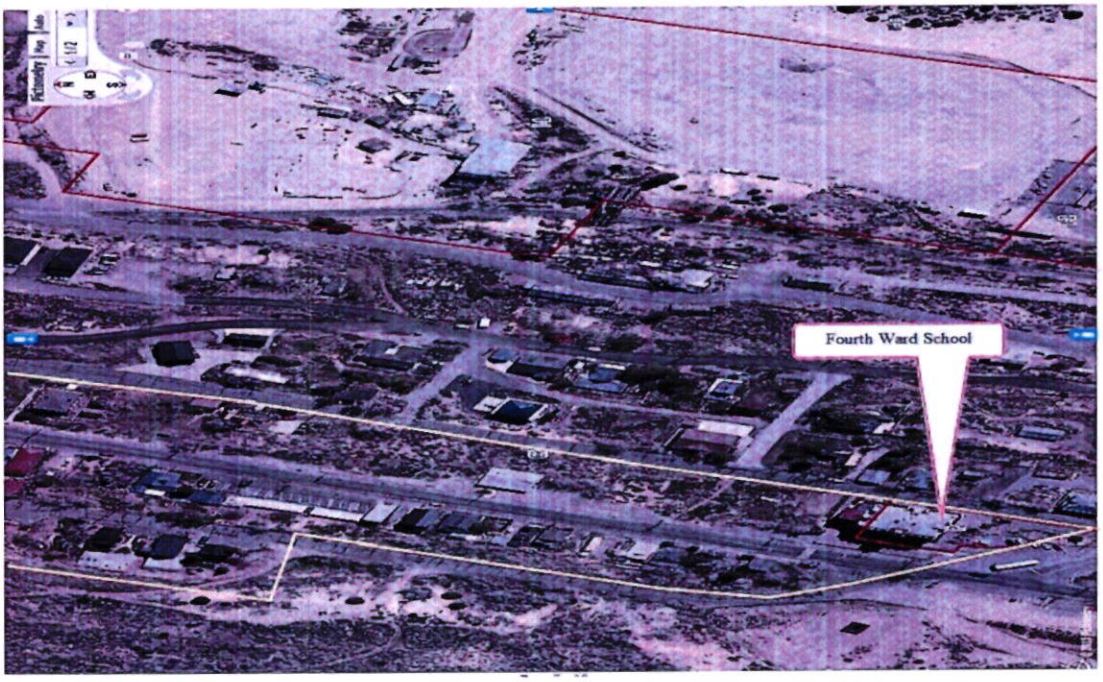


*Close-up view around Courthouse, Piper's Opera House, and Eagles/Union Hall.



St. Mary's Church
VC Middle School
HG Elem. School
Courthouse


H. Gallagher Elementary School
V&T R.R. Depot
Mackey Mansion
"Spite Houses"


Fourth Ward School

CR zone
CR zone
B Street
CR zone
C Street

Chapter 17.32

F Forestry Zone

Sections:

17.32.015 Purpose and intent
17.32.017 Allowed uses
17.32.020 Uses subject to special use permit
17.22.025 Accessory uses and structures
17.32.030 Minimum parcel area requirements
17.32.040 Off-street parking
17.32.041 Setback requirements
17.32.050 Height of buildings and structures
17.32.060 Generator restrictions

17.32.070 Home Enterprises

17.32.080 – Minimum Floor Area

17.32.015 Purpose and Intent

The F forestry zone is established to protect areas having important environmental qualities in the county from unnecessary degradation and to provide areas of very low density residential and other uses.

17.32.017 Allowed Uses

In a Forestry (F) zone, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended and designed for the following uses:

A. *One single-family detached dwelling of permanent character in a permanent location.*

B. *Equestrian Establishments*

C. *Beekeeping*

D. *General agricultural uses, agricultural animal production, agricultural entertainment, and custom animal processing.*

E. *Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.*

17.32.020 Uses Subject to Special Use Permit

The following uses may be permitted subject to securing a special use permit as provided for in Chapter 17.03 Administrative provisions.

~~A. One single family detached dwelling of permanent character and location.~~

~~B. General agricultural uses, agricultural animal production, agricultural entertainment, accessory structures related to the agricultural use, and custom animal processing.~~

~~C. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.~~

A.~~D.~~ The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

B.~~E.~~ *Animal Boarding and Grooming*, ~~BoardCommercial kennel. A~~ *a* minimum of 10 acres is required.

C.~~F.~~ Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. Any other use is prohibited.
3. *Primary, secondary, and post-secondary schools, private or public.* ~~Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. Student r~~ *(R*esidential and boarding accommodations are prohibited*)*.
4. Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
5. *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

D.~~G.~~ Buildings for the sale and display of products grown or raised on-site.

E.~~H.~~ Recreational uses and buildings, including dude or guest ranches, tennis, golf courses, driving ranges, miniature golf, and country clubs.

F.~~I.~~Cemeteries.

G.~~J.~~Congregational establishments. ~~including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.~~

H.~~K.~~ ~~Highway and public utility maintenance camps;~~

~~L. Home enterprises as regulated by chapter 17.12 General provisions.~~

I.~~M.~~Mining and extraction, as regulated by chapter 17.92 Mineral exploration, mining, and extraction, and aggregate facilities.

J.~~N.~~ Milling and processing related to mining.

K.~~O.~~ Commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems. Commercial energy production from combustion of fossil fuels and other type fuels or other similar power generation systems is prohibited.

~~P. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.~~

L. Wild Animal Keeping.

M.~~Q.~~ *Concrete or asphalt batch plant, temporary and incidental to on-site project.* ~~Temporary (less than 1 year) concrete plants and asphalt batch plants when clearly incidental to an on-site construction project.~~

~~R. Natural resources river restoration regulated under section 17.12.100.~~

N.~~S.~~ Growing and preservation of trees and nursery stock.

O. Veterinary Services, indoor and outdoor.

~~T. Hunting, fishing and skiing lodges wildlife refuges, game farms and public campgrounds.~~

~~U. The keeping of bees for agricultural purposes when beehives are setback at minimum of 200 feet from CR, E, R, and SPR zones and occupied residential uses within the premises, and 50 feet from any shared access easement or public right-of-way.~~

~~V. The use of a shipping container as an accessory building exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

17.32.025 Accessory Uses and Structures

Accessory uses, buildings, and structures are considered a permitted use if they are clearly incidental to another permitted use, that being a use which has been approved by a special use permit or otherwise by righ*t*. The provisions of section 17.12.045-046 also apply to accessory structures. A principal building is not required for an accessory structure incidental to the allowed uses on the premises; however, a principal single-family residential dwelling is required for an accessory dwelling to be approved.

17.32.030 Minimum Parcel Area Requirements

A minimum area of 40 acres is required for a parcel of land, *with an exception for civic uses listed above in consideration with the special use permit. Legally non-conforming parcels with less than the minimum 40 acres in size may be developed with allowed uses, but the size of the parcel will be a consideration in the processing of any use subject to a Special Use Permit.*

17.32.040 Off-street parking

Off-street parking must be sufficient to handle the automobile and other vehicular parking demands of the use.

17.32.041 Setback Requirements

Minimum setbacks for a principal building and accessory building in the F zone are: front, 30 feet; rear, 40 feet; and side, 30 feet.

17.32.050 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of three stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes,

chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

17.32.060 Generator Restrictions

Installation of a generator as a power source is not permitted unless the generator is muffled and installed in a sound-insulated building sufficient in design to maintain compliance with noise regulations in chapter 8.04 of the county code. Generators that are used solely for power in emergencies or power outages need not be muffled or in a sound-insulated building.

17.32.070 Home Enterprises

Home enterprises, including in-home child care, are regulated under chapter 17.12 General Provisions.

17.32.080 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence.

Chapter 17.34

I1 Light Industrial Zone

Sections:

17.34.015 Purpose and intent
17.34.020 Allowed uses
17.34.030 Uses subject to special use permit
17.34.040 Minimum parcel area
17.34.050 Setback requirements
17.34.060 Loading area
17.34.070 Height of buildings and structures

17.34.015 Purpose and Intent

The I1 light industrial zone is intended to provide areas for the development and operation of industrial uses that do not create or cause fumes, odor, smoke, gas, noise, vibrations, or other impacts which are or may be detrimental to abutting properties and land uses.

17.34.020 Allowed Uses

The following uses are allowed in the I1 light industrial zone:

A. Ten percent of the total area in the light industrial zone as designated in the county master plan may be utilized for commercial use. A site plan must be approved by the building department. No special use permit is required for commercial uses in the I1 zone, but the provisions under chapter 17.28 apply to commercial uses in an I1 zone.

B. Limited indoor manufacturing and assembly involving the production process that uses already manufactured components to assemble, print, or package a product such as cloth, paper, plastic, leather, wood, glass, stones, or computer and electronic parts, but not including such operations as paper, sawmills, milling, steel, iron or other metal works, rolling mills, or any manufacturing uses involving primary production of commodities of raw material.

C. Trade and craftsman industries, including furniture and carpentry, manufacturing and refining, upholstery shops, monument works, welding shops, and similar uses.

D. Contractor services, including general contractor offices, contractor service shops, carpet cleaning, pest control, printing and publishing, and similar uses.

E. Agricultural use types including general agricultural uses, agricultural animal production, custom animal processing, agricultural research, agricultural supplies sales, and agricultural entertainment and commercial uses.

F. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. These uses also include community gardens.

G. Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. Libraries, governmental offices, post offices, community centers, and courts of law.
4. Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. A special use permit is required for student residential and boarding accommodations.
5. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
6. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, parking garages, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.
7. *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

~~Veterinarian services and animal shelters.~~

H. Warehouses, warehouse complexes, distribution operations, and wholesale distribution.

I. Storage and distribution of paints, shellac, turpentine, varnishes, and similar materials within a warehouse facility.

J. Storage and distribution of petroleum products within a warehouse facility.
K. Temporary (less than 1 year) concrete and asphalt batch plants when incidental to an on-site construction project.
L. Laundromats and personal dry-cleaning.
M. Laboratory and testing services. The use of live animals in laboratory, testing, and experimentation is prohibited.
N. Retail sales and shopping centers including:
   1. Stores; shopping centers; convenience stores; principal grocery stores; neighborhood stores and shopping centers; regional stores and shopping centers; super regional store and shopping centers; seasonal holiday sales and use; and seasonal farmers markets.
O. Mini-warehouses and storage facilities for rent including operable recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.
P. Gaming when incidental to a primary use and limited to no more than 15 slot or video machines.
Q. Heavy equipment sales and service.
~~R. The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises. Additional shipping containers may be used incidentally for shipping products to and from the permitted principal use when the containers remain on the premises for no longer than 90 days.~~
~~S.~~*R.* Automotive, truck, and heavy equipment services including washing and detailing (manual hand-washing, coin-operated, and production line methods), service and fueling stations, repair (including painting and body repair), sales, and rental.
~~T.~~*S.* Accessory use, buildings and structures when incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and compliant with section 17.12.045.

U. Animal Boarding and Grooming, indoor facilities

V. Veterinary Services, indoor.

17.34.030 Uses Subject to Special Use Permit

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions.

A. Casinos and gaming establishments ~~over 5,000 square feet, where more than 15 slots or video machines are located and where other forms of gambling may take place such as poker, craps, blackjack, sports book and other similar activities~~*(this use does not include accessory gaming with 15 or less slots/video machines to a primary non-gaming retail establishment.)*
B. Watchman's dwelling, permanent or temporary as regulated by section 17.12.046.
C. ~~Buildings and structures constructed for uses listed in sections 17.34.020 and 17.34.030 that will exceed 50 feet in height.~~

D. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

E. ~~Commercial kennel~~. *Animal Grooming and Boarding, outdoor facilities*. A minimum of 10 acres is required.

F. Health care facilities including hospital services, medical services, convalescent services (but not civic convalescent and group care service), continuum of care facilities for seniors, and group care services.

G. ~~Billboards as regulated by chapter 17.84 Signs and billboards.~~

H. Commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems. Commercial energy production from combustion of fossil fuels and other type fuels or other similar power generation systems is prohibited.

I. Hunting, fishing, and skiing facilities and lodges ~~wildlife refuges, and game farms.~~

J. Truck stops.

K. Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

L. Solid waste recycling collection center.

M. Solid waste recycling center.

N. Solid waste transfer station.

O. Solid waste collection center.

P. Temporary (less than 1 year) concrete and asphalt batch plants when not incidental to an on-site construction project or located within 2,500 feet of a CR, E, R, or SPR zone. Permanent batch plants are prohibited.

Q. Education facilities which include student residential and boarding accommodations.

~~R. Natural resources river restoration regulated under section 17.12.100.~~

~~S.~~*R.* Open storage not directly associated with an active construction project on the premises.

~~T.~~*S.* Auction facilities involving open storage.

~~U.~~*T.* Public utility service yards, buildings, ~~electric substations, gas transmission substations~~, and ancillary uses.

U. Wild Animal keeping

V. Equestrian Establishments ~~*centers; commercial and private corrals and stables; rodeo arenas; and carriage/coach rides.*~~

W. Veterinary Services, outdoor facilities

X. Animal Boarding and Grooming, outdoor facilities

~~V. The use of two or more shipping containers as accessory buildings exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

W. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses requiring a special use permit within the zone.

17.34.040 Minimum Parcel Area

The minimum parcel area required in the I1 zone is 1 acre, except for commercial uses in the I1 zone area for which there is a 15,000 square feet area minimum *and with the exception for civic uses.*

17.34.050 Setback Requirements

The required distance between the building and the property line is ~~20~~ *0* feet. *The principal building must be setback at least 20 feet from an abutting CR, E, R1, R2, and SPR zone and existing residential uses. Building setbacks must also conform to section 17.34.060 and building and fire codes.*

Setback requirements for accessory structures must comply with section 17.12.045. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

17.34.060 Loading Area

Loading area must have adequate room for *truck, trailer, and* vehicul*e*~~ar~~ circulation, *egress,* and staging. All truck *and trailer* parking and docking areas must be designed so that right-of-ways and travelled ways are not adversely impacted.

17.34.070 Height of Buildings and Structures

~~A building, manufactured home, or structure may~~ *No building may* ~~not~~ exceed ~~a height of three~~ *6* stories or ~~35 feet~~*75 feet* whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. Radio, television, other communication antenna, and wind energy turbine support structures are regulated by chapter 17.12.044, Height of buildings and structures.

Chapter 17.35
I2 Heavy Industrial Zone

Sections:

17.35.010 Purpose and intent
17.35.020 Allowed uses
17.35.030 Uses subject to special use permit
17.35.040 Minimum parcel area
17.35.050 Setback requirements
17.35.060 Loading area
17.35.070 Height of buildings and structures

17.35.010 Purpose and Intent

The I2 heavy industrial zone is intended to provide areas for the development and operation of industrial, distribution, and manufacturing uses that, by nature of their intensity, may be incompatible with other types of land use activities.

17.35.020 Allowed Uses

The uses listed in this section are allowed in the I2 heavy industrial zone. They include all uses allowed in the I1 light industrial zone if they are compatible with the surrounding heavy industrial uses. I1 light industrial uses in the I2 zone are governed by the provisions of chapter 17.34 Light industrial zone, except that a special use permit pursuant to section 17.34.030 is not required unless the use is expressly listed in section 17.35.030 as requiring a special use permit. The following heavy industrial uses are allowed:

A. Ten percent of the total area in the heavy industrial zone as designated in the county master plan may be utilized for commercial use. A site plan must be approved by the building department. No special use permit is required for commercial uses, but the provisions under chapter 17.28 apply to commercial uses in an I2 zone.

B. Manufacturing and assembly involving the production process which uses already manufactured components to assemble, print, or package a product such as cloth, paper, plastic, leather, wood, glass, stones, or computer and electronic parts and manufacturing operations involving primary production of commodity of raw materials, except those uses listed in section 17.35.040 as requiring a special use permit.

C. Trade and craftsman industries, including furniture and carpentry manufacturing and refining, upholstery shops, blacksmithing, monument works, ornamental ironworks, and similar uses.

D. Contractor services, including general contractor offices, contractor service shops, carpet cleaning, pest control, printing and publishing, and similar uses.

E. Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.

2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.

3. Libraries, governmental offices, post offices, community centers, and courts of law.

4. Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. A special use permit is required for student residential and boarding accommodations.

5. Highway rest areas, picnicking areas, parks and playgrounds, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

6. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, parking garages, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.

F. Agricultural use types including general agricultural uses, agricultural animal production, custom animal processing, agricultural research, agricultural supplies sales, and agricultural entertainment and commercial uses.

G. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses also include community gardens.

H. Laboratories and testing services. The use of live animals in laboratory~~,~~ testing~~,~~ and experimentation is prohibited.

I. Bottling and canning plants.

J. Building material manufacturing.

K. Breweries, distilleries, wineries.

L. Warehouses, warehouse complexes, distribution operations, and wholesale distribution.

M. Mini-warehouses and storage facilities for rent including operable recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.

N. Storage and distribution of paint, shellac, turpentine, varnishes, and similar materials within a warehouse facility.

O. Storage and distribution of liquid petroleum products within a warehouse facility.

P. Laundromats and personal dry cleaning.

Q. Automotive, truck, and heavy equipment services including washing and detailing (manual hand-washing, coin-operated, and production line methods), service and fueling stations, repair (including painting and body repair), sales, and rental.

R. Truck stops.

S. Indoor and outdoor archery uses.

T. Uses involving the indoor discharge of firearms.

U. Recovery of methane and other combustible gasses emitted from a permitted solid waste landfill and used for the generation of energy.

V. Temporary (less than one year) concrete and asphalt batch plants when incidental to an on-site construction project.

W. Solid waste recycling collection center.

X. Solid waste recycling center.

Y. Healthcare facilities including medical services, convalescent services (but not civic convalescent and group care service), continuum of care facilities for seniors, and group care services.

Z. Seasonal farmers markets.

AA. Public utility service yards, buildings, ~~electric substations, gas transmission substations, and ancillary uses~~ *utility and transmission substations, water storage*

facilities and storm water drainage, detention, retention and storage.

BB. Veterinary services ~~for small and large animals~~, *indoor and outdoor facilities*.

CC. Animal Boarding and Grooming, indoor and outdoor facilities.

~~CC. The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises. Additional shipping containers may be used incidentally for shipping products to and from the permitted principal use when the container(s) remain on the premises for no longer than 90 days.~~

~~EE.~~*DD.* Accessory use, buildings and structures when incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and compliant with the regulations of section 17.12.045-046.

EE. Equestrian Establishments

~~FF. Other uses similar to the above which are determined by the board with action by the planning commission to be consistent and compatible with the other uses permitted within the zone.~~

17.35.030 Uses Subject to Special Use Permit

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions:

A. Industrial agricultural uses including intensive agricultural uses, slaughter houses, agricultural packing and processing, stockyards and livestock auction facilities. Industrial agricultural uses must be located no closer than 500 feet to any CR, E, or R zone and 50 feet from a parcel or lot boundary.

B. Manufacturing of paint, shellac, turpentine, varnishes, and similar materials.

C. Manufacturing, reclaiming, and refining of liquid petroleum products.

D. Storage and distribution of liquid petroleum products, except from within a warehouse facility.

F. Manufacturing, reclaiming, refining, storage, distribution, and use of hazardous material.

G. Temporary (less than 1 year) concrete and asphalt batch plants when not incidental to an on-site construction project or when located within 2,500 feet from a CR, E, R, or SPR zone, and 1,000 feet of an IC zone.

H. Permanent (1 year or more) concrete and asphalt batch plants.

I. Junk, salvage, reclamation, or auto wrecking and dismantling yards.

J. Brick, tile or terra cotta products manufacturing.

K. Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

L. Congregational establishments, including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs.

M. Uses involving the outdoor discharge of firearms.

N. Race tracks and arenas involving the use of automobiles, trucks, motorcycles (e.g., motocross), tractors, and other motorized vehicles.

O. Radio-controlled (RC) cars, vehicles, watercraft, and aircraft facilities and uses.

P. Facilities and uses that include outdoor sets and props for the development and production of movies, film, television, and similar visual media.

Q. Mining and extraction as regulated by chapter 17.92 Exploration, mining, and extraction, and aggregate facilities.

R. Milling and processing related to mining and extraction.

S. Dry cleaning plants and laundry services.

~~T. Natural resources river restoration regulated under section 17.12.100.~~

~~U.~~ *T.* Paper manufacturing.

~~V.~~ *U.* Hunting, fishing, and skiing facilities and lodges, wildlife refuges, and game farms.

~~W.~~ *V.* Saw mills.

~~X.~~ *W.* Temporary real-estate tract offices not located within a permanent structure

~~Y.~~ *X.* Manufacturing, reclaiming, refining, storage, distribution, and use of explosives or propellants.

~~Z.~~ *Y.* Waste to energy type production and generation facilities involving use, recovery or residue of petroleum and petroleum related wastes, biomass wastes, bio-hazardous wastes, solid wastes, and other non-hazardous wastes and waste products.

~~AA.~~ *Z.* Facilities and recycling facilities involving use, recovery, or residue of hazardous materials and/or wastes.

~~BB.~~ *AA.* The keeping of 5 or more dogs or 3 or more potbelly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~CC.~~ *BB.* ~~Commercial kennel. A minimum of 10 acres is required~~

~~DD.~~ *CC.* Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes.

~~EE.~~ *DD.* Sewage treatment plants and facilities and other sewage or sludge processing, treatment, or storage.

~~FF.~~ *EE.* Blast furnaces and incinerators, of any type and used for any purpose.

~~GG. Crisis care facility, permanent.~~

~~HH~~ *FF.* Watchman's dwelling, permanent or temporary as regulated by section 17.12.046.

~~II.~~*GG.* Commercial energy production from coal, petroleum, natural gas, propane, other fossil fuels, and other non-renewable energy generation.

~~JJ.~~*HH.* Commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems.

~~KK.~~*II.* Education facilities which include student residential and boarding accommodations.

~~LL.~~*JJ.* Open storage not directly associated with an active construction project on the premises.

~~MM. The use of two or more shipping containers as accessory buildings exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

~~NN~~*KK.* Auction facilities involving open storage.

~~OO~~*LL.* Healthcare facilities including hospital services.

~~PP.~~*MM.* Tattoo, permanent cosmetics, and invasive body piercing facilities. These uses are only allowable within the boundaries of the Tahoe-Reno Industrial Center which is zoned I2 Heavy Industrial. They are prohibited within 1,500 feet of a public or private school or religious institution, and another permitted tattoo, permanent cosmetics, and invasive piercing facility.

~~RR. Billboards as regulated by chapter 17.68 Signs and billboards.~~

~~*SS*~~.NN. ~~*Wildlife parks and the possession of 1 or more wild animals*~~. *Wild Animal Keeping.*

~~RR.~~ *OO.* Other uses similar to the above which are determined by the board with action by the planning commission to be consistent with the uses requiring a special use permit within the zone.

17.35.040 Minimum Parcel Area

The minimum parcel areas required in the I2 zone is 3 acres, *with the exception for civic uses and* except for commercial uses in a heavy industrial zone area for which there is a 15,000 square foot minimum. For *I1* light industrial uses in a heavy industrial zone area, there is a 1 acre minimum.

17.35.050 Setback Requirements

The required distance between the building and the property line is ~~50~~ *0* feet. *The principal building must be setback at least 50 feet from an abutting CR, E, R and SPR zone and existing residential uses. Building setbacks must also conform to section 17.35.060 and building and fire codes.* Setback requirements for accessory structures must comply with section 17.12.045. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

17.35.060 Loading Area

Loading area must have adequate room for *truck, trailer, and* vehicul*e*~~ar~~ circulation, *egress,* and staging. All truck *and trailer* parking and docking areas must be designed so that right-of-ways and travelled ways are not adversely impacted.

17.35.070 Height of Buildings and Structures

~~A building or structure may not~~ *No building may* exceed 6 stories or 75 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. These requirements do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

Chapter 17.36

I3 HEAVY INDUSTRIAL ZONE

Sections:

17.36.010 Purpose and intent
17.36.020 Permitted uses
17.36.030 Minimum parcel area
17.36.040 Required criteria for permitted uses
17.36.050 Special zoning limitations to assure separation of incompatible uses
17.36.060 Height of buildings and structures

17.36.010 Purpose and Intent.

The I3 heavy industrial zone is intended to provide areas for the development and operation of industrial, distribution, and manufacturing uses which, by nature of their intensity, may be incompatible with other types of land uses. Permitted uses in the I3 zone may be more intensive than those allowable in the I1 and I2 zone. The remote location of the I3 zone is suitable for the allowable uses under this chapter.

17.36.020 Permitted Uses.

The following uses are permitted in the I3 zone and include all uses allowed in the I1 light industrial zone if they are compatible with the surrounding heavy industrial uses. I1 light industrial uses in the I3 zone are governed by the provisions in 17.34, except that a special use permit pursuant to section 17.34.030 is not required. The following uses are permitted in the I3 zone:

A. Manufacturing and assembly operations which create a finished or partially assembled product for sale or distribution.
B. Commercial uses listed as permitted under chapter 17.28 Commercial zone. Uses listed as requiring a special use permit under section 17.28.040 are permitted in the I3 zone without a special use permit. The provisions under 17.28 otherwise apply to the regulation of commercial uses in the I3 zone.

C. Agricultural use types including general agricultural uses, agricultural animal production, custom animal processing, agricultural research, agricultural supplies sales, and agricultural entertainment and commercial uses.
D. Industrial agricultural uses including intensive agricultural uses, slaughter houses, agricultural packing and processing, stockyards and auction facilities.
E. Waste to energy type production and generation facilities involving use, recovery or residue of petroleum and petroleum related wastes, biomass wastes, bio-hazardous wastes, solid wastes, and other non-hazardous wastes and waste products.
F. Ammunition and explosives manufacturing, reclaiming, refining, storage, distribution, and use.
G. Paints, shellac, turpentine, varnishes, and other chemical manufacturing.
H. Storage and distribution of paints, shellac, turpentine, varnishes, and other chemicals within a warehouse facility.
I. Petroleum and liquid petroleum products manufacturing, reclaiming, and refining.
J. Storage and distribution of petroleum and liquid petroleum products.
K. Fertilizer products storage, distribution, manufacturing, reclaiming, and refining.
L. Air bag and other supplementary restraint system manufacturing, testing, storage, and use.
M. Explosive, propellant, and pyrotechnic manufacturing, testing, storage, and use.
N. Lithium and other volatile or unstable fuels and materials manufacturing, testing, storage, and use.
O. Hazardous waste management facilities involving the use, recovery, recycling, storage, treatment, and management of hazardous materials for hazardous materials produced or use on the site.
P. Rocket fuel manufacturing, testing, and storage.
Q. Blast furnaces and incinerators of any type and for any purpose.
R. Rock and gravel excavating, crushing, processing, and distribution.
S. Mineral exploration, mining, and extraction. A special use permit for large operations is required pursuant to chapter 17.92 Exploration and mining.
T. Environmental testing facilities such as simulation of temperature, vibration, fire, explosion, or high-altitude conditions.
U. Open air testing of materials developed for any of the uses described in this section, including testing to obtain design criteria for building construction, personnel safety, shipping requirements, and anything useful for those purposes.
V. Igniter and ignition systems manufacturing, testing and storage and use.
W. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.
X. Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes.
Y. Cyanide and other hazardous chemicals and materials manufacturing, reclaiming, refining, storage, distribution, and use.
Z. Commercial energy production use types such as geothermal, hydrological, solar, wind, and other similar low-impact renewable energy generation systems.

AA. Commercial energy production from coal, petroleum, natural gas, propane, other fossil fuels, and other non-renewable energy generation.

BB. Uses that include the testing, manufacturing, research, development, and storage of lasers, pharmaceuticals, drones, military and civilian devices, chemicals, and products that require special treatment, buffering, and high levels of security.

CC. Milling and processing related to mining and extraction.

DD. Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. Governmental offices and courts of law.
4. Parking lots and structures, park-and-rides and carpool transfer centers, multi-modal transit hubs, parking garages and storage, railroad and light rail infrastructures, train tunnels, and railroad switchyards and turntables.

EE. Laboratories and testing services. The use of live animals in laboratory, testing, and experimentation is prohibited.

FF. Bottling plants.

GG. Building material manufacturing.

HH. Breweries, distilleries, wineries.

II. Warehouses, warehouse complexes, distribution operations, and wholesale distribution.

JJ. Mini-warehouses and storage facilities for rent including recreational vehicle, boat, utility trailer, horse trailer, and similar equipment storage.

KK. Laundromats and personal dry cleaning.

LL. Automotive, truck, and heavy equipment services including washing and detailing (manual hand-washing, coin-operated, and production line methods), service and fueling stations, repair (including painting and body repair), sales, and rental.

MM. Manufacturing of signs and billboards.

NN. Dumps and refuse disposal areas. (These uses are subject to existing franchise agreement(s) in Storey County).

OO. Truck stops.

PP. Truck terminals.

QQ. Uses involving the indoor discharge of firearms.

RR. Public utility service yards, buildings, electric substations, gas transmission substations, and ancillary uses.

SS. Veterinary services for small and large animals.

TT. Accessory use, buildings and structures when incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and compliant with the regulations of section 17.12.045.

UU. Temporary (less than 1 year) and permanent (1 year or more) concrete and asphalt batch plants.

VV. Cement and lime manufacturing.

WW. Building materials sales and storage yards.

XX. Junk, salvage, reclamation, or auto wrecking and dismantling yards.

YY. Brick, tile or terra cotta products manufacturing.

ZZ. Cemeteries, columbariums, crematories, mausoleums, mortuaries, and funeral parlors.

AAA. Uses involving the outdoor discharge of firearms.

BBB. Mining, extraction, and mineral exploration as regulated by chapter 17.92 Exploration, mining, and extraction. A special use permit is required for large operations as defined under chapter 17.92.

CCC. Dry cleaning plants and laundry services.

DDD. Natural resources restoration regulated under section 17.12.100.

EEE. Paper manufacturing.

FFF. Saw mills.

GGG. Temporary real-estate tract offices not located within a permanent structure.

HHH. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age.

III. Commercial kennel.

JJJ. Sewage treatment plants and facilities and other sewage or sludge processing, treatment, or storage.

KKK. Watchman's dwelling, permanent or temporary as regulated by section 17.12.046.

LLL. Research and development activities related to any of the uses described in this section.

MMM. Other commercial and industrial uses that are not specifically listed but are similar to the existing permitted uses when they are found by the board of commissioners with action by the planning commission to be compatible with abutting land uses and other uses in the zone and consistent with the county master plan.

17.36.030 Minimum Parcel Area.

The minimum parcel areas required in the I3 zone is 3 acres, except for commercial uses in the I3 zone area for which there is a 15,000 square foot minimum. For I1 light industrial uses in the I3 zone area, there is a 1 acre minimum.

17.36.040 Required Criteria for Permitted Uses.

Any use listed in section 17.38.020 which can be demonstrated by the applicant to meet the following criteria is a permitted use in the I3 zone. Any use listed in section 17.36.020 which does not meet all of the following criteria may be permitted by special use permit pursuant to chapter 17.03 Administrative provisions.

A. No use or building except structures used for office or employee service facilities may be located closer than 500 feet from the boundary of the site unless the applicant can demonstrate that the distance from the boundary of the site is adequate to protect surrounding uses.

B. In lieu of subsection A, the boundaries of the site may be surrounded by a buffer area of the same distance. The buffer area may not contain any uses or buildings except that a use or building permitted in the I3 zone may be allowed provided such use or building is not less than 500 feet from the boundaries of

the property making the application unless the applicant can demonstrate that the distance from the boundary of the site is adequate to protect surrounding uses. The buffer area may consist of property restricted by fee ownership, lease, easement, license or other manner which the applicant demonstrates will assure the existence of the buffer area for as long as the permitted use remains. The buffer area may be provided by open space areas, wilderness land or land restricted in use by a governmental agency or private entity, if the applicant demonstrates that the buffer area requirements will be met and retained for the life of the permitted use.

C. The boundaries of the property may not be located closer than 1 mile to property which permits a residential use, except for those boundaries permitting a residential use at the time of the passage of this title.
D. The boundaries of the property may not be closer than 2 miles from a permitted city or town.
E. Posting, marking and fencing of the property must comply with the requirements of agencies having regulatory jurisdiction of the activity.
F. Weaponry, ammunition or explosives testing may not include the intentional flight of any missile, aircraft or projectile outside of the area zoned I3 heavy industrial or I-S special industrial owned or leased by the applicant.

17.36.050 Special Zoning Limitations to Assure Separation of Incompatible Uses.

The purpose of these special limitations is to prohibit the encroachment of incompatible uses into areas adjacent to lands zoned for I3 heavy industrial use. Such limitations are intended to preserve the continued usability of those areas zoned I3 for permitted uses and to protect other uses from the impacts and hazards which could result if such uses were established near areas zoned I3.

All properties zoned within 1 mile of any area zoned I3 must be zoned and maintained in one or more of the following zones: F, forestry; I3 heavy industrial; I-4 heavy industrial; or IS special industrial.

In addition, no high explosives structures may be constructed on the property within one 1,320 feet of the boundary of the I3 zone, except for portions abutting an IS special industrial zone owned or leased by the applicant.

17.36.060 Height of Buildings and Structures.

No building or structure may exceed 6 stories or 75 feet, whichever is higher, except as may be allowed by a variance. These requirements do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

Chapter 17.40

E Estate Zone

Sections:

17.40.010 Purpose and intent
17.40.020 Allowed uses
17.40.025 Uses subject to special use permit
17.40.030 Minimum lot size
17.40.040 Lot dimensions
17.40.045 Height of buildings and structures
17.40.050 Setback *and Minimum Floor Area* requirements
17.40.060 Home enterprises
17.40.070 Generator restrictions
17.40.080 Easements and rights-of-way
17.40.090 Effect of covenants, conditions, and restrictions

17.40.010 Purpose and Intent.

The E estates zone is established for areas particularly suited for low density residential use, to further enhance the quality of life for residents, to prohibit the development of uses which are incompatible and detrimental to a rural residential environment, and to allow for the keeping of a limited number of large domestic animals for non-commercial purposes.

17.40.020 Allowed Uses.

The following uses are allowed in the E estates zone:

A. One single-family detached dwelling of permanent character in a permanent location. ~~The minimum floor area requirement for residences is 800 square feet for a one bedroom structure, 1,000 square feet for a two bedroom structure, and 1,200 square feet for a three bedroom structure.~~

B. Accessory uses customarily incidental to a permitted use, located on the same lot or parcel with a permitted use, and in compliance with the provisions under section 17.12.048, Accessory uses

C. Storage parking for recreational vehicles, boats, utility trailers, horse trailers and similar equipment owned by the occupant of the permitted principal use, provided that such items are stored entirely within the private property.

D. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Use also includes community gardens.

~~E. Childcare where 4 or less children are cared for.~~

~~F. The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises.~~

~~G.~~ *E.* The keeping of large domestic animals such as sheep, bovine, swine, llamas, horses, goats, and other similar domestic farm animals under the ownership of the resident occupant of the lot, provided that any combination of such animals on any one lot does not exceed the following:

See section 17.40.030 for minimum lot size requirements.	
E-1	4 or less large domestic animals

E-2.5	4 or less large domestic animals
E-5	6 or less large domestic animals
E-10	8 or less large domestic animals
E-40	16 or less large domestic animals
E-1-VCH	4 or less large domestic animals
E-10-HR	8 or less large domestic animals
E-40-VR	16 or less large domestic animals

1 A special use permit is required to exceed the above maximums for large domestic animals.
2. Sanitary conditions must be maintained at all times in order to prevent a nuisance or health hazard from occurring.
3. There must be a minimum of 400 square feet per penned land area per large domestic animal, which must be on less than 10 percent slope grade.

17.40.025 Uses Subject to Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions.

~~A. Child care facilities where more than 4 children are cared for. Child care must not exceed 15 children.~~

~~B.~~ *A.* The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks old, but not a commercial kennel. A minimum of 10 acres is required.

~~C.~~ *B.* The keeping of large domestic animals exceeding the maximum number allowed pursuant to section 17.40.020.

~~D. The keeping, maintenance, display, or possession of 1 or more wild animals.~~

C. Wild animal keeping.

D. ~~E.~~ Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.

~~3. Crisis care use, temporary.~~

~~2.~~*3.* Libraries, governmental offices, post offices, and community centers.

4. Education including Elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. Student residential and boarding accommodations are prohibited*)*.

5.~~6.~~ Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

6. Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.

~~F. Natural resources river restoration regulated under section 17.12.100.~~

~~G. One attached or detached accessory dwelling unit (i.e., mother-in-law quarters) as regulated by section 17.12.046, Accessory dwelling, location and placement.~~

~~H. The use of two or more shipping containers as accessory buildings exceeding 90 days or the period of an active building permit for the principal use on the premises.~~

E. Equestrian Establishments, 10 acre minimum requirement

F. Animal Boarding and Grooming, 10 acre minimum

17.40.030 Minimum Lot Size.

Each E estate zone must have a minimum acreage limit *with an exception for civic uses listed above in consideration with the special use permit.* The minimum acreage limit number must be the suffix for the respective zone (e.g., "E-1" represents the E estate zone with 1 acre minimum parcel area). A parcel zoned E must be at least 1 acre. The area contained within the E estate parcel must be inclusive of all easements, including easements for access to an adjacent parcel. The acreage in each E estate zone is shown in the following table:

Zone and Suffix	Minimum Acreage
E-1	1 acre
E-2.5	2.5 acres
E-5	5 acres
E-10	10 acres
E-40	40 acres
E-1-VCH	1 acre located in Virginia City Highlands
E-10-HR	10 acres located in Highland Ranches
E-40-VR	40 acres located in Virginia Ranches
Other suffix	E estate zones with minimum acreage between the above numbers or larger than 40 acres may be permitted so long as the minimum acreage limitation in the zone existing at the time of adoption of this title is met.

17.40.040 Lot Dimensions

For the creation of new parcels subject to a Parcel or Subdivision map, t~~T~~he average dimension of a lot in one direction (front to rear or side to side) may not exceed 4 times the average dimension in the other direction.

17.40.045 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

17.40.050 Setback *and Minimum Floor Area* Requirements

Unless stated otherwise in this section, the *minimum square feet for a residence, and the* distance between the *principal* building and the property line must be as shown in the following table. Setback requirements for accessory buildings must comply with section 17.12.045. Setbacks are from the property line except when an encroaching easement exists for the purpose of providing a public or private road, but not driveway (see section 17.12.090 for explanation and illustration).

Estates Zone	***Minimum Floor Area (square-feet)***			**Front Setback**	**Rear Setback**	**Side Setback**
	1 bdrm.	*2 bdrm.*	*3 bdrm.*			
E-1	*800*	*1,000*	*1,200*	20 ft.	12 ft.	12 ft.
E-2.5	*800*	*1,000*	*1,200*	30 ft.	~~50~~*40* ft.	~~30~~*15* ft.
E-5	*800*	*1,000*	*1,200*	30 ft.	~~50~~*40* ft.	~~30~~*15* ft.
E-10	*800*	*1,000*	*1,200*	~~50~~*30* ft.	~~80~~*40* ft.	~~50~~*15* ft.
E-40	*800*	*1,000*	*1,200*	~~80~~*30* ft.	~~50~~*40*ft.	~~80~~*30* ft.
E-I-VCH	*1,200*	*1,200*	*1,200*	30 ft.	40 ft.	15 ft.
E-10-HR	*1,200*	*1,200*	*1,200*	30 ft.	40 ft.	15 ft.
E-40-VR	*800*	*1,000*	*1,200*	30 ft.	40 ft.	15 ft.

17.40.060 Home-enterprises

Home enterprises*, including in-home childcare*, are regulated pursuant to chapter 17.12 General provisions.

17.40.070 Generator Restrictions.

Installation of a generator as a power source is not permitted unless the generator is muffled and installed in a sound-insulated building sufficient in design to maintain compliance with noise regulations in chapter 8.04 Health and safety. Generators that are used solely for power in emergencies or power outages need not be muffled or in a sound-insulated building.

17.40.080 Easements and Rights-of-Ways.

All land zoned E estate is subject to existing easements and right-of-ways, including those described in chapter 17.12 General provisions.

17.40.090 Effect of Covenants, Conditions, and Restrictions.

Where covenants conditions, and restrictions (CC and R's) have been, or will be filed in the official records of the county as a condition of approval for the subdivision of a parcel of land within an E estate zone classification, the more restrictive of the two documents (this title or the CC and R's) will apply in all cases pertaining to use or development of the subject property.

Chapter 17.44

SPR Special Planning Review Zone

Sections:

17.44.010 Purpose and intent
17.44.020 Allowed uses
17.44.030 Uses subject to special use permit
17.44.040 Minimum floor area
17.44.050 Minimum parcel area and width requirements
17.44.060 Setback requirements
17.44.065 Building height
17.44.070 Home ~~occupations~~ *Enterprises*
17.44.080 ~~Distance between buildings on the same lot~~ *Minimum Floor Area*

17.44.010 Purpose and Intent

The SPR special planning review zone is intended to provide protections to current mining and milling and the historical remnants within American Flat, Gold Hill, and Virginia City. It provides mechanisms by which remnants of historical mining and milling are preserved. It provides for an environment that remains suitable for current and future mining and milling practices when findings of fact show no substantial impact to surrounding uses and the community. Preserving remnants of historical mining and milling extends to permanent historic structures, cemeteries, mine dumps, and other artifacts existing at or predating the year 1942, and remaining cultural landscapes that are identified in the county master plan as needing special attention when land use are proposed.

17.44.020 Allowed Uses

All allowed uses in the SPR special planning review zone must comply with the applicable provisions of chapter 17.12 General provisions, and must be reviewed and approved by the board with action by the planning commission. The allowed uses are as follows:

A. One single-family dwelling of permanent character in a permanent location
B. Accessory use, buildings and structures if they are clearly incidental to a permitted use, placed upon the same lot or parcel with a permitted use, and in compliance with section 17.12.045-046.
C. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses included community gardens.
D. *Equestrian Establishments.* ~~Private and commercial equestrian facilities and uses, including riding arenas, rodeos and equestrian events, stables, horse and pony rides, and carriage and stagecoach rides.~~

~~E. Childcare where 4 or less children are cared for.~~

~~F.~~ *E.* Museums including those related to history, natural resources, mining, milling, trains, railroads, and other subjects.

~~G.~~ *F.* Library and cultural services.

~~H.~~*G.* ~~Signs as regulated by chapter 17.84 Signs and billboards.~~

~~I.~~ *H.* Any material or site improvement to enhance and promote the V&T Railroad and/or V&T Railway.

~~J.~~ *I.* Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. These uses are prohibited for any other purpose.
3. ~~Crisis care facilities use, temporary.~~ *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*
4. Libraries, governmental offices, post offices, and community centers.
5. Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. A special use permit is required student residential and boarding accommodations.
6. Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.

~~K. The use of up to one shipping container as an accessory building. Review and approval by the director of planning for conformance with section 17.12.045 is required if the use exceeds 90 days or the period of an active building permit for the principal use on the premises.~~

17.44.030 Uses Subject to Special Use Permit

A special use permit will be required for following uses or development which is determined by the board with action by the planning commission to be potentially incompatible or detrimental to the purpose and intent of the SPR special planning review zone.

A. Mining and extraction as regulated by chapter 17.92 Exploration, mining, and extraction.

B. Milling and processing associated with mining and extraction.

C. Temporary (less than 1 year) concrete and asphalt batch plants when not incidental to an on-site construction project or when located within 2,500 feet of a CR, E, R, or SPR zone.

D. Bed and breakfast inns offering accommodations for up to 8 guests, subject to providing one off-street parking space for each additional 10,000 square feet of lot area.

E. Education facilities that include student residential and boarding accommodations.

F. Indoor and outdoor archery clubs and indoor gun club for the sport of shooting at moving or stationary targets or education related to the use and safety of firearms and archery.

G. The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks

of age. A minimum of 10 acres is required.

H. ~~Commercial kennel~~. *Animal Boarding and Grooming*. *Outside facilities require a* ~~A~~ minimum of 10 acres ~~is required~~.

I. Cemeteries, but not columbariums, crematories, mausoleums, mortuaries, or funeral parlors.

J. Congregational establishments, including religious institutions, fraternal lodges, recreational and social clubs, labor halls, service clubs and facilities for other private clubs

K. ~~Maintenance, display, or possession of one or more wild animals.~~ *Wild Animal Keeping*

L. Open storage.

M. ~~Natural resources river restoration regulated under section 17.12.100.~~

N. *Bee keeping.*

O. Child Care Facilities.

P. Single family dwellings less than 800 square feet

~~N~~ *Q.* Other similar uses to the above which are determined by the board with action by the planning commission to be consistent with the uses permitted within the zone.

17.44.050 Minimum Parcel Area and Width Requirements

The SPR special planning review zone must have a minimum acreage limit. The minimum acreage limit number is the suffix for the respective zone (e.g., "SPR-5" is an SPR Zone with 5,000 square feet minimum parcel area). A parcel zoned SPR must be at least 5,000 square feet. The area contained within the SPR zoned parcel includes all easements, including easements for access to an adjacent parcel. SPR zones have the following designated minimum parcel area and minimum parcel width: The minimum area and width for each SPR zone is indicated in the following table:

Zone and Suffix	Minimum Lot Area (square feet)	Minimum Width From Street (feet)
SPR-5	5,000	50
SPR-6	6,000	50
SPR-8	8,000	60
SPR10	10,000	60
SPR15	15,000	80
SPR20	20,000	100

17.44.060 Setback Requirements

The required distance between the building and the property line is indicated in the following table. Setback requirements for accessory structures must comply with section 17.12.045.

Zone and Suffix and Lot Configuration	Front Setback	Side Setback	Rear Setback
SPR-5, SPR-6, SPR-8, and SPR10	20 feet	8 feet	20 feet
SPR15	30 feet	8 feet	20 feet
SPR20	40 feet	8 feet	20 feet
Corner lot facing two streets	Same as above	10 feet street side; 8 feet non-street side	Same as above

17.44.065 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12, General provisions.

17.44.070 Home Enterprises

Home enterprises*, including in-home childcare,* are regulated under chapter 17.12 General provisions.

~~**17.44.080 Distance Between Buildings on the Same Lot**~~

~~A minimum distance of 6 feet is required between buildings. Setbacks and distances for accessory structures is regulated by section 17.12.045.~~

17.44.080 Minimum Floor Area

No single-family dwelling may have a floor area of less than 800 square feet for a one-bedroom residence; 1,000 square feet for a two-bedroom residence; and 1,200 square feet for a three or more bedroom residence, unless a special use permit has been obtained.

Chapter 17.76

NR Natural Resources Zone

Sections:

17.76.010 Purpose
17.76.015 Allowed Uses
17.76.020 Uses subject to a special use permit

17.76.030 Accessory Uses and Structures
17.76.040 Minimum Parcel Area Requirements
17.76.050 Setback Requirements
17.76.060 Height of Buildings and Structures
17.76.070 Generator Restrictions
17.76.080 Home Enterprises
~~17.76.030 Uses subject to a special use permit~~

~~***17.76.040 Accessory uses and structures***~~

~~***17.76.050 Minimum parcel area requirements***~~

~~***17.76.060 Setback requirements***~~

~~***17.76.070 Height of buildings and structures***~~

~~***17.76.080 Generator restrictions***~~

17.76.010 Purpose

The purpose of this chapter is to promote the preservation of land to conserve and enhance natural and scenic resources, archaeological, and cultural sites, primitive areas, watersheds, flood-prone areas from unreasonable impairment.

17.76.015 Allowed Uses. *The following uses are allowed in the NR natural resources zone:*

A. One single-family detached dwelling of permanent character and location. A minimum of 40 acres is required.

B. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses include community gardens.

C. Beekeeping

D. General agriculture, agricultural animal production, agricultural entertainment, accessory structures related to the agricultural use, and custom animal processing.

17.76.020 Uses Subject to a Special Use Permit

The following uses may be permitted subject to securing a special use permit as provided for in chapter 17.03 Administrative provisions:

~~A. One single-family detached dwelling of permanent character and location. A minimum of 40 acres is required.~~

~~B. General agricultural uses *agriculture*, agricultural animal production, agricultural entertainment, accessory structures related to the agricultural use, and custom animal processing.~~

~~C. Agricultural and horticultural uses for domestic purposes and incidental to the permitted uses. Uses include community gardens.~~

A.~~D.~~ The keeping of 5 or more dogs or 3 or more pot-belly pigs more than 12 weeks of age. A minimum of 10 acres is required.

~~F. The keeping of bees for agricultural purposes when beehives are setback at minimum of 200 feet from CR, E, R, and SPR zones and occupied residential uses within the premises, and 50 feet from any shared access easement or public right-of-way.~~

B.~~G.~~ Civic uses including:

1. Public facilities and offices for fire, emergency services, and sheriff. Jails are prohibited.
2. Helipads and heliports for use only by medical evacuation transport services. Any other use is prohibited.
3. *Primary, secondary, and post-secondary schools, private or public.* ~~Education including elementary, middle, and high (K-12) schools and academies, colleges and higher education, technical and vocational education, apprentice training, whether public, private, or parochial. Student residential and boarding accommodations are prohibited.~~
4. Picnicking areas, parks, dog parks, walking and bicycle trails, interpretive trails, restroom facilities, and information kiosks.
5. *Public utility and transmission substations, water storage facilities and storm water drainage, detention, retention and storage.*

C. ~~H.~~ Cemeteries.

D. ~~I.~~ Natural resources river restoration regulated under section 17.12.100.

E. ~~J.~~ Archeological discovery and research sites.

F. ~~K.~~ Growing and preservation of trees and nursery stock.

G. ~~L.~~ Hunting, fishing and skiing lodges wildlife refuges; game farms and public campgrounds;

H. Wild animal keeping.

I. ~~M.~~ Accessory use, buildings, and structures incidental to allowed uses in this section, placed upon the same lot or parcel with the allowed uses, and compliant with section 17.12.045. Accessory dwelling units must conform to section 17.12.046. A principal building may not be required for an accessory structure incidental to the allowed uses on the premises; however, a principal single-family residential dwelling is required for an accessory dwelling to be approved.

17.76.030 Accessory Uses and Structures

Accessory uses, buildings, and structures are considered a permitted use if they are clearly incidental to another permitted use listed in section 17.76.020. The provisions of section 17.12.045 also apply to accessory structures.

17.76.040 Minimum Parcel Area Requirements

No parcel may be less than 1 acre. A minimum of 40 acres is required for a residential use. feet *with an exception for civic uses listed above in consideration with the special use permit.*

17.76.050 Setback Requirements

Minimum building setbacks in the NR zone are: front, 30 feet; rear, 40 feet; and side, 15 feet.

17.76.060 Height of Buildings and Structures

A building, manufactured home, or structure may not exceed a height of 3 stories or 35 feet, whichever is higher, except as may be allowed by a ~~variance~~ *special use permit*. The requirements of this section do not apply to church spires, belfries, cupolas, domes, chimneys, grain silos, water towers, or flagpoles. The height of support structures (towers) for radio, television, other communication antennas, and wind energy turbines is regulated under chapter 17.12 General provisions.

17.76.070 Generator Restrictions

Installation of a generator as a power source is not permitted unless the generator is muffled and installed in a sound-insulated building sufficient in design to maintain compliance with noise regulations in chapter 8.04 Health and safety. Generators that are used solely for power in emergencies or power outages need not be muffled or in a sound-insulated building.

17.76.080 *Home enterprises, including in-home child care, are regulated under chapter 17.12 General Provisions.*

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: August 18, 2020 **Estimate of time required:** 40 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/Possible Action:** Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve of Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** See enclosed Staff Report No. 2020-021

6. **Supporting materials:** Enclosed Staff Report No. 2020-021

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:** ____ District Attorney

9. **Reviewed by:**

   ____ Department Head _____Department Name: Planning

   ____ County Manager _____Other agency review: _____

10. **Board action:**

    [ ] Approved [ ] Approved with Modifications

    [ ] Denied [ ] Continued

Agenda Item No. 21

Storey County
Planning Department
Storey County Courthouse
26 South B Street, PO Box 176, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org

To: Storey County Board of County Commissioners

From: Storey County Planning Department

Meeting Date: August 18, 2020

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Nevada, via Zoom

Staff Contact: Kathy Canfield

File: Special Use Permit File 2020-021

Applicant: Stericycle, Inc.

Property Owner: Tahoe-Reno Industrial Center, LLC

Property Location: 1655 Milan Drive, McCarran, Storey County, Nevada, APN 005-111-73

Request: Special Use Permit 2020-021 request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

Planning Commission Hearing: This application was heard at the August 6, 2020 Planning Commission meeting after a continuance from the July 16, 2020 meeting. At the July 16, 2020 meeting, a request was made by the Planning Commissioners to respond in writing to questions raised at the meeting. Stericycle provided a written response prior to the meeting and this was provided to the Planning Commissioners separately and posted on the Storey County website. During the time between Planning Commission meetings, additional correspondence was received in opposition to the project. The opposition correspondence was also forwarded separately to the Planning Commissioners, along with being provided to the applicant and being posted on the Storey County website.

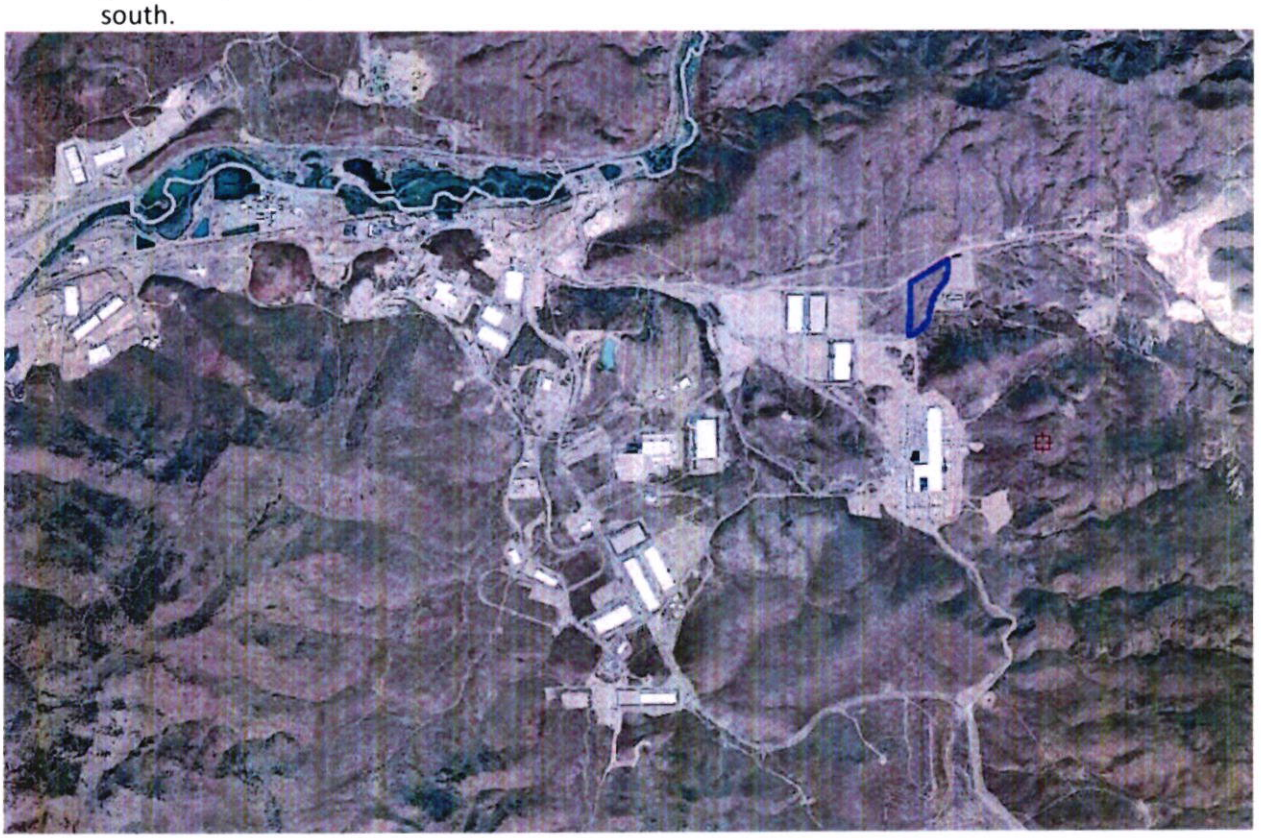
Discussion of the project continued, with questions related to Stericycle's industry practices, the land use proposed and the compatibility of the land use for the proposed location and other jurisdictional agencies and permitting

requirements. There were several public comments from interested public members regarding the land use, impacts on surrounding properties, wild horses and the overall impact of such a project to Storey County. The Planning Commission voted 5-1 (with one recusal) in favor of forwarding a recommendation for approval of the project to the Board of County Commissioners.

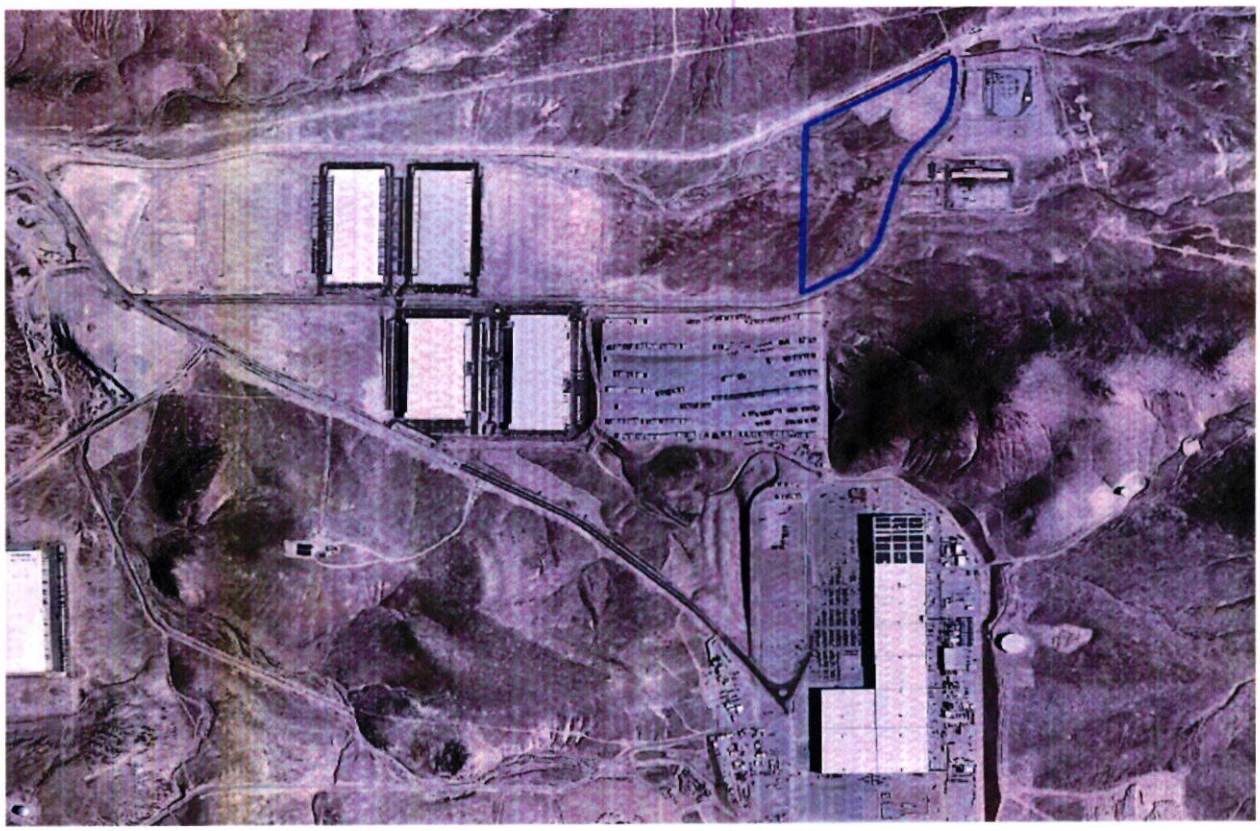
An additional Finding of Fact for Approval was added to the staff report as approved by the Planning Commission and is documented as 3.A(8) in this staff report.

1. Background & Analysis

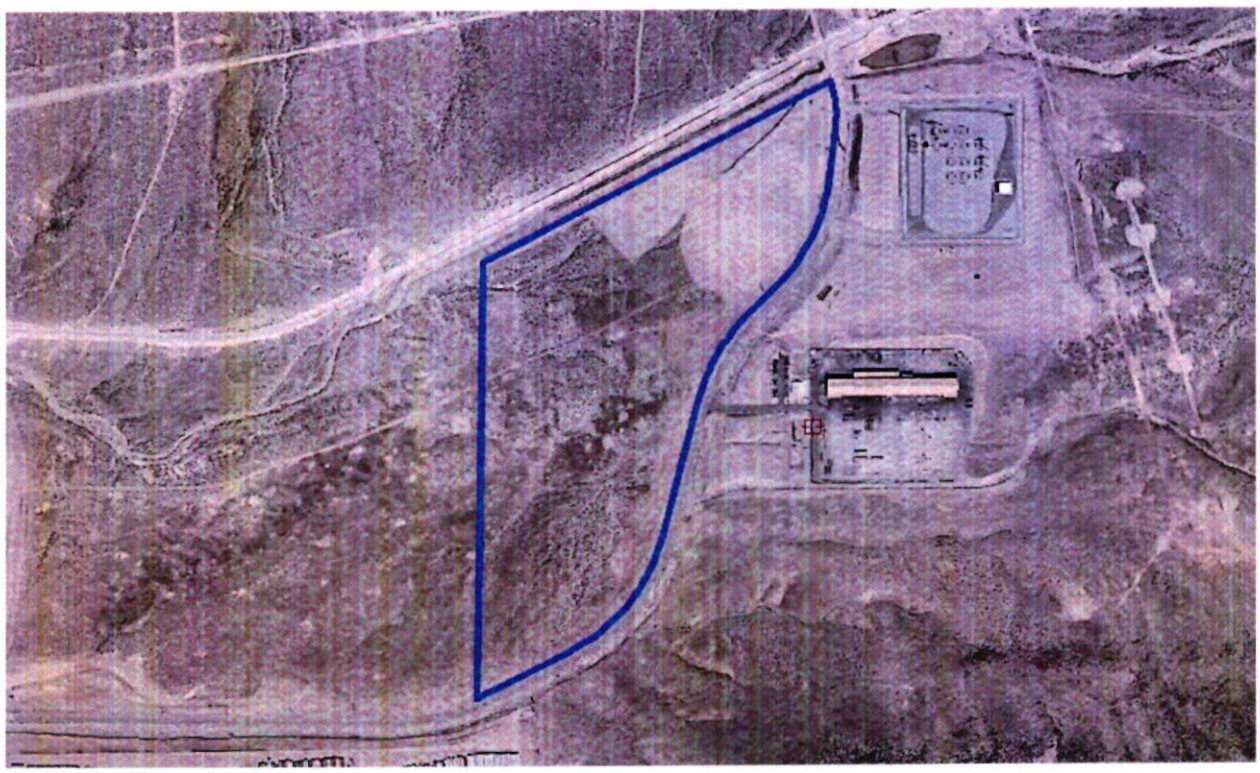
A. **Site Location and Characteristics.** The property is located within the Tahoe-Reno Industrial Center in McCarran, Storey County, Nevada. The property is located at the southwest corner of Milan Drive and Clark Station Road. The site is zoned I-2, Heavy Industrial with the I-S (Special Industrial Zone) overlay and is an undeveloped parcel. The parcel is approximately 45 acres in size and is proposed to be divided so that the facility will occupy approximately 20 acres of the parcel. Surrounding land uses include vacant land to the north and west, NV Energy substation and AZZ Incorporated (a galvanizing facility) to the east, and a mixture of vacant land and warehousing to the south.



Vicinity Map



Property Location

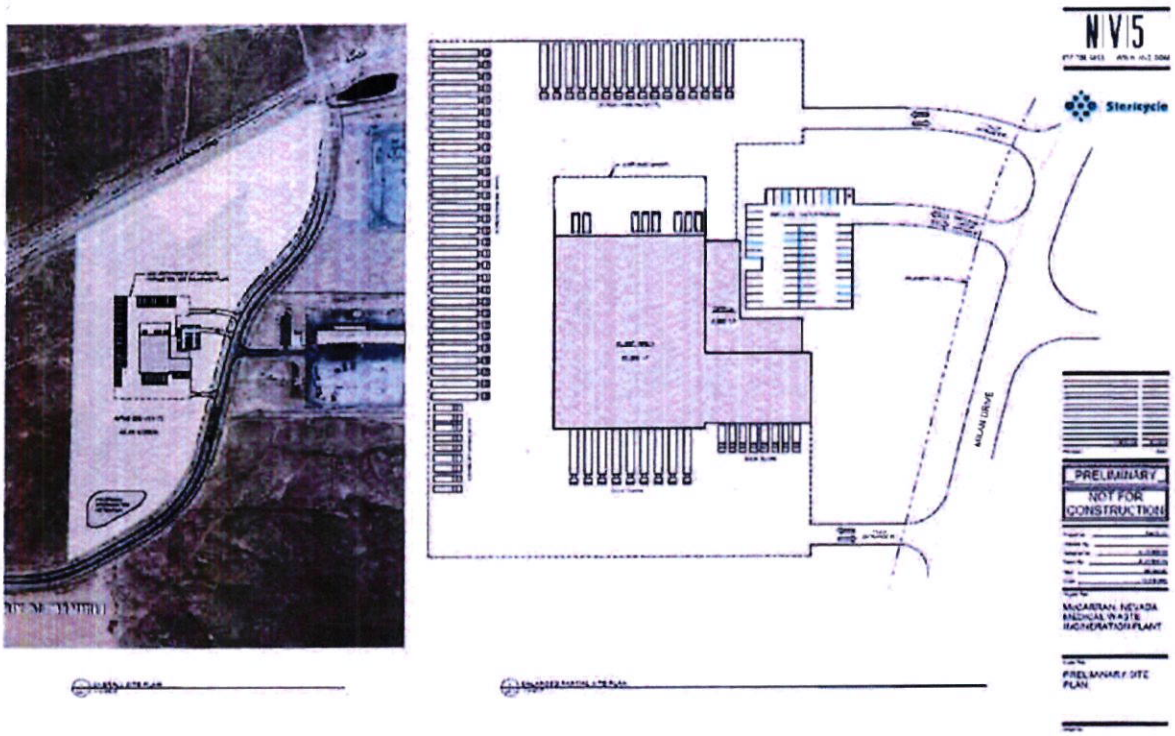


Existing Development

B. **Proposed Use.** The applicant, Stericycle Inc., is proposing to construct and operate a medical waste and other specialty waste incinerator facility. The construction is anticipated to consist of a single 50,000+ square foot building which includes both the incinerator/processing activities, warehousing, and office space. The site will include parking for the approximate 30+ onsite employees along with truck parking. The Stericycle company has a document destruction subsidiary which may also be included at the site. The site has been designed to allow for expansion in the future. With the construction of the proposed facility, Stericycle will be able to service a large regional area processing waste from Nevada, the Western Unites States and Canada. An average of 10-15 trailers per day will generally be received at this facility. All loading, unloading storage and processing areas are housed inside of the building. The facility will operate 7 days a week, 24 hours a day.

It should be noted that the submitted site plan design is conceptual only. This Special Use Permit addresses the use on the property. The applicant has provided a site plan to convey their current ideas for the site, but the overall layout, parking, access and building(s) pattern may change upon submittal of construction permits.

The site will contain two rotary Kiln Thermal Reduction/Destruction units (incinerators) which allows for not only future expansion, but for operations to continue while maintenance work occurs on one or the other of the devices. Stericycle is also focused on innovative ways to reuse energy that is generated at the site. As part of the on-going design, Stericycle is evaluating the use of self-generated steam to power internal operations, as well as future potential for commercial sale to neighboring properties.



Conceptual Site Layout

C. **Special Use Permit**. This property is subject to the provisions of the 1999 Zoning Ordinance of Storey County. The property is zoned I-2, Heavy Industrial and as stated in Section 17.37.040, "Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and "incinerators, of any type and used for any purpose". The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit.

D. **Biohazardous Waste.** The waste streams that the facility will process are considered biohazardous as they potentially can be contaminated with infectious agents that may be a threat to public health if not handled and disposed of properly. These wastes include:

- Regulated Medical Waste as a special category of solid waste as defined by the State of Nevada, the County, OSHA or USDOT, sharps waste, APHIS waster or Regulated Garbage as regulated under USDA
- Other healthcare products (used, unused or expired specified by manufacture for destruction
- Partially used or unused pharmaceuticals (hazardous or nonhazardous) for destruction
- Other special solid wastes for destruction as requested by generator for incineration (for witness destruction)
- Document or product destruction (i.e. for HIPAA or other privacy related matters)
- Special wastes from law enforcement (as requested such as controlled witness destruction) or DEA related controlled substances and waste from healthcare facilities
- Outdated, off-specification or unused consumer commodities
- Recalled or outdated disposable medical equipment or supplies
- Confidential records/proprietary packaging and products

All other RCRA (Resource Conservation and Recovery Act) defined hazardous wastes or radioactive wastes will not be treated at this facility. Stericycle has a waste acceptance protocol (WAP) as part of all contracts with customers for which customers are responsible to adhere to, for which Stericycle periodically monitors; specifically, all wastes are monitored for radioactivity prior to processing.

Waste material is delivered to the facility by truck in Department of Transportation (DOT) compliant single-use fiberboard and plastic containers, and reusable containers, which are unloaded and either placed in a designated storage area for later processing, transfer or are staged for immediate processing. All trailers containing waste will be unloaded at a dock. Most single use and reusable bins are opened, the contents emptied into the feed apron loading bin for processing. The reusable containers are rinsed out, recovered and placed in the return load-out area.

All of the above referenced medical wastes are not considered or regulated by the U.S. Environmental Protection Agency (EPA) Resource and Conservation Recovery Act (RCRA)

as hazardous waste and under Nevada Division of Environmental Protection (NDEP) regulations can be disposed of in a standard landfill without treatment. Some jurisdictions have adopted more stringent requirements for disposal, including the State of California and both Washoe and Clark Counties in Nevada. Regardless of where a waste is ultimately disposed, the local regulations at the point of generation apply to the disposal.

E. **Facility Process Overview.** The medical waste arrives at the site by truck in single use fiberboard or plastic containers, or reusable containers. The trucks unload directly into the facility at the loading docks. At no time are the boxes or containers exposed or stored outdoors. Once inside the facility, the boxes or the reusable container content are emptied into a feed apron loading bin for processing.

In some instances, storage of the medical waste in the delivery trucks may be required due to adverse weather conditions, facility breakdowns or maintenance, or high receipt volume. All trailers will remain closed and locked and all waste will be secure.

A two-stage process first thermally sanitizes and reduces the waste in a Controlled Air Rotary Kiln, Primary Combustion Chamber, which is followed by a Secondary Combustion Chamber, to fully combust the resulting off-gas containing volatile organic compounds at temperatures of approximately 1800 to 2000 degrees Fahrenheit. This thermal reduction/destruction process reduces the waste volume by over 80% on a weight basis (over 95% on a volume basis) to ash residual. Resultant ash residual generated at the site is collected and secured and taken to the landfill.

F. **Safety Issues.** In the event of a spill or release of the medical waste, properly trained facility personnel will clean up the released materials. The wastes do not represent an airborne threat. A "portal of entry" (a site where an infectious agent enters the body such as ingestion, break in the skin, etc.) is needed for the waste to represent a threat to humans. The medical waste is a solid product and cannot "flow" out of the facility. A cleanup of any released materials is essentially the same as cleaning up garbage that has spilled with the difference being the training and personal protective equipment (gloves, face shields, protective garments) is required to ensure no direct body contact with the medical waste occurs. Similarly, if one of the delivery trucks is involved in an accident the vehicle and waste containers would be properly labeled such that responders would be aware of the contents and proper cleanup would occur.

Stericycle employees receive training upon hiring and annually as required by all Federal and State regulations. Stericycle conducts over thirty training programs including Bloodborne Pathogens, Spill Response, Waste Acceptance Protocol, Confined Space, Emergency Action Plans, DOT Hazardous Materials, First Aid and Incinerator Specific Training. Stericycle employs specialized and trained maintenance personnel.

As stated in Section 1.D, above, all of the above referenced medical wastes are not considered or regulated by the U.S Environmental Protection Agency (EPA) Resource and Conservation Recovery Act (RCRA) as hazardous waste and under Nevada Division of Environmental Protection (NDEP) regulations can be disposed of in a standard landfill without treatment.

All permitting and reporting will be performed per federal, State of Nevada and Storey County requirements. The facility will be subject to Title 40 of Federal regulations (*40 CFR Part 60 – Standards of Performance for New Stationary Sources, Subpart Ec, Standards of Performance for Hospital/Medical/infectious Waste incinerators for Which Construction is Commenced After June 20, 1996*) which provides federally enforceable standards of performance for facilities of this type. These standards include limits on emitted air pollutants, air quality compliance testing and monitoring and reporting requirements. The Nevada Division of Environmental Protection – Bureau of Air Pollution Control, will be the regulatory authority responsible for issuing and enforcing the air quality operating permit for the proposed facility.

2. Compatibility and Compliance

A. **Compatibility with surrounding uses and zones.** The following table documents land uses, zoning classifications and master plan designations for the land at and surrounding the proposed project.

	Land Use	**Master Plan Designation**	**1999 Zoning Code for TRI Center**
Applicant's Land	vacant	Industrial	I-2 Heavy Industrial
Land to the North	vacant	Industrial	I-2 Heavy Industrial
Land to the East	NV Energy Substation, Industrial Galvanizing Facility	Industrial	I-2 Heavy Industrial
Land to the South	Vacant, truck storage	Industrial	I-2 Heavy Industrial
Land to the West	Vacant, warehousing	Industrial	I-2 Heavy Industrial

This property is located within the IS Overlay (Special Industrial Zone) area within the TRI Center. This project does not require or utilize any of the incentives provided for the IS Overlay and is consistent, as conditioned, with the I2 Heavy Industrial as identified in Chapter 17.37 of the 1999 Storey County Zoning Code.

B. **Compliance with required height limitations**. The 1999 Storey County Zoning Ordinance Section 17.37.080 states: "No building shall have a height greater than six (6) stories or seventy-five (75) feet, not including silos, stacks, or equipment." Based on the submitted application, the applicant has stated the maximum height proposed for the building will not exceed the 75-foot height limitation. It is anticipated the height for the stacks will be between 75-feet and 150-feet and will depend largely on the NDEP requirements related to air quality. The additional height for the stacks and associated equipment are exempted as stated above from the 75-foot height limitation.

C. **Compliance with required setbacks.** The 1999 Storey County Zoning Ordinance Section 17.37.080 states: No building shall be located closer than fifty (50) feet to any property line. The property will be approximately 20 acres in size and is of such a configuration that this requirement can be met. As a condition of the building permit, the applicant will be required to demonstrate that no structure will encroach into the required 50 foot setback or demonstrate that a Waiver from the Building Official as identified in the Development Agreement for the TRI Center has been granted to allow encroachment into the setback.

D. **General use allowances and restrictions.** The 1999 Storey County Code Section 17.62, Special Uses (which refers to Section 17.60) identifies the administration for the Board and Planning Commission for allowing special use permits. The use of "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes", incinerators and electric or gas power generating plants" are uses subject to a Special Use Permit. Approval of a Special Use Permit "may only be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution and under such conditions as the board may deem necessary to assure that the general purpose and intent of this ordinance will be observed, public safety and welfare secured and substantial justice done." The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed in Section 3 of this staff report are the minimum to be cited in an approval.

E. **Conformance with the 2016 Storey County Master Plan**. This project is located within the Tahoe-Reno Industrial Center which the Master Plan states "provides for light industrial, heavy industrial, commercial, and industrial commercial uses and zones pursuant to the Development Agreement between Storey County and the Tahoe-Reno Industrial Center, LLC." The property and the Tahoe-Reno Industrial Center are located in the McCarran Area Plan which the Master Plan states "depicts a homogenous planned industrial center located toward the north-central part of Storey County nine miles east of Lockwood. It is home to the Tahoe-Reno Industrial Center and is dedicated solely to manufacturing, utility power production, warehousing and distribution, and other heavy- and light-industrial, and commercial uses. The industrial center has grown to become a major regional hub for distribution, alternative energy production, digital data management, and highly intensive and experimental industries." The proposed use of "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" is consistent with the heavy industrial use statements for the Tahoe-Reno Industrial Center.

3. Findings of Fact

A. **Motion for approval.** The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

(1) This approval is for Special Use Permit 2020-021, a request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the McCarran planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.E of

this staff report and the contents thereof are cited in an approval of this Special Use Permit.

(3) The subject property is located within an existing industrial neighborhood in the McCarran area of Storey County. The zoning is based on the 1999 Storey County Zoning Ordinance which identifies this property as I-2 Heavy Industrial. The proposed facility is defined as a "recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes" and has an incinerator and has the potential to provide an "electric or gas power generating plant" and requires a Special Use Permit.

(4) Granting of the Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.

(5) The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

(6) The conditions under the Special Use Permit do not conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial and 17.62 Special Uses.

(7) Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

(8) Granting of the Special Use Permit would not be incompatible with or detrimental to the surrounding area.

B. **Motion for denial**. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

(1) This denial is for Special Use Permit 2020-021, a request by the applicant Stericycle, Inc., to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

(2) The conditions under the Special Use Permit conflict with the minimum requirements in the 1999 Storey County Zoning Ordinance Sections 17.37 I-2 Heavy Industrial, 17.62 Special Uses.

(3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

A. **Special Use Permit**. This approval is for Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

B. **Requirements**. The Permit Holder shall apply for all required permits and licenses, including building and fire permits, for the project within 24 months from the date of final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall remain valid as long as the Permit Holder, its heirs, assigns, or successors remain in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.

C. **Permit Contents**. This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans, including the operating plan, safety plan, training plan, and closure plan, to be submitted separately from this permit. The requirements of all submitted plan, along with support material submitted with the application, become part of this Special Use Permit.

D. **Allowed Modes of Transport.** The facility may receive and distribute medical waste and the resultant ash/paste via truck and rail. All loading and unloading of materials must occur within an enclosed structure. The structure must meet the requirements of this special use permit with regard to emergency spill and containment. The Storey County Community Development Department and Fire Protection District plan review are required for any proposed rail spur facilities.

E. **Storage**. This permit does not authorize any outdoor storage at the site. All storage of all materials transported to the site and the byproduct created at the site shall be contained within the proposed building or within an enclosed truck trailer while awaiting unloading or delivery.

F. **Taxes**. Before obtaining a building permit, the Permit Holder must show the building department valid evidence that all property taxes on the land are paid-to-date.

G. **Emergency Management Plan**. The Permit Holder must submit an emergency plan to the Storey County Fire Protection District, Community Development, Emergency Management and Planning Departments for review and approval at the time of construction plan submittal. At a minimum, the elements of the plan must include

disaster management, Emergency Medical Services (EMS), and environmental protection. This plan shall include industry best practices implementation in addition to local, state and federal requirements. Specific items to be included in the plan are as follows. The following list is not exhaustive; the County may impose additional requirements as necessary. Requirements of State and federal agencies which fulfill the following may suffice when documentation thereof is submitted to the governing body and to Storey County.

- Basic company, owner, site, and emergency contact information
- Plot Plan (detailed drawings) of the site and access points
- Site evacuation, gathering points and emergency procedure
- Area evacuation and emergency procedure for each applicable emergency situation
- Initial and ongoing training and education of county and fire district emergency response personnel applicable to the subject use, and at the permit holder's expense
- Emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County Emergency Services
- Facility shut-down and startup procedure
- Special training and identification of any funding for the Fire District and Emergency Management to address site specific hazards
- Emergency vehicle access, circulation, and staging
- Documenting and reporting of emergency situations, including spills and gassing-off of any product.
- Post disaster management, cleanup, and material disposal
- Documenting and reporting of NDEP and other environmental permits and notices
- Stormwater drainage and detention will be submitted for review and approval during the plan review and permitting processes
- Facility Closure Plan
- Risk Management Plan
- Industry Best Practices shall be utilized when developing any plans for the facility
- Complete index of MSDS/SDS shall be provided to the Storey County Fire Protection District, Storey County Community Development Department, Storey County Local Emergency Planning Committee, Storey County Emergency Management and Storey County Planning Department
- Community Right to Know Plan and Information shall be maintained and provided at all times within the facility.
- Copy of all Fire Marshall Permits for Hazardous Materials shall be maintained onsite and available upon request to Storey County.
- Dates, time and attendees of all drills held at facility shall be maintained on site and available upon request to Storey County

H. **Transfer of Rights.** This Special Use Permit shall inure to the record owner of the Subject Property and to the Permit Holder and shall run with the land defined herein. This Special Use Permit, subject to its terms and conditions, may be transferred by the

Permit Holder, its successors, heirs or assigns. Any/all transfers of Special Use Permit 2020-021 shall be advised in writing to Storey County Planning Department 180 days prior to assignee taking over operation of facility. The operators of the facility must sign and accept all stipulations and requirements of the Special Use Permit 2020-021. The operators of the facility must within 90 days of this notice contact Storey County in order to schedule a consultation with the Storey County Fire District, Emergency Management Department, and all other applicable federal, state, and local emergency response agencies, and demonstrate the ability to maintain the level of security, safety, and conformance with the requirements of this special use permit, including the codes and regulations of the applicable agencies during and after the transition to new ownership.

I. **Abandonment.** In the event that the use authorized by this Special Use Permit is abandoned for a period of more than twenty-four (24) calendar months from the date of last producing operations, this permit shall become null and void and a new Special Use Permit shall be required. In the event of a force Majeure such as and not limited to a flood, damage or destruction of the access to the site, earthquake, or other events beyond the control of Storey County or the Permit Holder, the period of abandonment shall not be deemed to commence until such time as the permit holder may be found to once again have reasonable access to the site. In this connection, the permit holder shall reasonably attempt to establish access to the site.

J. **Closure**. The Permit Holder shall be responsible for the cost for the closure of this facility as permitted under Special Use Permit 2020-021. Complete closure shall consist of providing reclamation that would eliminate any hazardous materials or environmental damage to the existing site or adjacent areas proven to be contaminated by the Applicant's processes.

K. **Post-Closure Monitoring.** In the event that the permit lapses or the use is discontinued or abandoned, the Permit Holder, its heirs, assigns or successors shall remain responsible for environmental monitoring and post-closure maintenance. Under no circumstances shall Storey County, its officers, or representatives bare any cost or responsibility for the deconstruction, disassembly, or removal of equipment or environmental monitoring or clean-up.

L. **Nuisances.** As stated in Section 17.12.100(A) of the Storey County Zoning Code, noise, smoke, odor, gases, or other noxious nuisances shall be controlled so as not to become objectionable, or adversely affect the properties in the vicinity, and shall not be detrimental to the public health, safety and welfare.

M. **Separate Permits Required**. This Special Use Permit shall not be construed to be a permit for design or construction. A separate Storey County plan review, fire safety review, and building permit will be required. Any required state or federal air quality control permit must be obtained for the project. A copy of any NDEP (Nevada Department of Environmental Protection) approval shall be forwarded to Storey County Planning Department for inclusion with the Special Use Permit. If there is a violation of NDEP permit, Storey County shall be notified of the violation, corrective action to be

taken and date to be completed.

N. **Legal Responsibility**. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.

O. **Indemnification**. The Permit Holder warrants that the future use of land will conform to the requirements of the County of Storey, State of Nevada, and applicable federal regulatory and legal requirements for the production, refining, purification, processing, dilution, blending, distribution and use of hazardous and non-hazardous chemical products associated with the microelectronics industry; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder, its assigns, heirs or successors, agrees to hold Storey County, its officers, and representatives harmless from the costs associated with any environmental damage, environmental liability, and any/all other claims now existing or which may occur as a result of this special use permit.

P. **Liability Insurance**. The Permit Holder, as well as its assigns, heirs or successors, shall provide proof of insurance to Storey County and maintain a satisfactory liability insurance for all aspects of this operation under Special Use Permit 2020-021 for a minimum amount of $5,000,000.00 (five million dollars).

Q. **Operations Safety.** The facility/site design and layout must meet all Storey County adopted model codes and amendments, as well as Federal, State and County environmental, best practices and health/safety requirements.

Emergency response plans and protocols must be established, documented and practiced prior to operations commencing on site. All operators must be trained and certified, and plant management will be trained in incident command. Drills must be practiced annually and jointly with the local emergency responders (at the discretion of the emergency responders).

All loading and unloading of materials, along with storage of materials must occur within the structure.

R. **Safety. The following security measures must be implemented at a minimum.**

- All staff shall be trained for spill containment and cleanup. A copy of the training shall be submitted to Storey County.
- All medical waste shall be double contained.
- The property shall be enclosed with a minimum 6-foot high fence and entrances shall be gated.
- The premises must be well lit in order to maintain property security. The lighting plan shall be designed to provide necessary operation, but not be over obtrusive to avoid safety hazard(s) for adjacent right-of-ways and/or light pollution, and shall comply with Chapter 8.02 of the Storey County Code.
- No outside storage of materials is permitted or proposed with this application. All materials will be housed either in the main building or in separate accessory

buildings, or temporarily within enclosed trucks waiting for unloading into the facility, designed to meet the requirements of this special use permit and any federal, state, and local regulations.

S. **State/Federal Taxes**. Whenever Nevada law requires the payment of a sales and/or use tax, all materials and equipment purchased or rented for this project should be received in Storey County and the value reported as 'county-of-delivery' on the Nevada Dept. of Taxation form TXR-01.01 'Sales/Use Tax Return'. Proof of appropriate reporting is required prior to a 'Certificate of Occupancy' being issued. Additionally, when applicable, the Permit Holder shall be responsible for reporting and paying all Federal Motor Fuels and Lubricants taxes.

T. **Emergency Training**. The Permit Holder shall provide and/or pay for any and all special training and/or equipment needed for the Storey County personnel that is required due to the operation of the facility. This may include plugging, diking, air monitoring, Level A response suits or any other item required to properly and safely respond to the facility. This may also include medical equipment specifically needed for exposure to specific products, including body substance isolation (BSI) personal protective equipment (PPE) as needed when operating within the facility.

U. **Emergency Response Training**. The facility shall be an active member of the Storey County Local Emergency Planning Committee. This includes participation as requested for drills.

V. **Water and Sewer Connection**. The Permit Holder shall provide a 'Will Serve' letter from Tahoe-Reno Industrial Center General Improvement District to the Storey County Building Department for the necessary water and sewer to operate the facility prior to any construction permits being granted for the property.

W. **Environmental Monitoring**. Before operations commence, the Permit Holder shall submit to Storey County a copy of the environmental monitoring requirements applicable to the facility under the environmental permits issued for the facility. The Permit Holder shall include storm water management measures on its site plan which shall be submitted to Storey County Community Development Department for approval. Community Development.

X. **Incident Reporting**. Any uncontrolled release of hazardous materials shall be required to be reported immediately to Storey County Emergency Dispatch via 9-1-1. The incident shall be immediately reported to Storey County Community Development and Planning Departments and the Nevada Division of Environmental Protection (NDEP). The Permit Holder shall comply with the NDEP's clean-up requirements and provide Storey County Emergency Management and Fire District a copy of NDEP's completion of remediation. All hazardous materials incident clean-up and response costs shall be borne by the permit holder as part of the issuance of this special use permit. Incidents exceeding a standard first alarm response will be billed to the company. If mutual aid is warranted to suppress an incident, those costs shall also be funded by the company.

Y. **Fluid Containment**. The Permit Holder shall construct containment systems in areas where fuels and other types of hazardous materials are being stored or processed to prevent spills, if any, from entering the environment. The containment system shall be designed and installed to the satisfaction of the Storey County Community Development Department and in accordance with model codes.

Z. **Air Emissions**. Air emissions from the facility shall meet the Nevada Division of Environmental Protection permit requirements. Copies of the annual reports of environmental quality, necessary to comply with the requirements of the permit issued by the Bureau of Air Pollution Control, Nevada Division of Environmental Protection (NDEP) shall be submitted to Storey County Planning Department. In the event that there is an air discharge in excess of the standards approved by NDEP under the construction or operating permit, the permit holder shall provide Storey County Planning Department a copy of any notice of the event or plan to remediate the event submitted to NDEP. If the Permit Holder is required by the Bureau of Air Pollution Control, Nevada Division of Environmental Protection to prepare a report on the event, the permit holder shall submit a copy of the report to Storey County Planning Development. There shall be no obnoxious odors released into the air that are a nuisance to abutting properties. The facility will be subject to Title 40 of Federal regulations (*40 CFR Part 60 – Standards of Performance for New Stationary Sources, Subpart Ec, Standards of Performance for Hospital/Medical/infectious Waste incinerators for Which Construction is Commenced After June 20, 1996*) which provides federally enforceable standards of performance for facilities of this type. Although the proposed facility is not considered an incinerator, based on meetings with regulatory authorities, the facility will be subject to these same standards and requirements.

AA. **Drainage Protection**. All process drains around each unit and site drainage shall be designed to prevent the discharge of oils to the sewer or septic system and or storm drain systems. All site drainage shall be designed as not to adversely impact surrounding property owners.

BB. **Nevada Division of Environmental Protection (NDEP)**. The Permit Holder shall demonstrate all required permits from the NDEP have been obtained prior to commencing the project.

CC. **Power Generation**. This permit acknowledges the potential for generation of excess power. Any proposed power purchase agreement or connection to a power facility is a private agreement and Storey County is not a part of any discussions or negotiations between other parties. Any proposed physical connections (such as power lines) may require future Storey County review and/or permitting.

DD. **Compliance**. The use on the subject property, along with the medical waste materials transported to the site, must comply with all applicable federal, state, and county codes and regulations and the submitted plans and reports, as approved. The Permit Holder must provide the community development department plans drawn to scale prior to obtaining a building permit. The Permit Holder shall be responsible for maintaining the premises and managing operations in accordance with all conditions and stipulations set forth by this Special Use Permit and all other federal, Nevada State, and Storey County codes and regulations. Failure to comply with the requirements herein shall elicit a

written warning to the Permit Holder by Storey County on the first and second offense. A third offense shall warrant Storey County to revoke the Special Use Permit. Storey County shall reserve the right to conduct periodic reviews of the Permit Holder's compliance with all conditions and stipulations of the Special Use Permit. In the event of a life safety issue, standard stop work orders and red tags will be issued as approved within the fire and building codes.

Storey County may refer this Special Use Permit to the Board of County Commissioners for show-cause hearing for revocation based on reasons listed in this section. The procedures for show-cause will be pursuant to Storey County Code. The continuation of uses of a revoked Special Use Permit is a violation of SCC Title 17 (Zoning) and will be punishable as provided for therein or other applicable codes. The Special Use Permit may be referred to show-cause for the following reasons:

- Failure to comply with the SUP conditions, or federal, state, and county regulations, without appropriate remedy;
- Any misrepresentation made in the application for the SUP or in other official documents, or amendments thereof, submitted to a federal, state, or local agency;
- Failure to provide notice to the county on violations, disasters, notice of decisions, and other such correspondence from federal, state, and local agencies as required in this SUP.

EE. **Fire.** The applicant shall meet all regulations identified by the Storey County Fire Protection District for development of this property. The project shall be evaluated to determine if there are any applicable elements of the proposed project that may require inclusion in the respiratory consortium, the hose and nozzle consortium, ladder reimbursement consortium and/or foam consortium at the time of construction plan submittal. The Fire Protection District shall have the final authority on participation.

5. Public Comment

Staff has received correspondence in opposition to the project prior to the Planning Commission meeting. This correspondence has been forwarded to the Commissioners separately as it has been received. In addition, the correspondence has been posted on the Storey County website.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff and the Planning Commission in accordance with the Findings of Fact under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended motion for approval

In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve of Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

B. Alternative motion for denial

Against the recommendation by staff and the Planning Commission, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I (*commissioner)*, move to deny Special Use Permit 2020-021, to construct and operate a medical and other special waste incinerator facility. The project has the potential to provide generation of excess power, which is considered an "electric or gas power generating plant" which is also subject to a special use permit. The subject property is located at 1655 Milan Drive, Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, a portion of Assessor's Parcel Number (APN) 005-111-73.

Vanessa Stephens

From: Lyndi Renaud
Sent: Friday, August 7, 2020 10:04 AM
To: Keith Loomis; Vanessa Stephens
Cc: Austin Osborne; Kathy Canfield
Subject: FW: Storey County Planning Commission - Letter of Concern

Hi Keith and Vanessa,

See correspondence below regarding Stericycle's SUP request 2020-021 which will be heard at the BOCC 8-18-20.

I will not be posting it to the planning site or sending it to the county commissioners since the planning commission approved the SUP request this last night and now it's on to the BOCC.

Thank you, Lyndi

Lyndi Renaud
Planning Assistant
Storey County Planning Department
PO Box 176
Virginia City, NV 89440
775.847.1144

Storey County is an Equal Opportunity Provider.

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From: Fortunato Villamagna <fvillamagna@msn.com>
Sent: Friday, August 7, 2020 9:18 AM
To: Austin Osborne <aosborne@storeycounty.org>; Corrado DeGasperis <degasperis@sierraozfund.com>
Cc: Scott Jolcover <SJolcover@comstockmining.com>; Kathy Canfield <kcanfield@storeycounty.org>; Lyndi Renaud <lrenaud@storeycounty.org>
Subject: RE: Storey County Planning Commission - Letter of Concern

Hello Everyone,

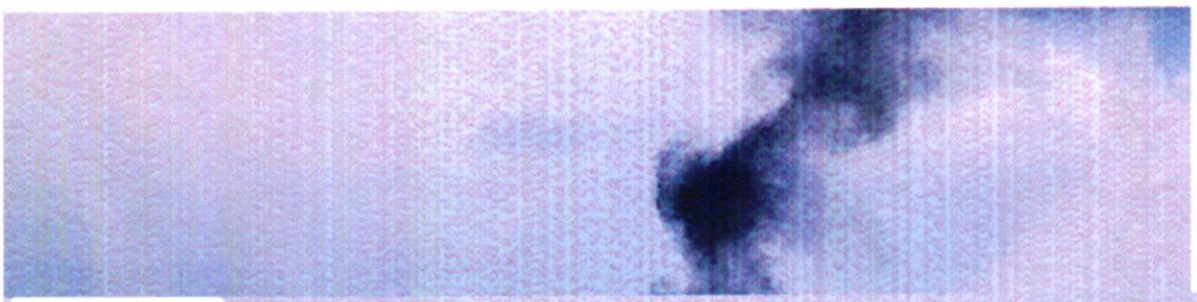
I am jumping into this conversation (Corrado introduced me in the email below) because I attended the call last night, and while my hand was up for a long period of time I was never called on. Not being familiar with procedures I was reluctant to just start talking, and towards the end of the call the chairman actually acknowledged there was someone with their hand up but we had run out of time.

To reinforce Corrado's statement, the incinerator is really not a good idea for **any location**, and I was astonished at the lack of concern about something that emits so many pollutants. Air pollution does not stay within the property fence, and wind does a great job of evenly sprinkling it around. Painting this as " 20 acres on a piece of land zoned heavy industrial" is ridiculous. Not all "heavy industrial" operations have a five foot diameter stack spewing crap in the air! Does a low population density in Storey make this OK? I am a responsible business owner; do you think I (or anyone who believes in proper stewardship) would set up shop near an incinerator?

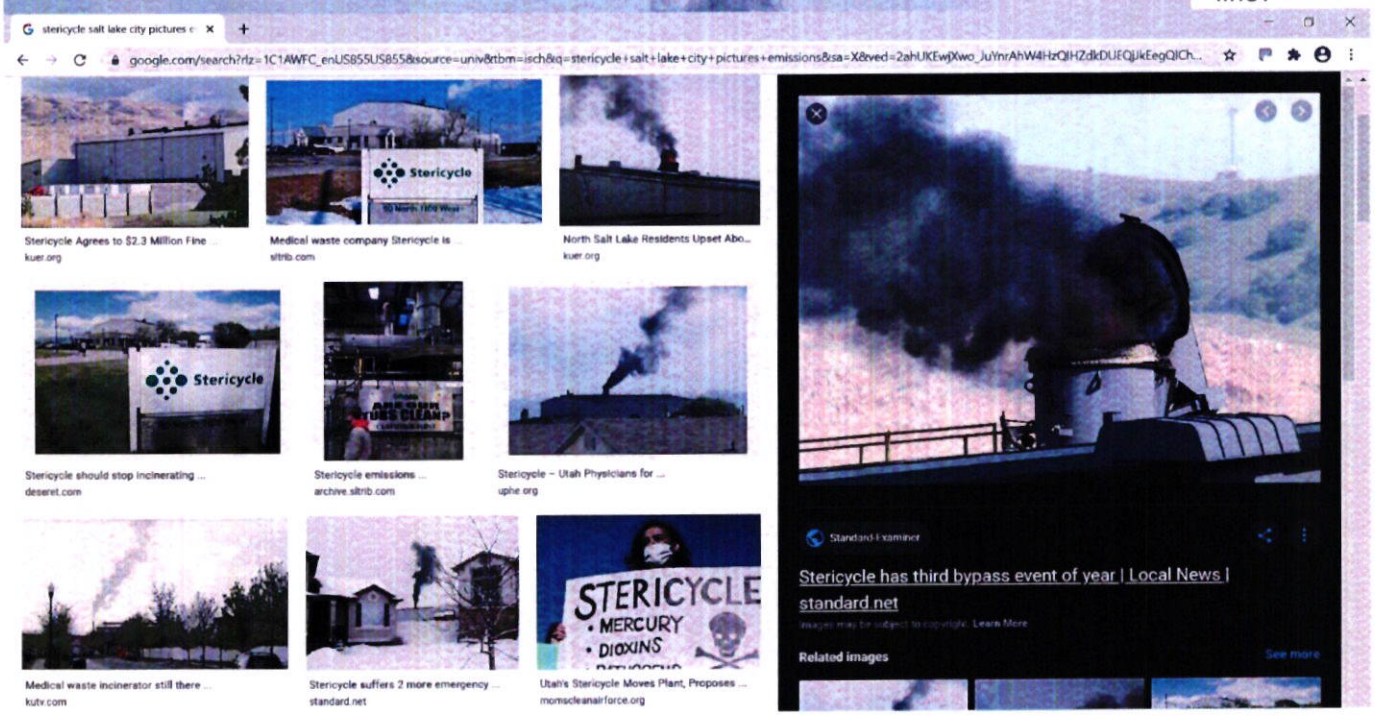
I will offer the attached link to a video from Stericycle's forced closure in Salt Lake City.

https://www.environews.tv/070313-bradley-angel-of-greenaction-on-stericycle-medical-incinerator-and-how-they-helped-shut-down-other-medical-waste-facilities/
(Crtl + click the link)

Or just do a quick Google search of your own. It's all out there; you don't need to take my word for it.



Does anyone think this smoke stayed inside the fence line?



Not first event, not second event, but third in a year. Do you think all the other six facilities don't have events?

From: Austin Osborne <aosborne@storeycounty.org>
Sent: Friday, August 7, 2020 8:39 AM
To: Corrado DeGasperis <degasperis@sierraozfund.com>
Cc: Fortunato Villamagna <fvillamagna@msn.com>; Scott Jolcover <SJolcover@comstockmining.com>; Kathy Canfield <kcanfield@storeycounty.org>; Lyndi Renaud <lrenaud@storeycounty.org>
Subject: RE: Storey County Planning Commission - Letter of Concern

Corrado,
Thank you for your submitted correspondence. It will be added to the record.
Austin

From: Corrado DeGasperis <degasperis@sierraozfund.com>
Sent: Thursday, August 6, 2020 2:29 PM
To: Austin Osborne <aosborne@storeycounty.org>
Cc: Fortunato Villamagna <fvillamagna@msn.com>; Scott Jolcover <SJolcover@comstockmining.com>
Subject: Re: Storey County Planning Commission - Letter of Concern

Hi Austin, I just wanted to acknowledge that I only understood this a few days ago and I am pro-Storey county and pro-business, but I just feel this is not best for Storey. I am happy to discuss live and hope I didn't come across negatively. I am happy to discuss live and sorry for the last minute letter. I hope it's all for the good of Storey County. Kindest thanks, Corrado

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From: Corrado DeGasperis <degasperis@sierraozfund.com>
Date: Thursday, August 6, 2020 at 12:45 PM
To: "collinsconstruct@gmail.com" <collinsconstruct@gmail.com>, "sgmsilverdollar@outlook.com" <sgmsilverdollar@outlook.com>, "djhthree@gmail.com" <djhthree@gmail.com>, "adriannebaugh@charter.net" <adriannebaugh@charter.net>, "Summerpellett@yahoo.com" <Summerpellett@yahoo.com>, "lprater@powernet.net" <lprater@powernet.net>, "mkpthompson2011@yahoo.com" <mkpthompson2011@yahoo.com>
Cc: "Austin Osborne - Storey County, Nevada" <aosborne@storeycounty.org>, Fortunato Villamagna <fvillamagna@msn.com>, Scott Jolcover <SJolcover@comstockmining.com>, Zach Spencer <spencer@comstockmining.com>
Subject: Storey County Planning Commission - Letter of Concern

Dear Planning Commissioners, please accept my input on the matter of the Stericycle application. We are against any business that pollutes with a clear and present track record on non-compliance. This is a situation of Company unable to get traction and approval in so many jurisdictions, in an incinerating industry that is being replaced with new, clean technology, but more importantly, acts poorly when safety and community is at risk.

We are PRO-responsible business, have helped ourselves to the highest Storey County standards, and only ask for you to consider the same. It is outside my norm to oppose new business, and oddly uncomfortable, but in today's world and for the quality of our future, we must face the risk from a community, safety, marketing and image perspective, and of non-compliance, is just too high for all of us.

Please consider the facts in my letter, and if possible, have it read into the record, at today's commission meeting. Please deny this application. It does not meet our standards for character and safety.

I am copying Fortunato Villamagna, a Nevadan, and a pioneering clean tech leader in clean, efficient, medical waste destruction (not incineration) who we were hoping to bring to northern Nevada, with clean, innovative, technology and business. Regardless of that, we still feel this is an application that should be deemed unreliable and unsafe.

Kindest regards,

Corrado DeGasperis
Sierra Springs Opportunity Fund Inc.

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 08-18-2020 **Estimate of time required:** 0 - 5

Agenda: Consent [ ] Regular agenda [X] Public hearing required [ ]

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1. **Title:** Business License Second Readings -- Approval

2. **Recommended motion:** Approval

3. **Prepared by:** Ashley Mead

   Department: Community Development **Telephone:** 847-0966

4. **Staff summary:** Second readings of submitted business license applications are normally approved unless, for various reasons, requested to be continued to the next meeting. A follow-up letter noting those to be continued or approved will be submitted prior to the Commission Meeting. The business licenses are then printed and mailed to the new business license holder.

5. **Supporting materials:** See attached Agenda Letter

6. **Fiscal impact:**

   Funds Available: Fund: ____ Comptroller

7. **Legal review required:**

   ____ District Attorney

8. **Reviewed by:**

   X Department Head Department Name: Community Development

   ____ County Manager Other agency review: _____

9. **Board action:**

   [ ] Approved [ ] Approved with Modifications

   [ ] Denied [ ] Continued

Agenda Item No. 22

Storey County Community Development

110 Toll Road ~ Gold Hill Divide
P O Box 526 ~ Virginia City NV 89440

(775) 847-0966 ~ Fax (775) 847-0935
CommunityDevelopment@storeycounty.org

To: Vanessa Stephens, Clerk's office
Austin Osborne, County Manager

August 10, 2020
Via Email

Fr: Ashley Mead

Please add the following item(s) to the **August 18, 2020** COMMISSIONERS Consent Agenda:

LICENSING BOARD
SECOND READINGS:

A. **Adelita's Tamales –** Food Truck / 917 Desert Breeze Way ~ Fernley, NV
B. **Denmark Commerce Park Owner's Assoc.** – Non-Profit / 1485 La Briana Ave ~ Reno, NV
C. **G3 Solar, LLC** – Contractor / 272 W 200 N. #200 ~ Lindon, UT
D. **Hammond Homes and Construction LLC** – Contractor / 1780 Lattin Road ~ Fallon, NV
E. **Holder Construction Group LLC** – In-County Contractor / 2555 USA PKWY ~ McCarran, NV
F. **Iconic Concrete LLC** – Contractor / 2740 Beach River Dr ~ Reno, NV
G. **QA Group, LLC** – Out-of-County / 3400 E. Third Ave ~ Foster City, CA
H. **Two Rivers Demolition, Inc.** – Contractor / 2620 Mercantile Dr. ~ Rancho Cordova, CA

Ec: Community Development
Commissioner's Office
Planning Department
Comptroller's Office
Sheriff's Office

Storey County Board of Fire Commissioners
Agenda Action Report

Meeting date: 08/18/20 **Estimate of time required:** 45 min.

Agenda: Consent [ ] Regular agenda [ ] Public hearing required [ ] **(x Closed Session)**

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1. **Title:** Call to Order Closed Session pursuant to NRS 288.220 for the purpose of conferring with district and county management and legal counsel regarding labor negotiations with the Storey County Firefighters Association IAFF Local 4227. ***This meeting will commence immediately following the regular meeting of the Storey County Board of County Commissioners.***

2. **Recommended motion.** No action

3. **Prepared by:** Jeff Nevin and Austin Osborne

   Department: Fire District and County Manager offices **Telephone:** 847-0954/847-0968

4. **Staff summary:** Pursuant to NRS 288 and the existing bargaining agreements between the Storey County Firefighters Association and the Storey County Board of Fire Commissioners, the bargaining agreements are proposed to be modified separately as tentatively agreed between the parties.

5. **Supporting materials:** Provided at meeting.

6. **Fiscal impact:**

   Funds Available: n/a Fund: ____ Comptroller

7. **Legal review required:**

   ____ District Attorney

8. **Reviewed by:**

   ____ Department Head Department Name: Commissioner's Office

   __@'__ County Manager Other agency review:

9. **Board action:**

   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 25