

**HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36
CONSOLIDATED RATE ORDER AND RULES AND REGULATIONS**

Adopted:	February 3, 1999	Amended:	March 16, 2012
Amended:	March 17, 1999	Effective:	April 1, 2012
Amended:	May 26, 1999	Amended:	August 3, 2012
Amended:	July 21, 1999	Amended:	January 4, 2013
Amended:	September 21, 1999	Effective:	January 4, 2013
Amended:	March 28, 2001	Amended:	April 19, 2013
Amended:	April 11, 2001	Effective:	April 19, 2013
Amended:	August 15, 2001	Amended:	November 8, 2013
Amended:	January 30, 2002	Effective:	November 1, 2013
Amended:	July 17, 2002	Amended:	March 7, 2014
Amended:	December 4, 2002	Amended:	June 6, 2014
Amended:	September 24, 2003	Amended:	March 18, 2015
Amended:	June 16, 2004	Effective:	March 4, 2015
Amended:	July 20, 2004	Amended:	April 8, 2015
Amended:	August 19, 2004	Effective:	April 1, 2015
Amended:	October 19, 2004	Amended:	September 9, 2015
Amended:	December 13, 2004	Effective:	September 1, 2015
Amended:	August 17, 2005	Amended:	April 19, 2017
Amended:	September 7, 2005	Effective:	May 1, 2017
Amended:	February 22, 2006	Amended:	May 17, 2017
Amended:	March 22, 2006	Effective:	May 1, 2017
Amended:	June 7, 2006	Amended:	October 18, 2017
Amended:	November 15, 2006	Effective:	November 1825, 2017
Amended:	April 4, 2007	Amended:	December 6, 2017
Amended:	August 3, 2007	Effective:	December 1, 2017
Amended:	August 17, 2007	Amended:	April 18, 2018
Effective:	September 1, 2007	Effective:	May 1, 2018
Amended:	December 19, 2007	Amended:	July 10, 2018
Amended:	June 6, 2008	Effective:	August 1, 2018
Amended:	July 15, 2008	Amended:	November 14, 2018
Effective:	September 1, 2008	Effective:	December 1, 2018
Amended:	August 15, 2008	Amended:	April 9, 2019
Amended:	September 19, 2008	Effective:	April 23, 2019
Amended:	November 21, 2008	Amended:	May 14, 2019
Effective:	January 1, 2009	Effective:	May 28, 2019
Amended:	March 20, 2009	Amended:	October 8, 2019
Effective:	April 1, 2009	Effective:	November 1, 2019
Amended:	September 18, 2009	Amended:	February 11, 2020
Amended:	December 18, 2009	Effective:	March 1, 2020
Effective:	January 1, 2010	Amended:	April 21, 2020
Amended:	March 5, 2010	Effective:	May 1, 2020
Amended:	April 9, 2010	Amended:	May 26, 2020
Amended:	June 4, 2010	Effective:	June 1, 2020
Amended:	November 18, 2010	Amended:	June 9, 2020
Effective:	December 1, 2010	Effective:	April 1, 2020
Amended:	February 25, 2011	Amended:	July 28, 2020
Effective:	January 1, 2011	Effective:	April 1, 2020
Amended:	August 19, 2011	Amended:	September 22, 2020
Amended:	March 2, 2012	Effective:	October 1, 2020
Effective:	December 1, 2011	Amended:	November 10, 2020

Effective:	December 1, 2020
Amended:	January 26, 2021
Effective:	February 1, 2021
Amended:	March 23, 2021
Effective:	April 1, 2021
Amended:	June 15, 2021
Effective:	November 1, 2021
Amended:	October 12, 2021
Effective:	November 1, 2021
Amended:	October 26, 2021
Effective:	January 1, 2022
Amended:	December 14, 2021
Effective:	June 1, 2022
Amended:	March 22, 2022
Effective:	April 1, 2022
Amended:	April 12, 2022
Effective:	May 1, 2022
Amended:	May 10, 2022
Effective:	July 1, 2022
Amended:	May 19, 2022
Effective:	June 1, 2022
Amended:	June 28, 2022
Effective:	July 1, 2022
Amended:	August 9, 2022
Effective:	September 1, 2022
Amended:	October 25, 2022
Effective:	October 26, 2022
Amended:	December 13, 2022
Effective:	January 1, 2023
Amended:	March 28, 2023
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Amended:	June 11, 2024
Effective:	July 1, 2024
Amended:	August 27, 2024
Effective:	September 23, 2024
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**HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36
CONSOLIDATED RATE ORDER AND RULES AND REGULATIONS**

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**ORDER AMENDING CONSOLIDATED
RATE ORDER AND RULES AND REGULATIONS**

STATE OF TEXAS §
COUNTY OF HARRIS §
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36 §

WHEREAS, the Board of Directors (the "Board") of Harris County Water Control and Improvement District No. 36 (the "District") has from time to time adopted certain rates and rules and regulations establishing the rates and conditions under which water, sanitary sewer and solid waste collection service would be provided; and

WHEREAS, the Board of the District has determined that it is in the best interest of the District to amend and restate its rates and rules and regulations to include a new rate for assessing a fine of 1 and ½ times the actual cost of reinstalling water or sewer tap after a tap is pulled for theft of service the renter or owner must pay this prior to reinstating the water service; and

WHEREAS, on December 4, 2002, the Board of the District determined that it was necessary to increase the deposit for new service or reconnections to the amount of \$200.00; and

WHEREAS, on September 24, 2003, the Board of the District determined that it was necessary to better define its service fee charges; and

WHEREAS, on June 16, 2004, the Board of the District determined that it was necessary to better define Section 2.02, Proof of Residency; and

WHEREAS, on July 20, 2004, the Board of the District determined that it was necessary to increase the water and sewer service rates; and

WHEREAS, on August 19, 2004, the Board of the District determined that it was necessary clarify certain portions of the District's Rules and Regulations; and

WHEREAS, on October 19, 2004, the Board of the District determined that it was necessary to increase the fees for theft of water for a first offense from \$50.00 to \$250.00 and for a second offense from \$100.00 to \$500.00; and

WHEREAS, on December 13, 2004, the Board of the District determined that it was necessary to increase the one inch (1") or larger tap fees to two times (2x) the actual cost; and

WHEREAS, on August 17, 2005, the Board of the District determined that it was necessary to amend the Rate Order in order to allow one (1) pool filling per year without a sewer charge for the water used to fill the pool; and

WHEREAS, on September 7, 2005, the Board determined that it was necessary to amend the Rate Order in order to eliminate the ten (10) day notice requirement for illegal connections; and

WHEREAS, on February 22, 2006, the Board determined that it was necessary to amend the Rate Order to include a new rate for assessing a fine of one and one-half (1½) times the actual cost of reinstalling water or sewer tap after a tap is pulled for theft of service which the renter or owner must pay prior to reinstating the water service; and

WHEREAS, on March 22, 2006, the Board determined that it was necessary to amend the Rate Order to revise the tap fees, commercial or multi-unit plumbing inspection charge and to add that an unacceptable plumbing practice must be disconnected or removed immediately after discovery; and

WHEREAS, on June 7, 2006, the Board determined that it was necessary to amend the Rate Order in order to correct Article VII, Section 7.02 A.2., to reflect a penalty of \$500.00 for a second offense of theft of water; and

WHEREAS, on November 15, 2006, the Board determined that it was necessary to amend the Rate Order to revise the fees charged for solid waste collection services for all non-commercial customers; and

WHEREAS, on April 4, 2007, the Board of the District determined that it was necessary to increase the water and sewer service rates; and

WHEREAS, on July 6, 2007, the Board of the District determined that it was necessary to amend the Rate Order to add a new Section 3.05 regarding meter calibration; and

WHEREAS, on August 3, 2007, the Board of the District determined that it was necessary to amend the Rate Order to add a new Section 4.03 to include electronic payments and credit card payments; and

WHEREAS, on August 17, 2007, the Board of the District determined that it was necessary to increase the water and sewer service rates; and

WHEREAS, on December 19, 2007, the Board determined that it was necessary to amend the Rate Order to revise the fees charged for solid waste collection services for all non-commercial customers; and

WHEREAS, on June 6, 2008, the Board determined that it was necessary to amend the Rate Order to add temporary water and sewer rates to the Rate Schedule, Appendix "A" to the Rate Order; and

WHEREAS, on July 15, 2008, the Board determined that it was necessary to amend the enforcement of rules and regulations and increase the civil penalties for breach of any rule of the District and the addition of charges to repair clean-outs, and repair or replacement of meter boxes; and

WHEREAS, on August 15, 2008, the Board determined that it was necessary to amend the Rate Order to amend water rates and remove solid waste collection charges; and

WHEREAS, on September 19, 2008, the Board determined that it was necessary to amend the Rate Order to address the responsibility of non-taxed entities for payment of meter costs for new and/or replacement meters; and

WHEREAS, on November 21, 2008, the Board determined that it was necessary to amend the Rate Order to increase the fees for solid waste collection and the mass notification system; and

WHEREAS, on March 20, 2009, the Board determined that it was necessary to amend the Rate Order to increase the water rates by six percent (6%) effective April 1, 2009; and

WHEREAS, on September 18, 2009, the Board determined that it was necessary to amend the Rate Order to clarify the penalty calculation and to add a category for out-of-District customers served through Harris County Municipal Utility District No. 53 ("MUD 53"); and

WHEREAS, on December 18, 2009, the Board determined that it was necessary to amend the Rate Order to increase the water rates by sixteen percent (16%) effective January 1, 2010; and

WHEREAS, on March 5, 2010, the Board determined that it was necessary to amend the Rate Order to allow a temporary multi-unit reconnection period extension of an additional one (1) year as a result of Hurricane Ike; and

WHEREAS, on April 9, 2010, the Board determined that it was necessary to amend the Rate Order to increase inspection fees and miscellaneous fees; and

WHEREAS, on June 4, 2010, the Board determined that it was necessary to amend the Rate Order to rename "inspection fees" to "customer service inspection fees," and increase such customer service inspection fees and miscellaneous fees; and

WHEREAS, on November 18, 2010, the Board determined that it was necessary to amend the Rate Order to increase the fee for water services in the amount of \$0.25 to incorporate the solid waste collection services fee increase associated with WCA Waste Corporation, with such increase to be effective December 1, 2010; and

WHEREAS, on February 25, 2011, the Board determined that it was necessary to amend the Rate Order to increase the residential, commercial, multi-unit, outside of District residential and temporary water rates by thirteen percent (13%) effective January 1, 2011; and

WHEREAS, on August 19, 2011, the Board determined that it was necessary to amend the Rate Order to address rates for out-of-District industrial customers; and

WHEREAS, on March 2, 2012, the Board determined that it was necessary to amend the Rate Order to adjust the monthly fee for water services to include costs associated with the solid waste collection fees of O.F.S. Solid Waste, Inc., with such adjustment to be effective December 1, 2011; and

WHEREAS, on March 16, 2012, the Board determined that it was necessary to amend the Rate Order to eliminate acceptance of cash as a form of payment for water and sewer service

effective April 1, 2012, and to increase the residential, commercial, multi-unit, outside of District residential and temporary water rates by 3.3 percent (3.3%) effective April 1, 2012; and

WHEREAS, on August 3, 2012, the Board determined that it was necessary to amend the Rate Order to revise the credit card processing fee assessed at the time of payment from a percentage to a flat fee; and

WHEREAS, on January 4, 2013, the Board determined that it was necessary to amend the Rate Order to increase the solid waste collection services fee increase associated with O.F.S. Solid Waste, Inc., with such increase to be effective January 4, 2013; and

WHEREAS, on April 19, 2013, the Board determined that it was necessary to amend the Rate Order to increase the residential, commercial, multi-unit, outside of District residential, temporary and out-of-District Industrial water rates by 3.6 percent (3.6%) effective April 19, 2013; and

WHEREAS, on November 8, 2013, the Board determined that it was necessary to amend the Rate Order to adjust the monthly fee for water services to include increased costs associated with the solid waste collection fees of O.F.S. Solid Waste, Inc.; add a new online payment method through the District's website, correct out-of-District industrial water rates; and increase water tap fees for 5/8" and 3/4" taps, with such amendments to be effective November 1, 2013; and

WHEREAS, on March 7, 2014, the Board determined that it was necessary to amend the Rate Order to address lead content requirements in plumbing fixtures and establish rules and regulations governing mobile food establishments; and

WHEREAS, on June 6, 2014, the Board determined that it was necessary to amend the Rate Order to establish a \$50 connection fee for all new accounts; and

WHEREAS, on March 18, 2015, the Board determined that it was necessary to amend the Rate Order to increase the short sewer tap fee as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective March 1, 2015; and

WHEREAS, on April 8, 2015, the Board determined that it was necessary to amend the Rate Order to increase the residential, commercial, multi-unit, outside of District residential, temporary and out-of-District Industrial water and sewer rates as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective April 1, 2015; and

WHEREAS, on September 9, 2015, the Board determined that it was necessary to amend the Rate Order to add a new class for single/multi-family residential, commercial, multi-unit, outside of District residential, temporary and out-of-District Industrial water and sewer rates as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective September 1, 2015; and

WHEREAS, on April 19, 2017, the Board determined that it was necessary to amend the Rate Order regarding adding a service reactivation fee and rules for service reactivation after an account has been dormant for ten (10) years, to be effective May 1, 2017; and

WHEREAS, on May 17, 2017, the Board of the District determined that it was necessary to increase the water service rates by 5%, effective May 1, 2017; and

WHEREAS, on October 18, 2017, the Board of the District determined that it was necessary to increase the residential security deposit at service locations with multiple delinquencies, effective November 1, 2017; and

WHEREAS, on December 6, 2017, the Board determined that it was necessary to amend the Rate Order to revise the fees charged for solid waste collection services; and

WHEREAS, on April 18, 2018, the Board determined that it was necessary to amend the Rate Order to increase the water and sewer rates effective May 1, 2018; and

WHEREAS, on July 10, 2018, the Board determined that it was necessary to amend the Rate Order by adding an After Hours Fee for call-outs initiated after business hours under miscellaneous fees, effective August 1, 2018; and

WHEREAS, on November 14, 2018, the Board determined that it was necessary to amend the Rate Order to revise the fees charged for solid waste collection services; and

WHEREAS, on April 9, 2019, the Board determined that it was necessary to amend the Rate Order to increase the water and sewer rates effective April 23, 2019; and

WHEREAS, on May 14, 2019, the Board determined that it was necessary to amend the Rate Order to inform customers regarding debt collections and to add a new rate table for non-tax paying entities, effective May 28, 2019; and

WHEREAS, on October 8, 2019, the Board determined that it was necessary to amend the Rate Order to include Grease trap reporting requirement fee, should the report not be submitted timely, and a bypass fee should there be a bypass and adding Engineering Fees for multi-family commercial properties up to \$5,000, effective November 1, 2019; and

WHEREAS, on February 11, 2020, the Board determined that it was necessary to amend the Rate Order by reducing the rate for the Mass Notification system from \$0.30 to \$0.08. effective March 1, 2020; and

WHEREAS, on April 21, 2020, the Board determined that it was necessary to amend the Rate Order by clarifying the penalties for damage to District facilities; and

WHEREAS, on May 26, 2020, the Board determined that it was necessary to amend the Rate Order by to clarify that in order to be eligible for connecting service the platted lot must be buildable; and

WHEREAS, on July 28, 2020, the Board determined that it was necessary to amend the Rate Order to increase the water rates by three and a half percent (3.5%) effective April 1, 2020 pursuant to the City of Houston's rate increase; and

WHEREAS, on September 22, 2020, the Board determined that it was necessary to amend the Rate Order to add additional provisions under Section 8.03, Illegal Connections in order to establish escalating penalties for multi-user violations, effective October 1, 2020; and

WHEREAS, on November 10, 2020, the Board determined that it was necessary to amend the Rate Order for Engineering deposits and fees for modifications to existing structures, new structures and annexations, effective December 1, 2020; and

WHEREAS, on January 26, 2021, the Board determined that it was necessary to amend the Rate Order regarding Grease interceptor Inspection and Fees, effective February 1, 2021; and

WHEREAS, on March 9, 2021, the Board determined that it was necessary to amend the Rate Order to add a cut-off valve requirement; and

WHEREAS, on March 23, 2021, the Board determined that it was necessary to amend the Rate Order to update name change for Harris County Public Health and Environmental Services (HCPHES) as well as Mobile Food Truck policy changes, effective April 1, 2021; and

WHEREAS, on March 23, 2021, the Board determined that it was necessary to amend the Rate Order to add a leak adjustment procedure in billing for the lowest tier for one (1) month in a 24-month billing cycle for water only and only residential customers; and

WHEREAS, on June 15, 2021, the Board determined that it was necessary to amend the Rate Order to increase the residential, commercial, multi-unit, outside of District residential, temporary and out-of-District Industrial water rates by 1.5 percent (1.5%), and to increase the water taps and the long and short sewer tap fees as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective June 15, 2021; and

WHEREAS, on October 12, 2021, the Board determined that it was necessary to amend the Rate Order to increase the fee for solid waste collection to \$16.45; and

WHEREAS, on October 26, 2021, the Board determined that it was necessary to amend the Rate Order to revise Section IX. Solid Waste; and

WHEREAS, on December 14, 2021, the Board determined that it was necessary to amend the Rate Order to increase the rate for assessing a fine to two (2) times the actual cost of reinstalling water or sewer tap after a tap is pulled for theft of service which the renter or owner must pay prior to reinstating the water service.

WHEREAS, on December 14, 2021, the Board determined that it was necessary to amend the Rate Order clarify the costs for new construction, other than tap fees.

WHEREAS, on December 14, 2021, the Board determined that it was necessary to amend the Rate Order to increase the costs for repairs to the system to include two (2) times the actual cost of repairing the system.

WHEREAS, on March 22, 2022, the Board determined that it was necessary to amend the Rate Order amend Section 3.03, Reduced Rates or Free Service, No Free Service or Reduced

Rates Except as Provided for Leak Adjustments, to provide for leak adjustments for commercial connections.

WHEREAS, on April 12, 2022, the Board determined that it was necessary to amend the Rate Order to update the backflow preventor reporting and add a fee for any forms submitted late; and

WHEREAS, on May 10, 2022, the Board determined that it was necessary to amend the Rate Order to increase the water rates by nine and five hundredths percent 9.05% effective June 1, 2022 pursuant to the City of Houston's rate increase; and

WHEREAS, on May 19, 2022, the Board determined that it was necessary to amend the Rate Order to increase the fee for solid waste collection by \$2.00; and

WHEREAS, on June 28, 2022, the Board of the District determined that it was necessary to amend Section 2.01 of the Rate Order in order to reduce the period of an inactive account from ten (10) years to five (years); and

WHEREAS, on August 9, 2022, the Board determined that it was necessary to amend the Rate Order to require the installation of a meter to the fire line in order to determine the occurrence of a leak and to require any fire lines currently in existence without a meter to place a meter on the fire line; and

WHEREAS, on October 25, 2022, the Board determined that it was necessary to amend the Rate Order to clarify the definition of a multi-unit connection; and

WHEREAS, on December 13, 2022, the Board determined that it was necessary to amend the Rate Order to increase the rate for the Mass Notification System from \$0.08 to \$0.096, as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective January 1, 2023; and

WHEREAS, on March 28, 2023, the Board of the District determined that it was amend the Rate Order to clarify a multi-unit definition and the number of washer/dryer connections per living unit of a multi-unit, as reflected under "Definitions" as the defined term: "**Living Unit**" to the Rate Order, to be effective April 1, 2023; and

WHEREAS, on May 9, 2023, the Board of the District determined that it was necessary to increase the water service rates by 9.2%, as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective June 1, 2023; and

WHEREAS, on May 23, 2023, the Board determined that it was necessary to amend the Rate Order to increase the long and short water tap fees as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective June 1, 2023; and

WHEREAS, on August 23, 2023, the Board determined that it was necessary to amend the Rate Order to increase the fee for solid waste collection to \$19.04, as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective September 1, 2023; and

WHEREAS, on January 23, 2024, the Board determined that it was necessary to amend the Rate Order to state customers with a residential and/or multi-family water service accounts are required in order to also receive sewer services, customers with a residential and/or multi-family sewer services account to also receive water services, as reflected in Section 2.01 to the Rate Order, to be effective February 1, 2024; and

WHEREAS, on March 12, 2024, the Board determined that it was necessary to amend the Rate Order to include fire hydrants and any property owned by the District as part of the definition of a “District facility”, as reflected in Section 4.07, by adding "fire hydrant"; to be effective April 1, 2024; and

WHEREAS, on March 26, 2024, the Board determined that it was necessary to amend the Rate Order to clarify the definition of an Illegal Connection, as reflected in Section 8.03, Illegal Connections, to be effective April 1, 2024; and

WHEREAS, on June 11, 2024, the Board determined that it was necessary to amend the Rate Order by amending the Article VIII., Section 8.01, Enforcement Penalties and Section 8.02, Remedies to clarify the District’s Penalties for violations to the District’s Rate Order and adding a \$500 penalty for any violation to the District’s Rate Order, to be effective July 1, 2024; and

WHEREAS, on August 27, 2024, the Board determined that it was necessary to amend the Rate Order to increase the water and sewer rates by two and one-half percent 2.50% pursuant to the City of Houston's rate increase, as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective September 1, 2024; and

WHEREAS, on August 27, 2024, the Board determined that it was necessary to amend the Rate Order to increase the fee for solid waste collection from \$19.04 to \$20.14, as reflected on the Rate Schedule, Appendix "A" to the Rate Order, to be effective September 1, 2024; and

WHEREAS, on March 11, 2025, the Board of the District determined that it was necessary amend Section 2.02, Proof of Residency; and Section 2.03 – Policies Governing Initial Connections, Item D. Number of Connections; and

WHEREAS, on April 8, 2025, the Board determined that it was necessary to amend the Rate Order to clarify the plumbing standards at the time of connection, as reflected in Section 2.01 of the Rate Order, to be effective April 8, 2025; and

WHEREAS, on July 8, 2025, the Board determined that it was necessary to amend the Rate Order by amending Section 2.04, Connections by District Operator of the Rate Order to disallow Lead and Copper materials, effective July 8, 2025.

WHEREAS, on July 8, 2025, the Board determined that it was necessary to amend the Rate Order by amending Section 4.01, Security Deposits, of the Rate Order to clarify that if a commercial and/or multi-unit account is cut off, the security deposit may be recalculated based on average consumption at the time. Additionally, if there is any difference in the required deposit amount, it will be collected prior to reconnection, effective July 8, 2025.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36 THAT:

**ARTICLE I.
DEFINITIONS**

For the purpose of this Order, the following terms shall have the meaning set out hereafter:

A. "Commercial" - shall mean any structure designed or utilized for business purposes including office buildings, hotels, shops, retail stores, warehouses, service stations, churches, schools, recreational centers and all other establishments not generally considered as residential structures or defined herein as a residential structure.

B. "Connection" - shall mean a single-family residential unit or each commercial, institutional or industrial establishment to which drinking water is supplied from the system.

C. "Customer" - shall mean any person, partnership, corporation, nonprofit corporation, trust or other legal entity served by the District's System with water and/or sewer services to a residence or business establishment owned or occupied by such person, partnership, corporation, nonprofit corporation, trust or legal entity.

D. "District" - shall mean Harris County Water Control and Improvement District No. 36.

E. "Domestic Waste" - shall mean liquid carried sanitary sewage discharge which is normally discharged from single family residential facilities.

F. "Illegal Connection" - shall mean any connection to the District's water and/or sewer system not authorized by the District's Rules and Regulations or approved by the District.

G. "Kitchen" – shall mean any room with one or more kitchen appliances.

H. "Living Unit" – shall mean any building with a kitchen; a building with multiple kitchens or more than one washing machine and dryer connection is considered to contain multiple living units and is considered to have one living unit for each kitchen and one washing machine and dryer connection in the building.

I. "Mobile Food Establishment" – shall mean a vehicle-mounted food establishment that is readily moveable and housed in a truck or trailer.

J. "Multi-family Residential Connection" - shall mean all multiplex residential connections which are served by a master meter, such as apartments, town homes, mobile homes and condominiums, as well as connections serving multiple dwelling units from a single meter.

K. "Multi-family Units" and "Multi-units" - shall mean the individual dwelling units served through the Multi-family Residential Connection's meter and shall include apartments, townhouses, condominiums, mobile homes and all individual dwelling units served by a single

or master meter, or any connection that serves more than one living unit or is serviced by more than one utility meter of the same type of utility (e.g. two electric meters which are billed separately).

L. "Multi-family Residential" and "Multi-family Units Connection" - shall mean on one (1) lot served by multiple meters.

M. "Non-taxable" - shall mean any entity not subject to property taxation pursuant to the provisions of the Texas Property Tax Code.

N. "Operator" - shall mean the District's General Manager and any person or persons under his supervision and employed by the District to operate the District's water and sewer system, collect amounts owed to the District for such services, report monthly to the Board on the operations of the District's System and perform any additional services directed by the District's Board of Directors.

O. "Rules and Regulations" - shall mean this Order and the Regulations Governing Water and Sanitary Sewer Facilities, Service Lines, and Connections attached to this Order as Appendix "B" and the Regulations Governing Wastewater Quantity and Quality (otherwise referred to as Wastewater Control Order), attached to this Order as Appendix "C" and incorporated herein for all purposes as well as the Uniform Plumbing Code as adopted by the District or amended from time to time.

P. "Separate Connection" - shall mean each residential unit designed for occupancy by a separate family, including each separate unit located within a single multi-unit building, and each commercial unit designed for use by a separate business, including separate establishments within a single building.

Q. "Single-family Residential" - shall mean any single-family structure within the District designed for occupation as a residence whether by the owner or by a renter or lessee, including any single-family residence, mobile home, townhouse, multiplex, apartment building, or other structure generally considered to be used solely for residential purposes by not more than one family and which is separately metered.

R. "Single/Multi-family (Special Circumstance)" - shall mean any single-family residential connection within the District used as a multi-family connection, which the District determines should not be disconnected due to a special circumstance of the occupant such as a properly documented life-threatening illness.

S. "System" - shall mean the water and/or sanitary sewer facilities of the District and all extensions and additions thereto, whether now in place or hereafter constructed.

ARTICLE II.

TAP FEES AND CONNECTION POLICY

Section 2.01 Initiation of Water and Sanitary Sewer Connections. Each person desiring a water and sanitary sewer service connection to the District's System shall be required to sign a Service Agreement with the District and to pay such fees as set forth in this Order. No service

shall be established or reestablished until such agreement is signed and such fees are paid. All service connections are subject to the provisions of the District's Rules and Regulations and all other rules, regulations, and policies of the District. If an account has been inactive for a period of five (5) years or more, District personnel must verify the condition of the existing water line and tap and may require a new tap be installed. A service re-activation fee shall be charged for such inspection and if a new tap is required, a tap fee shall be charged. In addition, if a meter has been idle for over five (5) years, a new automated water meter will be installed and the customer shall be charged the cost of the meter and installation. Each residential or multifamily account requesting a water service shall also be required to have sewer service. Additionally, each residential or multi-family account requesting sewer service shall also be required to have water service.

If a property has been disconnected for at least twelve consecutive (12) months, the property owner may be required to replace the water and/or sewer service lines at their own expense, if the existing lines are not in compliance with the current Rate Order and/or applicable state and local plumbing code. The District reserves the right to connect any customer conditioned upon compliance with this section in the time and manner required by this section; should the customer fail to meet such conditions, the District reserves the right to disconnect the service at any time. Written conditions for the service may be granted by either the General Manager or the Board of Directors.

Section 2.02 Proof of Residency. Evidence of the customers residency within the District must be proved by a copy of the Customer's deed, rental agreement, or other documentation as required by the District upon application for water and sewer service as part of the application process, as reflected in Exhibit 4. A rental agreement or copy of deed, as proof of occupancy or ownership.

Section 2.03 Policies Governing Initial Connections.

- A. Certification of System. Connections shall not be made to the District's System or portions of the System until the District's Engineer, or any person or persons authorized and employed by the District to certify that the System or applicable portion thereof is operable and has sufficient capacity to serve additional connections. The applicant for service for any multi-family or commercial property shall be responsible for paying the costs of the review; according to any multi-family or commercial application must be accompanied by a deposit based on the application. The amount of the deposit shall be as follows: \$2,500.00 for applications for modifications to existing structures; \$5,000.00 for applications for brand new structures; and \$12,000 for applications that involve an annexation. Should the cost of the review exceed the deposit amount, the balance must be paid by the applicant prior to initiation of any service by the District. Should the cost of the review be less than the deposit amount, the District will refund the difference to the applicant.
- B. Approval of Plans and Specifications. Prior to any connection to the District's system, other than a single-family residential connection, the plans and specifications for the customer's water and sewer service lines, along with information concerning the customer's water and wastewater needs, must be

submitted to the District for review and approval by the District's Engineer and General Manager. The customer shall be responsible for paying the cost of the review; accordingly, such submittal must be accompanied by a \$500.00 deposit. Should the cost of review exceed \$500.00, the balance must be paid by the customer prior to the initiation of service by the District. Should the cost of review be less than \$500.00, the District shall refund the difference to the customer.

- C. Availability of Access/Obstructions. By application for connection to the District's System, the Customer shall be deemed to be granting to the District and its representatives a right of ingress and egress to and from the meter or point of service for such installation, maintenance and repair as the District, in its judgment, may deem reasonably necessary. The Customer shall also be deemed to be granting to the District and its representatives a right of ingress and egress to the Customer's property, including the interior and exterior of the Customer's premises, for the purpose of performing the inspections and completing the Customer Service Inspection Certifications required by the District's Rules and Regulations. Taps and connections will not be made when, in the opinion of the District's Engineer or Operator, the work area is obstructed by building materials or other debris or the work area is not completed or finished to grade. When sidewalks, driveways or other improvements have been constructed prior to application for service, such application shall be construed and accepted as the Customer's waiver of a claim for any damages to such improvements resulting from the reasonable actions of the District's Operator in installation of the connection.
- D. Number of Connections. No more than one tap and meter shall be allowed per each platted lot within the District. Additionally, no more than one single-family residential connection shall be allowed for each tap within the District. The District's map of platted lots will serve as the original plat of the lots of the subdivision. The act of grandfathering old multi-unit connections will no longer be allowed. A multi-unit connection will be considered old if the unit is not replaced within six (6) months of its removal. A temporary multi-unit reconnection period extension of an additional one (1) year will be allowed due to hardships created by a hurricane.

Section 2.04 Connections by District Operator. All connections to the District's water and/or sewer system shall be made in accordance with the District's Rules and Regulations, including the provisions of the Uniform Plumbing Code. No person except the District's Operator or his authorized agent shall be permitted to tap or make any connection to the mains or distribution piping of the District's water and/or sewer system, except for emergency fire-fighting purposes, or make any repairs or additions to or alterations in any meter, box, tap, pipe, cock or other fixture connected with the water service or any manhole, main, trunk lift station or appurtenance of the District's sanitary sewer system, unless otherwise specified by the Board of Directors of the District. Installation of Lead and Copper materials are not allowed.

Section 2.05 Customer Service Inspection and Fees. No connection to any new facility or substantially modified facility shall be made until a customer service inspection has been

performed as required by the rules of the Texas Commission on Environmental Quality. If the District's Operator performs the inspection and completes the Customer Service Inspection Certification, the District shall charge the Customer a permit fee of \$25.00 and customer service inspection fees to cover the costs of such inspection and certification as follows:

<u>New Home Construction</u> (water \$100.00/sewer \$100.00)	\$200.00	Three (3) one (1) hour trips: a. one (1) inspection under slab b. one (1) inspection behind walls (rough-in) c. Final tap connection inspection
<u>Remodel/Repair</u> (water \$75.00/sewer \$75.00)	\$100.00	One (1) hour trip/inspection charge

Should the customer fail the initial inspection, a reinspection fee of \$50.00 shall be charged for each subsequent inspection. A copy of the Customer Service Inspection Certificate must be on file with the District prior to the initiation of service.

Section 2.06 Service to Out of District Customers. All requests for water and sewer service from parties located outside the boundaries of the District shall be considered on a case by case basis.

Section 2.07 Water and Sewer Tap Fees. Tap fees, as set forth on the Rate Schedule, attached hereto as Appendix "A," shall be collected from an applicant for service before any physical connection to the District's water distribution or sewer collection system is made. Additionally, any additional construction costs incurred by the District shall be charged to the customer at two (2) times actual cost in order to cover any additional expenses incurred by the District.

Section 2.08 Title to Facilities. Title to all water meters, water and sewer taps, and all other appurtenances, including meter boxes, shall lie in the District.

Section 2.09 Fees Subject to Change. All fees are subject to change and should be verified with the District office prior to payment.

Section 2.10 Incomplete Inspections. If any paid residential or commercial/multi-unit inspection is not completed within a 12-month period, such residential or commercial/multi-unit inspection will expire. Payment for the residential or commercial/multi-unit inspection by the customer will be required.

Section 2.11 Construction Costs. Any construction costs incurred by the District except those

ARTICLE III. **SERVICE RATES**

Section 3.01 Water and Sewer Service Rates. The District shall charge a rate per month, or any part thereof, to each customer for water and sewer service as set forth on the Rate Schedule attached hereto as Appendix "A." Every account will be billed both water and sewer, with the exception of approved water meter irrigation systems and/or fire suppression systems.

Both irrigation systems and/or fire suppression systems in which require separate taps and meters with inspections and backflow preventer to be installed by a license backflow specialist.

Section 3.02 Regulatory Assessment. Pursuant to Section 5.235, Texas Water Code, as amended, the District may collect a regulatory assessment from each customer, which shall be paid to the Texas Commission on Environmental Quality (the "TCEQ") annually in the amount required by law on the total charges for retail water and sewer service billed to its Customers.

Section 3.03 Reduced Rates or Free Service, No Free Service or Reduced Rates Except as Provided for Leak Adjustments. All Customers receiving water and/or sewer service from the District shall be subject to the provisions of this Order and shall be charged the rates established in this Order, and no reduced rate or free service shall be furnished to any Customer; provided, however, this provision shall not prohibit the District from establishing reasonable classifications of customers for which rates differing from the rates stated herein may be adopted. Notwithstanding the forgoing:

A. Residential customers only may receive a one-time leak adjustment for water charges only. To be eligible for a leak adjustment the customer must submit proof that the leak has been repaired, in which case the customer's bill shall be adjusted to reflect the customer's average usage before the leak. Customers shall not be entitled to receive more than a one-month leak adjustment within any twenty-four (24) month period.

B. Commercial customers may receive a leak adjustment for water charges only. To be eligible for a leak adjustment the commercial customer's disputed bill must be three hundred fifty percent (350%) above the previous twelve (12) month bill average. If the commercial customer is eligible for a leak adjustment their bill may be adjusted as follows: The commercial customer will be billed at normal rates up to the highest gallon usage amount over the last twelve (12) months, any amount of water exceeding the highest gallon usage amount from over the last twelve months may be charged at the lowest rate. In any circumstance any leak adjustment bill reduction a commercial customer receives will be capped at a two-thousand-dollar (\$2,000.00) bill reduction. Any commercial customer receiving a leak adjustment may be eligible for a 6-month payment plan to pay the disputed bill.

Section 3.04 Meter Calibration. There shall be no charge to the Customer for initial in-house testing of the Customer's meter; however, if the meter is calibrated from an outside source, service fees and calibration charges would apply.

ARTICLE IV. **SERVICE POLICY**

Section 4.01 Security Deposits.

For those service locations that have experienced multiple delinquencies and/or higher consumption, the District reserves the right to require a greater security deposit of up to four (4) times the service location's average bill. Should a customer request that an account be closed prior to the first billing on that account, a minimum bill will be automatically charged. Should a customer request any additional tasks necessary beyond those deemed as normal duties, a \$35.00

administrative fee shall be charged against the account and shall be approved by upper management. Prior to any deposit refund, all charges must be paid in full or they will be deducted from the deposit.

Security deposits shall be required as follows:

- A. Residential Deposits. Each Customer establishing a new account for single-family residential service and each Customer reestablishing an account for single-family residential service that has been terminated for non-payment shall be required to pay, prior to the District providing service or restoring service, a security deposit of \$200.00.
- B. Multi-Family Deposits. Each customer establishing a multifamily residential account and each customer re-establishing a multifamily residential account that has been terminated for non-payment, shall be required to pay, prior to the District providing service or restoring service, a security deposit of \$200.00 for each dwelling unit served by the connection.

HELP WITH WORDING:

In the event a multi-unit account is cut off, the security deposit may be recalculated based on average consumption at the time. If there is any difference in the required deposit amount, it will be collected prior to reconnection.

- C. Commercial Deposits. Each Customer establishing a commercial account, and each Customer reestablishing a commercial account that has been terminated for non-payment, shall be required to make a security deposit equal to two and one-half (2½) times the estimated average monthly bill for such connection (starting at \$300.00), as determined by the District based on typical requirements for similar uses.

In the event a commercial account is cut off, the security deposit may be recalculated based on average consumption at the time. If there is any difference in the required deposit amount, it will be collected prior to reconnection.

- D. Full Payment Required. Service shall not be initiated until payment of the security deposit and all other fees and charges owed the District are paid in full, including any delinquent property taxes.
- E. Refund of Deposit. Following payment of the final bill and payment of all fees and charges, the balance of the security deposit, if any, shall be refunded by check mailed to the Customer. No interest shall be payable to the Customer on any security deposit and the District shall not be obligated to refund amounts less than \$5.00, unless specifically requested by the customer to do so.

- F. Balance. Failure to pay final balance can result in account information being shared with a collection agency.

Section 4.02 Billing Procedures. All accounts shall be billed in accordance with the following procedures:

- A. Billing Date and Delinquency. Charges for water and sewer service shall be billed monthly. All bills shall be payable on the stated due date printed on the bill. Unless payment is received on or before the due date, such account shall be considered delinquent and a penalty of 10% of the unpaid balance of the water and sewer rates shall be assessed on the account. The Operator may terminate service for failure to pay all charges within 30 days of the due date.
- B. Termination of Service. If the District has to terminate services for any reason, a service charge of \$50.00 will be charged to the Customer's account, and a meter locking device shall be installed on the customer's meter. If the meter has to be pulled to prevent unauthorized use, an additional \$100.00 will be charged. All of these fees will be due, and in addition, all past due and current charges must be paid before services are again commenced to the Customer.

Furthermore, there will be a fine of two (2) times the actual cost of reinstalling the water or sewer tap after a tap is pulled for theft of service which the renter or owner must pay prior to reinstating the service.

If the meter locking device is broken or tampered with, the District will charge to the Customer the amount of replacement of said device. If the Customer damages the water meter, or if the Customer is observed taking water without paying, the Customer will be charged a fee of \$250.00 for the first offense and \$500.00 for the second offense in addition to any and all service charges due. If there is a third offense, the Customer's services will be terminated permanently, and the Customer and/or property owner will be required to address the Board and/or its General Manager before any restoration of services can be considered.

Any additional expenses incurred by the District as a result of such termination, such as capping off the service line (the charge will be a per hour rate) or making multiple trips (\$50.00 per violation) to access the Customer's meter, will be charged to the Customer. Any and all charges due by the Customer must be paid in FULL before such service may be restored again. It is the intention of this section that all fees for termination, meter removal or meter damage shall be due and payable prior to reconnection of services to the District. The Customer will also be subject to compliance of any new safety items and possible reinspection.

- C. Returned Checks. A \$25.00 charge will be charged to the Customer's account for any check returned by the bank. Any amounts due on an account which have been paid with a check that has been returned by the bank must be paid in full by cashier's check or money order, including all late charges and returned check charges to be taken out within twenty-four (24) hours from the day the Operator

hangs a notice on the Customer's door or otherwise notifies the Customer that the check has been returned by the bank.

Section 4.03 Method of Payment and Associated Fees.

- A. Except as provided in Section 4.02.B., the District shall take the following forms of payment for water and sewer service: check, cashier's check, money order, credit card, e-payment (via credit card) or online payment through the District's website. Credit card and e-payment services are provided as a convenience only and such payment services may be terminated at any time at the discretion of the District. A processing fee in the amount of \$2.20 for each credit card payment may be assessed at the time of payment. An additional processing fee in the amount of \$1.25 per transaction, which is a non-refundable fee, shall be assessed for online payments through the District's website. The District will charge a \$25.00 fee to any customer 1) for each check given to the District that must be returned for any reason or 2) for any e-payment made to the District that is declined for any reason. Payments attempted to be made by a check or e-payment which are returned shall be considered delinquent unless certified funds are presented to the District for payment within the time period required by Section 4.02.B.

Section 4.04 Temporary Water Service.

- A. Temporary Connections. The District's Operator shall be authorized to make a temporary connection to any fire hydrant or flushing valve upon request for temporary water service. All temporary service shall be metered and billed to the temporary Customer as provided herein. All unauthorized withdrawal of water from flushing valves, fire hydrants, or other appurtenances of the District's System without prior approval of the District, except for emergency fire-fighting purposes, is prohibited.
- B. Application and Deposit. Each temporary Customer desiring temporary water service shall be required to execute an application for such temporary service and shall provide a minimum security deposit of \$750.00, with the determination to be made by the District's Operator depending on the length of time temporary service is required and estimated amount of water to be used. The deposit shall be made by cashier's check or money order payable to the District. The deposit shall be used by the District to secure the payment for temporary water supplied by the District, the installation fee, and the cost of repair of any damages caused by the temporary Customer. The balance of the security deposit, if any, shall be refunded after disconnection from the District's System.
- C. Fees and Rates. A fee of \$250.00 for costs of installation, plus the cost of the metered water, shall be charged for temporary water service. The rates for the sale of water for each temporary water service connection shall be equal to the District's commercial rates times 2½, as set forth on the Rate Schedule, attached hereto as Appendix "A."

Section 4.05 Entitlement. Customers are not guaranteed a specific quantity or pressure of water or specific capacity in sewer facilities for any purpose whatsoever; furthermore, in no instance shall the District be liable for failure or refusal to furnish water or any particular amount or pressure of water or to provide capacity in sewer facilities.

Section 4.06 Unauthorized and Extraordinary Waste. The rates established herein are applicable for Domestic Waste as defined herein. Customers proposing to generate other types of waste must notify the District and will be assessed additional charges as established by the District and may be required to pre-treat such waste.

Section 4.07 Damage to District Facilities. Damage to District Facilities, Damage to Meter and Appurtenances. No person other than a duly authorized agent of the District shall open a meter box, tamper with or in any way interfere with a meter, meter box, service line, fire hydrant or other water and/or sewer system appurtenance. The District reserves the right, immediately and without notice, to remove the meter or disconnect water service to any Customer whose meter has been tampered with and to assess repair charges to the Customer, plus fees as set forth in Section 4.02 (B). The District also reserves the right to file legal and/or criminal charges against any person or persons installing and/or modifying the District's meter for the purpose of reducing the meter reading. In addition, the District may assess charges up to two (2) times the damage or loss revenue resulting from the meter tampering.

- B. Right to Repair. The District reserves the right to repair any damage to the District's System and appurtenances without prior notice and to assess against any Customer such penalties as are provided by law and such penalties provided for in this Rate Order in addition to two (2) times any costs necessary to repair the portion of the System so damaged.
- C. Cut-off Valve Requirement. If a customer with a leak requires the District to turn off service for the repair of the leak, the customer shall be required, at their own expense, to install a cut-off valve at their service line. Should a customer who has been required to install a cut-off valve fail to install such valve and then request the District to turn off service to repair a leak, the District shall charge the customer a service fee for turning off the water and another service fee for turning the water on.

Section 4.08 Responsibility of Non-Taxed Entities. It shall be the responsibility of non-taxed entities to pay the costs of new meters and/or replacement meters.

ARTICLE V.

ADOPTION OF REGULATIONS GOVERNING WATER AND SANITARY SEWER FACILITIES, SERVICE LINES AND CONNECTIONS

To preserve the sanitary condition of all water controlled by the District, to prevent waste or the unauthorized use of water controlled by the District, and to secure and maintain safe, sanitary and adequate plumbing installation, connections and appurtenances, the Board of the District hereby adopts the Uniform Plumbing Code and the Rules and Regulations Governing

Water and Sanitary Sewer Facilities, Service Lines, and Connections attached hereto as Appendix "B" and incorporated herein for all purposes.

ARTICLE VI.
ADOPTION OF REGULATIONS GOVERNING WASTEWATER

To preserve the sanitary condition of all water controlled by the District, the Board of the District hereby adopts the Wastewater Control Order, attached hereto as Appendix "C" and incorporated herein for all purposes.

ARTICLE VII.
ADOPTION OF REGULATIONS GOVERNING MOBILE FOOD ESTABLISHMENTS

To preserve the sanitary condition of all water controlled by the District, the Board of the District hereby adopts the Rules and Regulations Governing Mobile Food Establishments, attached hereto as Appendix "D" and incorporated herein for all purposes.

ARTICLE VIII.
ENFORCEMENT/CIVIL PENALTIES

Section 8.01 Enforcement/Civil Penalties. In accordance with Texas Water Code Section 49.004, as amended, the Board hereby imposes the following civil penalties for breach of any rule of the District: The violator shall pay the District twice the costs that the District has sustained due to the violation up to and not exceeding \$10,000 per occurrence. For continuing violations, each day that the violation continues shall be considered an additional occurrence. A penalty under this Section is in addition to any other penalty provided by the laws of this State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. If the District prevails in any suit to enforce its rules, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorneys' fees shall be fixed by the court.

Section 8.02 Remedies. Any and all of the following remedies may be employed by the District to abate and prevent any violation of the Rate Order or the District's Rules and Regulations.

- A. Discontinuance of Service. In addition to the right to terminate service for non-payment of any fees or charges, after hearing and upon finding that a violation of the District's rules and regulations have continued for three (3) days following notice to the customer that the violation has occurred and needs to be corrected, the Board of Directors or the General Manager may order the immediate termination of service to the violator.
- B. Illegal Connection Charge. The District shall impose an illegal connection charge to any person connected to the District's water or wastewater facilities without prior approval of the District's engineer or operator. The charge will be the equivalent to the current charge for a water or wastewater connection of the size

needed to service the structure. Such charge shall be in addition to any illegal connection penalty assessed pursuant to Section 8.02 of this Order.

- C. Civil Penalties. The District shall impose a fine of five hundred (\$500.00) dollars per occurrence for any violation of the Rate Order or the District's Rules and Regulations, unless otherwise specified in the Rate Order or the District's Rules and Regulations. For continuing violations, each day that the violation continues shall be considered an additional occurrence. In addition to any fees set out herein, the Board hereby imposes the following civil penalties for breach of any rule or regulation of the District: The violator shall pay the District twice the costs the District has sustained due to the violation up to \$10,000 per occurrence. For continuing violations, each day that the violation continues shall be considered an additional occurrence. A penalty under this Section is in addition to any other penalty provided by the laws of this State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. If the District prevails in any suit to enforce its rules, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorneys' fees shall be fixed by the court.
- D. Liability for Costs. Any person violating any of the provisions of this Order and/or the Rules and Regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation, and enforcement thereof shall be in accordance with Section 8.01 of this Order.

Section 8.03 Illegal Connections. Notwithstanding any provision of the District's rules and regulations, the following policy and procedure shall apply to illegal connections.

- A. Automatic Penalty Regarding Illegal Connections.
1. ***First Offense.*** Should any Illegal Connection to the District's water and/or sewer system be discovered, a \$500.00 penalty will be automatically assessed against the owner and tenant who shall each be held jointly and separately liable for payment of such penalty. In addition, a continuing penalty of \$250.00 per day shall be automatically assessed for each day following the 5th business day after notice of the Illegal Connection is delivered to the property where the illegal connection exists, and continuing as long as such property remains illegally connected to the District's water and/or sewer system.
 2. ***Second Offense.*** Should any Illegal Connection to the District's water and/or sewer system be discovered at the location for the second time, a \$1,000.00 penalty will be automatically assessed against the owner and tenant who shall each be held jointly and separately liable for payment of such penalty. In addition, a continuing penalty of \$500.00 per day shall be automatically assessed for each day following the 5th business day after notice of the illegal connection is delivered to the property where the

Illegal Connection exists, and continuing as long as such property remains illegally connected to the District's water and/or sewer system.

3. ***Third Offense.*** Should any Illegal Connection to the District's water and/or sewer system be discovered at a location for the third time, a \$2,000.00 penalty will be automatically assessed against the owner and tenant who shall each be held jointly and separately liable for payment of such penalty. In addition, a continuing penalty of \$1,000.00 per day shall be automatically assessed for each day following the 5th business day after notice of the Illegal Connection is delivered to the property where the Illegal Connection exists, and continuing as long as such property remains illegally connected to the District's water and/or sewer system.
4. ***Fourth Offense.*** Should any Illegal Connection to the District's water and/or sewer system be discovered at a location for the fourth time, the District will pull the water tap at such location.
5. For purposes of determining whether or not an Illegal Connection exists, should the District have any reason to believe that an Illegal Connection exist and should the property owner or tenant refuse to allow access to the property to confirm such existence, then the existence of the Illegal Connection shall automatically be presumed and charged at the Multi-Family (Special Circumstance) rate schedule, attached hereto as Appendix "A".

- B. **Disconnection of Illegal Connection.** At any time, the District shall have the right to disconnect any illegal connection to the District's water and/or sewer system without notice. The actual cost of such disconnection shall be assessed against the property owner and/or tenant as a penalty for such connection. Such penalty amount shall be in addition to the automatic penalty amount assessed pursuant to Section "B" above, and said property owner and/or tenant shall both be jointly and separately liable to the District for payment of such costs.

Section 8.04 **Non-waiver.** The failure on the part of the District to enforce any section, clause, sentence, or provision of this Order or of the District's Rules and Regulations shall not constitute a waiver of the right of the District later to enforce any section, clause, sentence, or provision of this Order or of the District's Rules and Regulations.

Section 8.05 **Appeal.** Any determination by the District's Operator or the District's Engineer or any authorized agent of the District of any dispute regarding the terms and provisions of this Order may be appealed to the Board of the District, which may conduct a hearing on the matter.

ARTICLE IX. **SOLID WASTE**

The District shall contract with an independent contractor to provide solid waste and trash collection to all categorized residential accounts as reflected on the Rate Schedule attached as Appendix "A". This may include other categorized accounts that are not residential.

All accounts being charged for solid waste trash collection, must not exceed the approved allotted amount of trash for pick up as established by the solid waste contractor. If at any time accounts are identified as producing and/or requiring more than the approved allotted amount for trash pickup, they may be required to obtain a dumpster. Also, if at any time an account is identified as positioning polly carts and/or other container(s) in the designated right of way so as to cause a danger or blockage; the account may be required to obtain a dumpster.

The District has provided one (1) polly cart for each solid waste collection address. Such polly carts are required to remain with the address and are not property of the customer; however, should an address not have a polly cart, it is the customers responsibility to contract the solid waste contractor to obtain a replacement.

Failure by any customer to pay the fee for solid waste collection service shall result in termination of water and wastewater service in accordance with procedures set forth in Section 4.02 of this Order.

ARTICLE X. **MISCELLANEOUS**

Section 10.01 Amendments. The Board of the District has and specifically reserves the right to change, alter or amend any rate or provision of this Order at any time.

Section 10.02 Severability. The provisions of this Order are severable, and if any provision or part of this Order or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Order and application of such provision or part of this Order shall not be affected thereby.

Section 10.03 Headings. The section and paragraph headings used herein are for reference only and are not to be construed as part of the text of the section or paragraph.

ARTICLE XI. **REPEAL OF PREVIOUS ORDERS**

All previous Orders adopted by the Board of Directors pertaining to the subject matter hereof are each hereby repealed in their entirety as of the effective date hereof.

ARTICLE XII. **EFFECTIVE DATE**

This Order shall be effective immediately.

The President or Vice President is authorized to execute and the Secretary or any Assistant Secretary is authorized to attest this Order on behalf of the Board and to do all things necessary and proper to carry out the purpose and intent hereof.

APPENDIX "A" RATE SCHEDULE

TAP FEES

<u>Category</u>	<u>Charge</u>
Water Tap (Short) (5/8" or 3/4")	\$ 1,400.00
Water Tap (Long) (5/8" or 3/4")	\$ 1,800.00
Water Tap (1" or larger)	2 x Cost
Sewer Tap (Short)	\$ 1,200.00
Sewer Tap (Long)	\$ 1,700.00 *
6" Sewer Tap (Short)	2 x Cost
6" Sewer Tap (Long)	2 x Cost
8" Sewer Tap (Short)	2 x Cost
8" Sewer Tap (Long)	2 x Cost

* Includes cost of road bore

WATER RATES

<u>Type of Customer</u>	<u>Gallons Used</u>	<u>Charge</u>
1. <u>Single-Family Residential In-District Customer</u>		
* (including solid waste collection and mass notification system - Water \$38.27+\$20.14 garbage+\$0.10 IRIS=\$58.51)		
	First 3,000 Gallons	\$ \$38.27* (minimum)
	Next 5,000 Gallons	\$ 8.71 per 1,000
	Next 5,000 Gallons	\$ 10.21 per 1,000
	All over 13,000 Gallons	\$ 12.76 per 1,000
2. <u>Single-Family Residential</u> (Out-of-District Customer/Commercial/Multi-Family)		
* (including solid waste collection and mass notification system - Water \$62.54+ \$0.10 (IRIS) = \$62.64)		
	First 3,000 Gallons/no garbage	\$ 62.64*
	First 3,000 Gallons/with garbage	\$ 82.78*
	First 3,000 Gallons/2 garbages	\$ 102.92*
	First 3,000 Gallons/3 garbages	\$ 123.06*
	First 3,000 Gallons/4 garbages	\$ 143.20*
	First 3,000 Gallons/5 garbages	\$ 163.34*
	First 3,000 Gallons/6 garbages	\$ 183.48*
	First 3,000 Gallons/7 garbages	\$ 203.62*
	First 3,000 Gallons/8 garbages	\$ 223.76*
	First 3,000 Gallons/9 garbages	\$ 243.90*
	First 3,000 Gallons/10 garbages	\$ 264.04*
	First 3,000 Gallons/32 garbages	\$ 707.12*
	Next 4,000 Gallons	\$ 14.40 per 1,000
	Next 4,000 Gallons	\$ 17.17 per 1,000
	All over 11,000 Gallons	\$ 21.31 per 1,000

WATER RATES

3. Out-of-District Non-Taxing Entities

* (including solid waste collection and mass notification system - Water \$63.94+\$0.10 (IRIS) = \$64.04)

First 3,000 Gallons	\$ 64.04*
Next 4,000 Gallons	\$ 14.72 per 1,000
Next 4,000 Gallons	\$ 17.54 per 1,000
All over 11,000 Gallons	\$ 21.83 per 1,000

4. Special Circumstance

* (including solid waste collection and mass notification system - Water \$94.42+ \$0.10 (IRIS)=\$94.52)

First 3,000 Gallons/no garbage	\$ 94.52*
First 3,000 Gallons/with garbage	\$ 114.66*
First 3,000 Gallons/2 garbages	\$ 134.80*
First 3,000 Gallons/3 garbages	\$ 154.94*
First 3,000 Gallons/4 garbages	\$ 175.08*
First 3,000 Gallons/5 garbages	\$ 195.22*
First 3,000 Gallons/6 garbages	\$ 215.36*
First 3,000 Gallons/7 garbages	\$ 235.50*
First 3,000 Gallons/8 garbages	\$ 255.64*
First 3,000 Gallons/9 garbages	\$ 275.78*
First 3,000 Gallons/10 garbages	\$ 295.92*
First 3,000 Gallons/32 garbages	\$ 739.00*
Next 4,000 Gallons	\$ 21.61 per 1,000
Next 4,000 Gallons	\$ 25.77 per 1,000
All over 11,000 Gallons	\$ 31.98 per 1,000

5. Temporary Water Rates

First 3,000 gallons	First 3,000 gallons	\$ 151.58
	Next 4,000 gallons	\$ 34.40 per 1,000
	Next 4,000 gallons	\$ 41.26 per 1,000
	All over 11,000 gallons	\$ 51.22 per 1,000

6. Out-of-District Industrial

* (including solid waste collection and mass notification system - Water \$63.94+\$0.10 (IRIS) = \$64.04)

First 3,000 Gallons	\$ 64.04*
Next 4,000 Gallons	\$ 14.72 per 1,000
Next 4,000 Gallons	\$ 17.54 per 1,000
All over 11,000 Gallons	\$ 21.83 per 1,000

7. Commercial inside the District

(served by MUD 53)	0-3,000 Gallons	\$ 158.11
	Next 4,000 Gallons	\$ 2.93 per 1,000
	Next 4,000 Gallons	\$ 3.39 per 1,000
	All over 11,000 Gallons	\$ 3.87 per 1,000

SEWER RATES

Every account will be billed both water and sewer, with the exception of approved water meter irrigation systems and/or fire sprinkler systems. Both in which require separate taps and meters with inspections and backflow preventer to be installed by a license backflow specialist.

<u>Type of Customer</u>	<u>Water Used</u>	<u>Charge</u>
1. Single-Family In-District Customer *	First 3,000 Gallons All over 3,000 Gallons	\$ 10.25 (minimum) \$ 1.85 per 1,000
2. Single-Family Residential Out-of-District Customer	First 3,000 Gallons All over 3,000 Gallons	\$ 14.35 (minimum) \$ 3.08 per 1,000
2. Multi-Family Out-of-District Customer	First 3,000 Gallons All over 3,000 Gallons	\$ 14.35 (minimum) \$ 3.08 per 1,000
2. Commercial Customer	First 3,000 Gallons All over 3,000 Gallons	\$ 14.35 (minimum) \$ 3.08 per 1,000
3. Out-of-District Non-Taxing Entities	First 3,000 Gallons All over 3,000 Gallons	\$ 21.53 (minimum) \$ 4.61 per 1,000
4. Special Circumstance	First 3,000 Gallons All over 3,000 Gallons	\$ 21.01 (minimum) \$ 4.49 per 1,000
5. Temporary Sewer Rates	First 3,000 gallons All over 3,000 gallons	\$ 33.83 (minimum) \$ 6.80 per 1,000
6. Out of District - Industrial	First 3,000 gallons All over 3,000 gallons	\$ 21.53 (minimum) \$ 4.61 per 1,000
7. Commercial inside the District (served by MUD 53)	First 3,000 Gallons All over 3,000 Gallons	\$ 12.65 \$ 1.26 per 1,000

SOLID WASTE COLLECTION RATE

Billed directly with water line item (\$20.14/per unit)

CUSTOMER SERVICE INSPECTION CHARGES

Residential

Permit – per unit \$25.00

Inspection -- *Inspection is priced at a minimum charge of one hour per trip. Any additional hours will be charged a rate of \$50 per hour*

New Home Construction (water \$100.00/sewer \$100.00) \$200.00

Remodel/Repair (water \$50.00/sewer \$50.00) \$100.00

Reinspection:

Water connection \$75.00

Sewer connection \$75.00

Commercial or Multi-Unit

Permit – per unit \$50.00

Inspection -- *Inspection is priced at a minimum charge of one hour per trip. Any additional hours will be charged a rate of \$50 per hour*

Water \$150.00

Sewer \$150.00

Commercial Remodel/Repair (water \$75.00/sewer \$75.00) \$150.00

(30 minutes to one (1) hour trip/
inspection charge)

Existing strip center (inspect
grease traps and/or backflow
preventer – 30 minutes to one
(1) hour trip/inspection charge
per unit) \$50.00

Commercial Re-inspection \$75.00
(per trip)

Large Commercial

Water \$250.00

Sewer \$250.00

(\$500.00 Minimum)

MISCELLANEOUS CHARGES

Connection Fee \$50.00

Return Check Fee \$25.00

Administrative Fee ** \$35.00

Service Fee *** \$50.00

After Hours Fee (minimum) **** \$150.00

Meter Pull \$100.00

Grease Trap/Interceptor Inspection Fee \$50.00

MISCELLANEOUS CHARGES

Grease Trap/Interceptor Re-Inspection Fee	\$50.00
Penalty for Failing Grease Trap/Interceptor Inspection or Re-Inspection	\$50.00
Broken Lock Fee	\$50.00
Failure to Submit Grease Trap Report	\$50.00
Grease Trap by-pass	\$500.00
Grease Trap Report late fee (escalating fee per day) *****	\$250.00
Repair clean-out (starting at \$50 [cost x 2])	
Repair or replace meter boxes (starting at \$50 [cost x 2])	
Backflow Preventor late fee (escalating fee per day) *****	\$250.00
Hose bibs	\$20.00
Public Health & Safety (PHS) *****	\$ 2.00

* Each Single-Family In-District Customer shall be entitled to subtract the water actually used for one (1) swimming pool filling during each calendar year from the water used for calculation of the sewer charge, provided that the District is notified in advance of such pool filling and is given the opportunity to verify the quantity for same.

** Should a customer request that an account be closed prior to the first billing on that account, a minimum bill will be automatically charged. Should a customer request any additional tasks necessary beyond those deemed as normal duties, a \$35.00 administrative fee shall be charged against the account and shall be approved by upper management.

*** Multiple service fees may be assessed as deemed necessary by the District or its agent for things such as multiple trips or removal of obstructions that interfere with access to the Customer's meter or point of service.

**** An escalating After Hours Fee will be charged for call-outs initiated by the customer after the District's regular business hours beginning with the second such call-out within a twelve (12) month period. No fee will be charged for the first call-out, a minimum of \$150.00 will be charged for the second call-out; a minimum of \$300.00 will be charged for the third call-out; a minimum of \$450.00 will be charged for the fourth call-out, etc.

***** An escalating late fee of \$250 per day will be charged for not timely submitting a Grease Trap Report, as required.

***** An escalating late fee of \$250 per day will be charged for not timely submitting a Backflow Preventor Report, as required.

***** This is a voluntary charge which the customer opts in to at the time of establishing service for the account. The customer may opt out at any time.

APPENDIX "B"

RULES AND REGULATIONS GOVERNING WATER AND SANITARY SEWER FACILITIES, SERVICE LINES, AND CONNECTIONS

ARTICLE I. PURPOSE

The following Amended and Restated Rules and Regulations Governing Water and Sanitary Sewer Facilities, Service Lines, and Connections (the "Rules and Regulations") shall govern the design, installation and inspection of all connections and taps made to the District's water distribution system and sanitary sewer collection system.

ARTICLE II. GENERAL

Section 2.01 Platting Requirement. No connection shall be made to the District's Water Supply System or Sanitary Sewer Collection System unless the tract, parcel, or buildable, usable lot of land to be served by such connection:

1. was first connected to the District's Water Supply System or Sanitary Sewer Collection System prior to September 1, 1987, or
2. is part of an area covered by a development plat duly approved and recorded pursuant to Sections 212.0115 and 212.012 of the Local Government Code, as amended, or
3. is not required to be platted and written certification to that effect, in accordance with Section 212.0115(e), has been presented to the District's Operator.

Section 2.02 Approval of Plans and Specifications. Prior to any non-residential connection to the District's Water Supply System or the Sanitary Sewer Collection System, the plans and specifications for the Sanitary Sewer Service Line and the Water Service Line must be submitted to the District's Engineer for review and approval. Upon the Engineer's review and approval, the plans and specifications shall then be submitted to the District's Operator for review and approval. The cost of the review and approval of the plans and specification by the District's Engineer and Operator shall be paid by the Customer.

ARTICLE III. WATER CONNECTIONS

Section 3.01 Water Tap Materials. Only pipe and fitting materials allowed by the Uniform Plumbing Code shall be approved for the installation of Water Taps.

Section 3.02 Plumbing Material Prohibitions.

- A. Prohibited Materials. The use of the following materials is prohibited for the installation and repair of the District's Water Supply System and for the installation and repair of any private plumbing facilities:

1. any pipe or pipe fitting which contains more than 0.25% lead; and

2. any solder or flux which contains more than 0.2% lead.

This prohibition may be waived for lead joints that are necessary for repairs to cast iron pipe.

- B. Certificate of Compliance. No new connections to the District's Water Supply System shall be made unless a state licensed plumber first submits in writing to the District a Certificate of Compliance, as set forth in Exhibit "1" attached hereto, specifying that the new connection complies with the plumbing material prohibition contained in Section 3.02(A) hereof. The Certificate of Compliance shall be signed by the licensed plumber and must be submitted to the District's Operator prior to continuous service being supplied. The District shall not accept any Tap Fee that is not accompanied by a Certificate of Compliance.

Section 3.03 Installation.

- A. An Application for Service, a copy of which is attached hereto as Exhibit "4," must be filed with the District's Operator. The Customer must pay to the District's Operator all Tap Fees, customer service inspection fees and deposits, as described in the District's Rate Order.
- B. All Water Taps to the District's Water Supply System shall be installed only by the District's Operator.
- C. The District's Operator shall install Water Taps and set meters at a location on adjoining property lines, whenever possible, with the meter box being located in the easement adjacent to the property line and with two (2) meters per box, where appropriate.
- D. The District's Operator shall be responsible for all repairs to the Water Taps.
- E. After installation of the Water Tap, connection of the Water Service Line shall be made at the expense of the Customer. (Note: This line shall be tested for leaks since all water recorded through the meter will be charged to the Customer).
- F. After connection to the District's Water Supply System, the Water Service Line should be thoroughly flushed as to prevent foreign matter from entering the household system.

Section 3.04 Customer Service Inspection Certifications.

- A. A customer service inspection is an examination of the private water distribution facilities for the purpose of providing or denying water service. This inspection is limited to the identification and prevention of cross-connections, potential contaminant hazards and illegal lead materials. The customer service inspector has no authority, and no obligation, beyond the scope of the commission's regulations. A customer service inspection is not a plumbing inspection as defined and regulated by the Texas State Board of Plumbing Examiners (TSBPE). A customer service inspector is not permitted to perform plumbing inspections. State statutes and TSBPE adopted rules require that TSBPE licensed plumbing inspectors perform plumbing inspection of all new plumbing and alterations or additions to existing plumbing within the municipal

limits of all cities, towns and villages with 5000 or more inhabitants or within smaller like entities which have adopted the Plumbing License Law by ordinance. A Customer Service Inspection Certification, as described in Exhibit "2" attached hereto, shall be completed prior to providing continuous water service to any new construction, on any existing service where the District has reason to believe that cross-connections or other potential contaminant hazards exist, and after any material improvement, correction, or addition to private water distribution facilities. Prior to the District initiating continuous service, a Customer shall provide a Customer Service Inspection Certification to the District. The Customer Service Inspection Certification may only be performed by those individuals described in Subsection B of this Section 3.04. For Customer Service Inspection Certifications performed by the District's Operator, the Customer must pay the District the Customer Service Inspection Fee prior to the Operator performing the inspection and certification. Copies of properly completed Customer Service Inspection Certifications shall be kept on file by the District's Operator and made available, upon request, for Texas Commission on Environmental Quality ("TCEQ") review. Inspection certifications shall be retained for a minimum of ten (10) years. Failure to provide a Customer Service Inspection Certification in accordance with this Section 3.04 shall constitute a violation of these Rules and Regulations and such violation shall be subject to the enforcement provisions set forth in Article X hereof.

- B. Individuals with the following credentials shall be recognized as capable of conducting a Customer Service Inspection Certification:
 - 1. Plumbing Inspectors and Water Supply Protection Specialists licensed by the Texas State Board of Plumbing Examiners (TSBPE); and
 - 2. Customer service inspectors who have completed a commission approved course, passed an examination administered by the TCEQ or its designated agent and hold current professional certification or endorsement as a customer service inspector.
- C. Private plumbing facilities in violation of Article III hereof shall constitute an unacceptable plumbing practice and violation of these Rules and Regulations. If an unacceptable plumbing practice is discovered, the Customer shall eliminate the unacceptable plumbing practice within thirty (30) days and should be disconnected immediately or removed immediately from the date of discovery to prevent possible contamination of the District's Water Supply System. The existence of a serious threat to the integrity of the District's Water Supply System shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists, or when sufficient additional safeguards have been taken, and a Customer Service Inspection Certification confirming correction of unacceptable plumbing practices has been submitted to the District.
- D. The Customer Service Inspection Certification shall certify that:
 - 1. No direct connection between the District's Water Supply System and a potential source of contamination exists. Potential sources of contamination

are isolated from the District's Water Supply System by an air gap or an appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state plumbing regulations.

2. No cross-connection between the District's Water Supply System and a private water source exists. Where an actual air gap is not maintained between the District's Water Supply System and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
3. No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the District's Water Supply System.
4. No pipe or pipe fitting which contains more than 0.25% lead exists in private water distribution facilities installed on or after January 31, 2014.
5. No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.

Section 3.05 Prohibited Connections.

- A. No water connection from the District's Water Supply System shall be made to any establishment where an actual or potential contamination or system hazard exists without an air gap separation between the drinking water supply and the source of potential contamination. Where a containment air gap is impractical, individual "internal" air gaps or mechanical backflow prevention devices shall be required at the meter in the form of a backflow prevention device (in accordance with AWWA Standards C510 and C511 and AWWA Manual M14) on those establishments handling substances deleterious or hazardous to the public health.
- B. No water connection from the District's Water Supply System shall be made to any condensing, cooling, or industrial process or any other system of non-potable usage over which the District does not have sanitary control, unless the said connection is made in accordance with the requirements of paragraph (A) of this Section. Water from such systems cannot be returned to the District's Water Supply System.
- C. Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against back siphonage and cross-contamination.

Section 3.06 Backflow Prevention Assemblies.

- A. Backflow prevention assemblies shall be installed on any connection which poses a High Health Hazard and any other connection which the District or the District's Operator reasonably believes poses a threat to the District's Water Supply System. Water service provided for lawn sprinklers, swimming pool supply, reflection pool supply or other such applications must incorporate a back flow prevention assembly in

accordance with a State Approved Plumbing Code for the particular designated use. No permanent water service will be provided or continued to any new connection in the District which requires a backflow prevention assembly, unless the Customer provides the District with a Backflow Prevention Assembly Test and Maintenance Report (the "Test Report"), as described in Exhibit "3" attached hereto. At the request of the Customer, the District's Operator may, on behalf of the District, install the backflow prevention assembly and complete the Test Report at the Customer's cost.

- B. All backflow prevention assemblies shall be tested upon installation by a Recognized Backflow Prevention Assembly Tester and certified to be operating within specifications. The Test Report, as described in Exhibit "3" attached hereto, shall be retained for a minimum of three (3) years. The District shall provide these records to the TCEQ for inspection upon request. Backflow prevention assemblies which are installed to provide protection against High Health Hazards must also be tested and certified to be operating within specifications at least annually by a Recognized Backflow Prevention Device Tester.
- C. Recognized Backflow Prevention Device Testers shall have completed a TCEQ approved course on cross-connection control and backflow prevention and passed an examination administered by the TCEQ or its designated agent. The accredited tester classification shall be broken down into two categories:
 - 1. The "General Tester" is qualified to test and repair backflow prevention assemblies on any domestic, commercial, industrial or irrigation service.
 - 2. The "Fireline Tester" is qualified to test and repair backflow prevention assemblies on firelines only. The State Fire Marshall's office requires that a person performing maintenance on firelines must be employed by an Approved Fireline Contractor.
- D. Individuals who can show proof of completion of a course and passage of an exam based on the ABPA or ASSE National Exam, prior to the effective date of these regulations, may be recognized as accredited for the term of their current certification (not to exceed three (3) years).
- E. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Foundation of Cross-Connection Control and Hydraulic Research and/or the American Water Works Association Manual of Cross Connection Control (Manual M-14). Test gauge serial numbers must be included on the Test Report and Recognized Backflow Prevention Device Testers shall have gauges tested for accuracy.
- F. A Test Report must be completed by the Recognized Backflow Prevention Assembly Tester for each assembly tested. The signed and dated original must be submitted to the District's Operator for record keeping purposes.
- G. Repairs to backflow prevention assemblies shall be performed by authorized individuals as recognized by the Texas State Board of Plumbing Examiners, the TCEQ, Texas Irrigators Advisory Council, or the Texas Commission on Fire Protection-State Fire Marshall's Office, depending upon application and use.

- H. The use of a backflow prevention device at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by a State Approved Plumbing Code.

ARTICLE IV.
SANITARY SEWER CONNECTIONS

Section 4.01 Sanitary Sewer Service Line Installation.

- A. Only one Sanitary Sewer Service Line connection to the District's Sanitary Sewer Collection System is permitted for each residence or commercial building. The Sanitary Sewer Service Line shall remain fully within the boundaries of the lot until the line reaches a utility easement or street right-of-way.
- B. No opening in the District's Sanitary Sewer Collection System will be allowed to remain overnight or during rain.
- C. All Sanitary Sewer Service Lines must be constructed to true alignment and grade. Warped and/or sagging lines will not be permitted. Sanitary Sewer Service Lines must have continuous contact with firm trench bottom throughout their entire run. Lines placed in such manner as to increase the likelihood of being displaced during backfill will be rejected.
- D. All Sanitary Sewer Service Lines should be run from wyes or stacks directly to the houses without meanders or bends.

Section 4.02 Sanitary Sewer Service Line Materials. Only pipe and fitting materials allowed by the Uniform Plumbing Code are approved for constructing Sanitary Sewer Service Lines.

Section 4.03 Size and Grade of Sanitary Sewer Service Lines. The minimum sizes and the minimum and maximum grades for all sanitary sewer service lines shall be those specified in the Uniform Plumbing Code.

Section 4.04 Connection of Building Sewer Outlet.

- A. On all building waste outlets, the building tie-on connections shall be made directly to the stub-out from the building plumbing at the foundation.
- B. Water-tight adapters of a type compatible with the materials being joined shall be used at the point of connection of a Sanitary Sewer Service Line to the building plumbing. No cement grout materials shall be permitted.
- C. Unless an exception is permitted by the District's Operator, existing wye and stack connections must be utilized for connection of a Sanitary Sewer Service Line to the District's Sanitary Sewer Collection System.
- D. Commercial users shall install a sampling well-constructed to City of Houston standards and a grease trap with sampling port constructed to City of Houston standards when required by the District's Engineer and Operator.

Section 4.05 Fittings and Cleanouts.

- A. No bends or turns at any point will be greater than forty five degrees (45°).
- B. Each horizontal Sanitary Sewer Service Line will be provided with a clean out at its upper terminal; and each such run of piping which is more than ninety (90) feet in length will be provided with a clean out for each ninety (90) feet or fraction thereof in the length of such piping.
- C. Each cleanout will be installed so that it opens in a direction opposite to the flow of the waste and, except in the case of wye branch and end-of-the-line cleanouts, cleanouts will be installed vertically above the flow line of the pipe.
- D. Cleanouts will be made with air-tight mechanical plug.

Section 4.06 Installation of Sewer Taps and Issuance of Permits.

- A. Sanitary Sewer Service Lines must be at least 24 inches below (vertically) and at least 9 feet from (horizontally) any Water Service Line (far side or near side connection). If this is not possible, a cast iron casing over the Water Service Line must be installed by the Customer, which casing will be inspected by the Operator.
- B. Excavation for Sewer Taps shall be water tamped in all areas within 5 feet (vertically or horizontally) of any existing sewer lines, sidewalks or driveways. Soil not suitable for water tamping (clay modules, organic material or silty soils) shall be removed and replaced with suitable backfill materials.
- C. All stacks shall be installed in locations shown on the plans. Stacks shall be capped and the cap lightly cemented in place. Wyes will not be installed by the line contractor. Wye saddles will be paid for in the line contract, but will be delivered to the District's Operator. The District's Operator will furnish the Customer a saddle at the time of inspection.
- D. An Application for Service (a copy of which is attached as Exhibit "4") must be filed with the District's Operator prior to construction of any Sanitary Sewer Service Line, and the Tap Fee and/or Sewer Tap Inspection Fee as established in the District's most current Rate Order should accompany the application. (Application forms are available from the District's Operator.) Construction of any Sanitary Sewer Service Line must not begin until the design of the Sanitary Sewer Service Line is approved by the District's Engineer and construction is authorized by the District's Operator. The Customer will be responsible for marking the location for the new tap (i.e. small map) subject to the District's approval.
- E. When the Sanitary Sewer Service Line is complete, and prior to backfilling the pipe trench, the Customer shall request an inspection of the Sanitary Sewer Service Line. Requests for inspections (or reinspections) shall be made to the District's Operator at least twenty four (24) hours in advance of the inspection.

- F. The Sewer Tap shall be made only under the supervision of the District's Operator by use of an adapter of a type compatible with materials being joined. The Sewer Tap shall be watertight. No cement grout materials are permitted.
- G. Any damage to the District's facility shall be repaired promptly by the Customer under the direction of the District's Operator. Major damage will be repaired by the District's Operator at the Customer's expense.
- H. Backfilling of a Sanitary Sewer Service Line trench must be accomplished within twenty four (24) hours of inspection and approval. Backfill material shall be sand or loam free of large lumps or clods. No debris will be permitted in the trench or backfill.
- I. During inspection of the Sanitary Sewer Service Line, the District's Operator will examine all District facilities, such as manholes, valves, flush valves, and inlets on and adjacent to the lot. The connection permit will not be granted until any damage to these facilities has been repaired.
- J. The District's Operator will complete the Inspection Form (a copy of which is attached as Exhibit "5") and file it for record with the Application.
- K. A connection permit will be issued after the Sewer Tap Inspection is performed and the District's Operator confirms that all requirements of these Rules and Regulations have been met.
- L. Connection permits which are rejected for any deficiency shall be promptly corrected and a reinspection requested. A reinspection fee as set forth in the District's Rate Order shall be paid at the time the reinspection is requested.

ARTICLE V. PRIVATE WELLS/TANKS

The construction of water wells and/or the installation of septic tanks is prohibited without prior written approval by the Board of Directors. Said approval, if granted by the Board of Directors, will state the purpose for the construction of a water well and the intended use of the water.

ARTICLE VI. AVAILABILITY OF ACCESS/OBSTRUCTIONS

By application for connection to the District's Sanitary Sewer Collection System and/or Water Supply System, the Customer shall be deemed to be granting to the District and its representatives a right of ingress and egress to and from the meter or point of service for such installation, maintenance and repair as the District, in its judgment, may deem reasonably necessary and to access the meter or point of service in order to read the Customer's meter, lock the meter for non-payment, and/or pull the meter to prevent unauthorized use. The Customer shall also be deemed to be granting to the District and its representatives a right of ingress and egress to the Customer's property, including the interior and exterior of the Customer's premises, for the purpose of performing the inspections and completing the Customer Service Inspection Certifications required by these Rules and Regulations. Taps and connections will not be made when, in the opinion of the District's Engineer or Operator, the work area is obstructed by building materials or other debris or the work area is not completed or finished to grade. When sidewalks, driveways or other improvements have been constructed prior to

application for service, such application shall be construed and accepted as the Customer's waiver of a claim for any damages to such improvements resulting from the reasonable actions of the District's Operator in installation of the connection.

ARTICLE VII.
PROTECTION OF DISTRICT'S WATER SUPPLY SYSTEM AND
SANITARY SEWER COLLECTION SYSTEM

- A. Damage to the District's Water Supply System or the Sanitary Sewer Collection System by the District's Customers, including developers and builders' plumbers, will be repaired by the District at the Customer's expense.
- B. After a water meter has been set or a fire hydrant installed, the Customer shall at all times keep the area in, around and upon such facilities and District easements and property under Customer's control free from rubbish or obstructions of any kind, including, but not limited to, shrubbery, vehicles and fences. Failure to keep such facilities and District easements and property under Customer's control free from rubbish or obstructions of other kind, including, but not limited to, shrubbery, vehicles and fences, shall result in disconnection of water service and/or the assessment of charges necessary to remove said obstructions. Customers are prohibited from introducing material into the District's Sanitary Sewer Collection System which could cause obstruction of said system. In the event that an inspection by the District's Engineer or Operator reveals foreseeable damage to the District's Sanitary Sewer Collection System resulting from a Customer's failure to prevent obstructions from entering said system, the District reserves the right to remove the obstruction immediately and without notice. Any costs incurred by the District for removal of an obstruction to the District's system, plus a District administration fee of 20% of said costs, shall be assessed to the Customer.
- C. It shall be unlawful for any person, unless authorized in writing by the District's Operator, to tamper or interfere with, obstruct access to, or as a result of willful action injure, deface, or destroy any facilities that are a part of the District's Water Supply System or Sanitary Sewer Collection System, including, with respect to the waterworks system, water plants, flushing valves, valve boxes, and water lines up to the meter box and including meters; provided, however, that duly authorized members of the local fire department shall have the right to use such flushing valves for fire protection purposes.
- D. It shall be unlawful for any person to connect any building to the District's Water Supply System without a meter or to have a straight line connection to a building without being metered. It shall also be unlawful for any person, other than the District's Operator or Engineer, to draw water from the District's Water Supply System (except for the use of water for firefighting purposes) without being metered, including the unauthorized use of a flushing valve or unmetered water taps.
- E. It shall be unlawful for any person to deposit, throw, drain, discharge, or otherwise cause to be injected into any sewer, manhole, catch basin, flush tank, or other facility that is a part of the District's Water Supply System or Sanitary Sewer Collection System any debris or foreign substance that would interfere with the proper and routine functioning thereof.

EXHIBIT 1
TO APPENDIX B
Certificate of Compliance
With Prohibition on Use of Specified Materials
In Connections To Utility District Water System

I, _____, a duly licensed plumber in the State of Texas, hereby certify that the connection at _____ (the "Connection") complies in full with the "Prohibition of Use of Specified Materials" provision contained in the Rules and Regulations for Harris County WCID No. 36. I further certify that:

1. No direct connection between the District's Water Supply System and a potential source of contamination exists. Potential sources of contamination are isolated from the District Water Supply System by an air gap or an appropriate backflow prevention assembly in accordance with the Uniform Plumbing Code. Additionally, all pressure relief valves and thermal expansion devices are in compliance with the Uniform Plumbing Codes.

2. No cross-connection between the District's Water Supply System and a private water system exists. Where an actual air gap is not maintained between the District's Water Supply System and a private water supply system, an approved reduced pressure- zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention device tester.

3. No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the District's Water Supply System.

4. No pipe or pipe fitting which contains more than 0.25% lead exists in private plumbing facilities installed on or after January 31, 2014.

5. No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.

6. No plumbing fixture is installed which is not in compliance with the Uniform Plumbing Code.

These determinations have been made under my direction and supervision. I am aware that there are significant penalties for false certification, including the possibility of fine.

Signature

Printed Name

Company Name

Texas License No.:

Date:

EXHIBIT 2 TO APPENDIX B

Texas Commission on Environmental Quality Customer Service Inspection Certificate

Name of PWS:	Harris County Water Control & Improvement District No. 36
PWS ID #:	#1010239
Location of Service:	

Reason for Inspection:	
New construction	<input type="checkbox"/>
Existing service where contaminant hazards are suspected	<input type="checkbox"/>
Material improvement, correction or expansion of distribution facilities	<input type="checkbox"/>

I _____, upon inspection of the private water distribution facilities connected to the aforementioned public water supply do hereby certify that, to the best of my knowledge

Compliance	Non-Compliance		
<input type="checkbox"/>	<input type="checkbox"/>	(1)	No direct or indirect connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with Commission regulations.
<input type="checkbox"/>	<input type="checkbox"/>	(2)	No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure principle backflow prevention assembly is properly installed.
<input type="checkbox"/>	<input type="checkbox"/>	(3)	No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.
<input type="checkbox"/>	<input type="checkbox"/>	(4)	No pipe or pipe fitting which contains more than 8.0% lead exists in private water distribution facilities installed on or after July 1, 1988 and prior to January 4, 2014.
<input type="checkbox"/>	<input type="checkbox"/>	(5)	Plumbing installed on or after January 4, 2014 bears the expected labeling indicating $\leq 0.25\%$ lead content. If not properly labeled, please provide written comment.
<input type="checkbox"/>	<input type="checkbox"/>	(6)	No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.

I further certify that the following materials were used in the installation of the private water distribution facilities:

Service lines:	Lead <input type="checkbox"/>	Copper <input type="checkbox"/>	PVC <input type="checkbox"/>	Other <input type="checkbox"/>
Solder:	Lead <input type="checkbox"/>	Lead Free <input type="checkbox"/>	Solvent Weld <input type="checkbox"/>	Other <input type="checkbox"/>

Remarks:	

I recognize that this document shall be retained by the aforementioned Public Water System for a minimum of ten years and that I am legally responsible for the validity of the information I have provided.

Signature of Inspector:		License Type:	
Inspector Name(Print/Type):		License Number:	
Title of Inspector:		Date / Time of Insp.:	/

A Customer Service Inspection Certificate should be on file for each connection in a public water system to document compliance with 30 TAC § 290.44(h)/290.46(j).

Service Inspection Certification

Name of PWS _____
PWS I.D. # _____
Location of Service _____

Reason for Inspection: New construction..... ☐
 Existing service where contaminant hazards are suspected..... ☐
 Major renovation or expansion of distribution facilities..... ☐

I, _____, upon inspection of the private water distribution facilities connected to the aforementioned public water supply do hereby certify that, to the best of my knowledge:

	Compliance	Non-Compliance
(1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with state Commission regulations.	<input type="checkbox"/>	<input type="checkbox"/>
(2) No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention device tester.	<input type="checkbox"/>	<input type="checkbox"/>
(3) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.	<input type="checkbox"/>	<input type="checkbox"/>
(4) No pipe or pipe fitting which contains more than 0.25% lead exists in private water distribution facilities installed on or after January 31, 2014.	<input type="checkbox"/>	<input type="checkbox"/>
(5) No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.	<input type="checkbox"/>	<input type="checkbox"/>

Water service shall not be provided or restored to the private water distribution facilities until the above conditions are determined to be in compliance.

I further certify that the following materials were used in the installation of the water distribution facilities:

Service lines	Lead	<input type="checkbox"/>	Copper	<input type="checkbox"/>	PVC	<input type="checkbox"/>	Other	<input type="checkbox"/>
Solder	Lead	<input type="checkbox"/>	Lead Free	<input type="checkbox"/>	Solvent Weld	<input type="checkbox"/>	Other	<input type="checkbox"/>

I recognize that this document shall become a permanent record of the aforementioned Public Water System and that I am legally responsible for the validity of the information I have provided.

Signature of Inspector

Registration Number

Title

Type of Registration

Date

EXHIBIT 3 **TO APPENDIX B**

Texas Commission on Environmental Quality **BACKFLOW PREVENTION ASSEMBLY TEST AND MAINTENANCE REPORT**

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for recordkeeping *purposes:

NAME OF PWS:	Harris County W.C.I.D. 36	Tel. (713) 453-5493
PWS ID#:	1010239	
PWS MAILING ADDRESS:	903 Hollywood St., Houston, TX 77015	
PWS CONTACT PERSON:		
ADDRESS OF SERVICE:		

The backflow prevention assembly detailed below has been tested and maintained as required by commission regulations and is certified to be operating within acceptable parameters.

TYPE OF BACKFLOW PREVENTION ASSEMBLY (BPA):

<input type="checkbox"/> Reduced Pressure Principle (RPBA)	<input type="checkbox"/> Reduced Pressure Principle-Detector (RPBA-D) Type II <input type="checkbox"/>
<input type="checkbox"/> Double Check Valve (DCVA)	<input type="checkbox"/> Double Check-Detector (DCVA-D) Type II <input type="checkbox"/>
<input type="checkbox"/> Pressure Vacuum Breaker (PVB)	<input type="checkbox"/> Spill-Resistant Pressure Vacuum Breaker (SVB)

Manufacturer:	Main:	Bypass:	Size:	Main:	Bypass:
Model Number:	Main:	Bypass:	BPA Location:		
Serial Number:	Main:	Bypass:	BPA Serves:		

Reason for test:	New <input type="checkbox"/>	Existing <input type="checkbox"/>	Replacement <input type="checkbox"/>	Old Model/Serial #
Is the assembly installed in accordance with manufacturer recommendations and/or local codes?				<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the assembly installed on a non-potable water supply (auxiliary)?				<input type="checkbox"/> Yes <input type="checkbox"/> No

TEST RESULT PASS <input type="checkbox"/> FAIL <input type="checkbox"/>	Reduced Pressure Principle Assembly (RPBA)			Type II Assembly	PVB & SVB	
	DCVA		Relief Valve	Bypass Check	Air Inlet	Check Valve
	1 st Check	2 nd Check***				
Initial Test Date: Time:	Held at psid Closed Tight <input type="checkbox"/> Leaked <input type="checkbox"/>	Held at psid Closed Tight <input type="checkbox"/> Leaked <input type="checkbox"/>	Opened at psid Did not open <input type="checkbox"/>	Held at psid Closed Tight <input type="checkbox"/> Leaked <input type="checkbox"/>	Opened at psid Did not open <input type="checkbox"/> Did it fully open (Yes <input type="checkbox"/> /No <input type="checkbox"/>)	Held at psid Leaked <input type="checkbox"/>
Repairs and Materials Used**	Main: Bypass:					
Test After Repair Date: Time:	Held at psid Closed Tight <input type="checkbox"/>	Held at psid Closed Tight <input type="checkbox"/>	Opened at psid	Held at psid Closed Tight <input type="checkbox"/>	Opened at psid	Held at psid

*** 2nd check: numeric reading required for DCVA only

Differential pressure gauge used:	Potable: <input type="checkbox"/>	Non-Potable: <input type="checkbox"/>
Make/Model:	SN:	Date tested for accuracy:

Remarks:	

Company Name:	Licensed Tester Name (Print/Type):
Company Address:	Licensed Tester Name (Signature):
Company Phone #:	BPAT License #
	License Expiration Date:

The above is certified to be true at the time of testing.

* TEST RECORDS MUST BE KEPT FOR AT LEAST THREE YEARS [30 TAC §290.46(B)]

** USE ONLY MANUFACTURER'S REPLACEMENT PARTS

**EXHIBIT 4
TO APPENDIX B
Application for Service
(Please print or type)**

Duplicate to
(address)

(Subdivision and Section)

(Name of Applicant)

(Lot)

(Block)

(Street Address)

(Street Address)

(Phone)

(City)

(State) (Zip)

Installation to be performed by: _____
(Plumber or Sub-contractor) (Phone)

Type of pipe material to be used: PVC _____, ABS _____, VC _____, CI _____

Date: _____ Requested by: _____
(Signature)

Applicant to draw sketch of house layout and proposed location of water and sewer service line:

Please attach to this application a copy of the deed to this property as proof of ownership.

For District Use Only

Date Application Received: _____

Date Construction Authorized: _____

Connection Information: _____

WYE Location: _____

Stack Location: _____

Manhole Location: _____

Date of Inspection: 1st _____ 2nd _____ 3rd _____

Date Permit Granted: _____

Approved by: _____

District Representative _____

**EXHIBIT 5
TO APPENDIX B
Inspection Form
Sanitary Sewer Service**

Lot _____ Block _____ Section _____

Street Address _____

Inspection Requested By _____ Date _____

Date Tap to Be Made _____

Results of Inspection Made on _____ at _____ AM/PM

Pipe Material: Size _____ PVC (D3034) _____ ABS (D2751) _____

Tap to: Wye _____ Stack _____

Cleanout: House _____ and _____

INSTALLATION

	<u>Satisfactory</u>	<u>Unsatisfactory</u>
Directness to Wye	_____	_____
Slope	_____	_____
Full Contact w/bedding	_____	_____
Connection w/Main	_____	_____
Condition of Other District Facilities on Lot	_____	_____
Connection Permit is:	approved	(not approved)
Water service to Lot is:	approved	(not approved)

This service reinspected on _____. (See Attached new report)

Comments: _____

Copy to:

Applicant _____ By: _____
District Inspector

Manager _____ By: _____
Authorized Representative of Applicant

APPENDIX C

WASTEWATER CONTROL ORDER

I. PURPOSE

This Wastewater Control Order set forth below is to govern all connections made to the District's Sanitary Sewer Collection System. *The following Rules and Regulations (the "Rules and Regulations") shall govern the installation of connections or taps to the District's Sanitary Sewer System and/or Publicly Owned Treatment Works (POTW), the limitations on flow of waste into the system, the protection of all facilities which are part of the system; and enables the District to comply with all applicable State and Federal laws. The objectives of this order are:*

1. *To prevent the introduction of pollutants into the POTW that will interfere with its operation.*
2. *To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW.*
3. *To insure the quality of sludge in order to allow its use and disposal in compliance with applicable statutes and regulations.*
4. *To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public.*
5. *To enable the POTW to comply with its discharge permitted requirements.*

These rules and regulations shall apply to all users of the POTW whether such users are located within or outside the boundaries of the District. The order provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; and may require user reporting.

The District shall administer, implement, and enforce the provisions of these rules and regulations. Any powers to or duties imposed upon the District may be delegated by the District to the District's General Manager, other District personnel, District representatives, and/or consultants.

II. DEFINITIONS

Definitions from the District's Order Adopting Consolidated Rate Order and Rules and Regulations; Establishing Policy Regulating Water Use During Emergencies; Establishing a Wastewater Control Order; and Providing Penalties for Violation Thereof are incorporated herein by reference. Unless the context requires otherwise, the terms and phrases used herein shall have meanings as follows:

1. The term "amenable to treatment" shall mean susceptible to reduction in concentration by Treatment routinely provided in the wastewater treatment plant *utilized by the District (also referred to as the POTW)*, to a level which is in compliance with federal and state effluent limitations for discharges into the waters of the State of Texas.
2. The term "B.O.D." (Biochemical Oxygen Demand) means the quantity of oxygen by weight expressed in milligrams per liter ("mg/l") utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade as determined by the procedures specified in the latest edition of Standard Methods, or such other manual of operations as the District may adopt from time to time in accordance with the latest rules of the Texas Commission on Environmental Quality (the "TCEQ").
3. The term "Control Manhole" or "Control Point" means a manhole, sample well or other facility which provides access to a Customer's Sanitary Sewer Collection System and is located at a point before the waste discharges in the Waste Disposal System.
4. The term "C.O.D." (Chemical Oxygen Demand) means the measure of the oxygen-consuming capacity of inorganic and organic matter present in water or waste, expressed in milligrams per liter as the amount of oxygen consumed from a chemical oxidant as determined by Standard Methods, or such other manual of operations as the District may adopt from time to time in accordance with the latest rules of the TCEQ.
5. The term "Commercial Waste" means the liquid and water carried waste resulting from any process of industry, manufacturing, trade, business, or commercial enterprise, or any other process resulting in the discharge of waste other than normal domestic wastewater, including any mixture of industrial waste with water or normal domestic wastewater, and such other waste as the District deems appropriate.
6. The term "Commercial Waste Charge" means the charge made to persons who discharge or are responsible for the discharge of non-residential waste into the Waste Disposal System which discharge is amenable to treatment but which exceeds the concentration levels of normal domestic wastewater.
7. The term "Customer" means any person who is served by the wastewater collection and treatment system of the District (the "Waste Disposal System").
8. The term "Customer's Sanitary Sewer Collection System" means the sanitary sewer system(s) now owned or operated or to be constructed or acquired by Customers of the District, including sanitary sewers (but excluding storm sewers), manholes, intercepting sewers, pumping works, and all other plants, works, and equipment for the collection and transportation of waste to the District's Waste Disposal System.
9. The term "daily composite" means the composite of all samples of a Customer's wastewater that may be taken in any 24-hour period selected by the District. A daily composite shall be prepared from not less than three (3) grab samples collected no closer together than one (1) hour per sample.

10. The term "discharge" includes the terms deposit, conduct, drain, emit, throw, run, seep, or otherwise release or dispose of, or to allow, permit, or suffer any of such acts or omissions.

11. The term "grab sample" means an individual sample collected in less than 15 minutes.

12. The term "grease" means fats, waxes, oils, and other similar volatile material and waste which are extracted by procedures specified in the latest edition of Standard Methods, or such other manuals as the District may adopt from time to time in accordance with the latest rules of the TCEQ.

13. The term "infiltration water" means water which leaks into the District's Waste Disposal System or its Customers' Sanitary Sewer Collection Systems.

14. The term "interference" means the inhibition or disruption of the Waste Disposal System treatment process or operations which causes or contributes to causing a violation of the District's NPDES Permit or its permit issued by the Texas Commission on Environmental Quality.

15. The term "mg/l" means milligrams per liter.

16. The term "monthly average" means, at the option of the District, either (i) the arithmetic average of all grab samples taken during a calendar month or (ii) the arithmetic average of all daily composite samples taken during a calendar month.

17. The term "normal domestic wastewater means waste, excluding industrial waste, discharged by a person into the Waste Disposal System or into a Customer's Sanitary Sewer Collection System in which the average concentration of total suspended solids (*TSS*) is not more than 200 mg/l, B.O.D. is not more than 200 mg/l, and $\text{NH}_3\text{-N}$ is not more than 35 mg/l.

18. The term "overload" means the imposition of *solids*, organic or hydraulic loading on the Waste Disposal System in excess of either its designated hydraulic capacity, its installed rated capacity, or its organic loading capacity.

19. The term "person" means any individual, public or private corporation, district, authority, political subdivision, or other agency or entity of the State of Texas or of the United States of America; any incorporated city, town, or village, whether operating under general law or under its home rule charter; and any co-partnership, association, firm, trust, estate, or any other entity whatsoever.

20. The term "pH" means the common logarithm of the reciprocal of the hydrogen ion concentration expressed in molecules per liter of solution.

21. The term "Pollutant" means any dredged spoil, solid waste, incinerator residue, waste, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

22. The term "pretreatment" means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of the Pollutant properties in the wastewater to a less harmful state prior to, *as determined by the District*, or in lieu of discharging or otherwise introducing such Pollutants into the Waste Disposal System.

23. The term "properly shredded garbage" means solid waste from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half (1/2") inch in any dimension.

24. The term "slug" means any discharge *at a flow rate or concentration which could cause a violation of the prohibitive discharge standards of this order*.

25. The term "Standard Methods" means the examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the America Water Works Association, and the Water Pollution Control Federation.

26. The term "storm sewer" means sewers which carry storm and surface waters and drainage and into which waste is not intentionally discharged.

27. The term "suspended solids" means those solids that either float on the surface or are in suspension in waste or other liquids, expressed in terms of milligrams per liter.

28. The term "trap" means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes, or other substances which may be harmful to either the Waste Disposal System or its treatment processes.

29. The term "waste" means normal domestic wastewater and commercial waste collected by a public sanitary sewer collection system, together with such infiltration water as may be present.

30. The term "Waste Disposal System" means all or any part of any disposal system or disposal facilities constructed or acquired by the District for receiving, transporting, treating, and disposing of waste collected by the sanitary sewer collection systems of the District's Customers, together with such extensions, enlargements, and modifications as may be required in the future or as may be necessary to comply with any regulatory requirements.

31. The term "wastewater service charge" means the charge to all users of the District's Waste Disposal System whose wastes do not exceed the concentrations established herein as representative of normal domestic wastewater.

III. **PROHIBITED DISCHARGE**

A. DISCHARGES INJURING OR INTERFERING WITH WASTE DISPOSAL SYSTEM

The District's sewer system is designed for and generally intended for domestic wastewater. All waste discharged into the Waste Disposal System shall conform to the requirements hereof and shall consist only of waste amenable to biological treatment or other physical and/or chemical processes employed by the District from time to time. No person may discharge into the Waste Disposal System any waste which by itself or by interaction with any other waste may (i) injure or interfere with the process or physical properties or facilities of the Waste Disposal System, (ii) constitute a hazard to humans or animals, and (iii) create a hazard in the receiving waters of the effluent of the Waste Disposal System.

The following are prohibited discharges to the sewage system:

1. Any storm water, surface water, ground water, artesian well water, roof run-off, subsurface drainage, down spouts, yard drains, yard fountain and ponds, lawn sprays/sprinklers, condensate, deionized water, noncontact cooling water, or other drainage into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as storm sewers or to a natural outlet approved by the District. Unpolluted processed water may be discharged upon prior written approval of the District to the sanitary sewer system by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer at a rate not in excess of that approved by the District, and provided that the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed herein. Swimming pool connections shall not be made to the District's sewer system.

2. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion or be injurious in any way to the Waste Disposal System or to the *operators of the plant or to the* operation of the Waste Disposal System. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances in concentrations which the District, the State or EPA has identified or hereafter identifies as a fire hazard or a hazard to the system.

3. Any wastewater having a pH less than 6.0 or higher than 9.0, as determined from the average of at least four (4) grab samples taken at least one (1) hour apart and measured instantaneously, or having a pH lower than 5.0 or higher than 10.0 for any single grab sample, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Waste Disposal System.

4. Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant or result in the interference with the operations of such facility, but in no case wastewater with a temperature at the designated control point or sample well which exceeds 65C (150F) or which causes the temperature of waste at the entrance to the wastewater treatment plant to exceed 40C (104F). In addition, no wastewater with such a temperature that will cause the temperature of wastewater at the entrance to the wastewater treatment plant to rise more than 10F per hour.

5. Any Pollutants, including oxygen demanding Pollutants released at a flow rate and/or Pollutant concentration which will cause interference to the Waste Disposal System. No slug discharges are allowed.

6. A volume of flow which will cause the influent flow to the Waste Disposal System to exceed 1.5 times the average dry weather flow rate for a period longer than one (1) hour. The design and installation of surge basins shall be subject to the review and approval of the District and to the requirements of all applicable laws.

7. Waste containing B.O.D. or suspended solids in excess of 200 mg/l, or ammonia in excess of 35 mg/l, based on a grab sample, unless a variance is first obtained from the District. [*Wastes with monthly averages of B.O.D. or suspended solids in concentrations above 200 mg/l and ammonia in a monthly concentration above 35 mg/l, respectively shall be subject to payment of Commercial Waste Charges pursuant to Section VIII herein.?*]

8. Hazardous waste prohibited by any regulatory agency.

9. Trucked or hauled wastes, except as specifically authorized by the District.

10. Wastewater which imparts color which cannot be removed by the treatment process, such as but not limited to: dye wastes and vegetable tanning solutions which consequently imparts color to the treatment plant's effluent, thereby violating the POTW discharge permit.

11. Sludges, screenings, or other residues from the pretreatment of industrial wastes.

12. Medical wastes, except as specifically authorized by the District.

In cases where, and in the opinion of the District, the character of the discharge from any commercial, manufacturer, industrial facility, or other premises is such that it will damage the system or cannot be treated satisfactorily in the system, the District shall have the right to require such user to dispose of such waste otherwise, pretreat the sewage, or prevent it from entering the system.

B. CHEMICAL DISCHARGES

The following chemicals shall not be admissible into the Waste Disposal System:

1. Cyanide or cyanogen compounds capable of liberating hydrocyanic gas upon acidification when present in concentrations in excess of 0.5 mg/l by weight as cyanide (CN);

2. Fluorides other than those contained in the local public water supply for the area which is the source of the discharge;

3. *Detergents, soaps, surfactants, surface-active agents*, or other substances which may cause excessive foaming in the POTW;

4. Substances causing C.O.D. in excess of 500 mg/1 for any daily composite sample or 1,000 mg/1 for any grab sample;

5. *Fats, wax, grease or oils, waxes, plastic, and other substances, whether free, emulsified or not, in excess of one hundred (100) ppm of either or both, or combinations of free or emulsified oil and grease, or containing substances which may solidify or become viscous at temperature between thirty-two (32°F) and one hundred (100°F) Fahrenheit;*

6. Dissolved sulfides whose concentrations exceed 30 mg/1;

7. Radioactive materials or isotopes of such half-life or concentrations which will permit a transient concentration higher than the maximum allowable as specified by the governing standards of all local, State and federal regulatory authorities;

8. Any other corrosive, explosive, malodorous, or objectionable chemicals in liquid, solid, or gaseous form.

C. HEAVY METALS AND TOXIC MATERIALS

The following metals and toxic materials shall not be admissible into the District's Waste Disposal System:

1. Any wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any wastewater treatment process, which constitute a hazard to humans or animals, which create a toxic effect in the receiving waters of the wastewater facilities, or which exceed the limitation set forth in a National Categorical Pretreatment Standard.

2. *Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.*

3. Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of this Part III hereof.

4. Any substance having corrosive properties capable of causing damage or hazard to structures, equipment, or personnel operating the Waste Disposal System.

5. All waste or other substances containing phenols, hydrogen sulfide, or other taste or odor producing substances exceeding the concentration limits established from time to time by the District or which, after treatment of the composite waste, exceeds applicable regulatory requirements.

6. Antimony, beryllium, bismuth, boron, cobalt, molybdenum, tin, uranyl ion, uranium, rhenium, strontium, tellurium, and such other heavy metals as may be prohibited by the District.

7. The following heavy metals or the salts thereof in solution or suspension which upon analysis by Standard Methods exceed the concentrations listed below:

Not to Exceed (mg/l)

<u>Monthly Metal</u>	<u>Daily Average</u>	<u>Grab Composite</u>	<u>Sample</u>
Arsenic	1.000	1.500	3.000
Barium	5.000	7.500	15.000
Cadmium	0.083	0.125	0.250
Chromium	5.000	7.500	15.000
Copper	0.600	0.900	1.800
Lead	0.400	0.600	1.200
Manganese	2.000	3.000	6.000
Mercury	0.0005	0.0010	0.00
Nickel	5.000	7.500	15.000
Selenium	0.467	0.700	1.400
Silver	0.050	0.050	0.100
Zinc	2.000	3.000	6.000

8. Any other heavy metals or toxic materials except upon the conditions of pretreatment, concentration, volumes, and other applicable standards prescribed by the District or by applicable statutes, laws, rules, or regulations.

D. SOLID WASTE

No person may discharge solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Waste Disposal System including, but not limited to, garbage, animal guts or tissues, paunch manure, bones, hair hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, lettuce, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grindings or polishing wastes. However, garbage from residential and commercial food preparation may be discharged to the sewer system if it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers (i.e. garbage disposals mounted beneath sinks). In addition, all particles shall be less than ½" in any dimension after passing through the garbage disposals. The District is entitled to review and approve the installation and operation of any garbage disposal/grinder equipped with a motor of ¾ horsepower or greater.

Other prohibitive solid wastes include inert suspended solids greater than two hundred and fifty (250) ppm including but not limited to: Fuller's earth, lime slurries, and lime residues, and/or total dissolved solids greater than nine hundred seventy-five (975) ppm (such as sodium

chloride, or sodium sulfate). Or any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the POTW.

IV. **MINIMUM PRELIMINARY TREATMENT CRITERIA** **FOR COMMERCIAL WASTE**

Users shall provide wastewater treatment as necessary to comply with this order and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in the Prohibited Discharges To Sewage Works Section of this order within the time limitations specified by EPA, the State, or the District, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Any state pretreatment standards now or hereafter adopted by the Texas Commission on Environmental Quality, are hereby incorporated by this reference and made a part of this order with the same force and effect as they would have if they were rewritten here in their entirety.

In addition, wastewater with unusual flows and/or concentrations shall be pretreated to a concentration acceptable to the District, if such wastes in the opinion of the District, can cause damage to collection facilities, impair the process, or incur treatment costs exceeding those of normal sewage treatment. Where discharge of such wastes to the sanitary sewer are not properly pretreated or otherwise corrected, the District may reject the wastes or terminate the service of water and/or sanitary sewer, require control of the quantities and rates of discharge of such wastes, or require payment of surcharges for excessive cost for treatment provided such wastes are amenable to treatment by normal sewage plant facilities operated by the District.

Design calculations, plans, specifications and any other pertinent information relating to any proposed preliminary treatment or processing facilities shall be submitted to the District for review, if the effluent from such facilities is to be discharged into the Public Sewer. The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances, and other laws. The submittal information shall describe the facilities and operating procedures, and shall be acceptable to the District before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this order.

Whenever deemed necessary, the District may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this order. The District has the authority to and shall regulate the flow and concentration of wastewater when they may:

1. Impair the treatment process;
2. Cause damage to collection and pumping facilities;

3. Cause overflows or burdens on the pumping facilities; or
4. Incur treatment costs exceeding those for normal wastewater.

The District may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

If pretreatment or control is required, in the opinion of the District, to modify or eliminate wastes that are harmful to the structures, processes or operation of the sewage disposal works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the public sewers. Sampling wells shall also be provided for all new sewer connections serving commercial, unrestricted, or unrecorded property. In addition, the District reserves the right to require the addition of a sampling well to any current connection at any time that such connection has a change of use or at any time that such sampling well is determined to be necessary by the District. Where required, such sampling wells shall be installed and maintained by the user at its sole expense.

It is not the intent of this Wastewater Control Order to cover all the possibilities for types of businesses that could potentially discharge wastes that can be adverse to the Waste Disposal System. However, the common commercial enterprises found in the vicinity of residential neighborhoods have been considered.

1. Gasoline Sales/Car Repair. All floor drains in shop areas shall include a combination mud and grease trap similar to City of Houston Dwg. 359-S-1. All flows into these drains should subsequently be treated in a specially designed oil separator with positive means for oil and grease removal. A 48-hour detention grease trap (minimum 1,500 gallons) or a corrugated plate pack separator will provide such treatment. No drainage shall be pumped with a centrifugal pump prior to oil and grease separation. The traps shall be cleaned at least once a month. Safeguards shall be taken against contamination of groundwater due to leakage from fuel tanks. All piping and tankage for both oil and grease pretreatment facilities and product storage shall be of double wall construction and shall include integral leak detection monitors to preclude contamination of groundwater.

2. Car Wash Facilities. All car wash facilities shall recycle the maximum amount of wash water through the best commercially available systems and install a mud/grease trap for each drain followed by 96-hour detention gravity grease separation (minimum 1,500 gallons) or a corrugated plate pack separator. Mud, sludge, and grease removal shall be required at least once a month. If the car wash facility has gasoline pump(s), then the car wash facility must also have floor drains to include a mud and grease trap similar to City of Houston Dwg. 359-S-1. All flows into these drains should subsequently be treated in a specifically designed oil separator with positive means for oil and grease removal. Traps shall be cleaned at least once a month. Safeguards shall be taken against contamination of groundwater due to leakage from fuel tanks. All piping and tankage for both oil and grease pretreatment facilities and product storage shall be double wall construction and shall include integral leak detection monitors to preclude contamination of groundwater. A ground water monitoring well must also be installed.

3. Food Service/Grocery Stores. Restaurants, meat markets, grocery stores, and other establishments dealing with the sale of unprocessed or cooked foods shall be prohibited from using garbage grinders, shall require grease traps (minimum 1,500 gallons), shall install an inspection manhole for sampling, and shall insure that scrap food and grease are collected in sealed containers and hauled away for reprocessing. Grease traps shall be cleaned a minimum of once a month.

4. Printing and Photo Processing. Printing and photo processing facilities shall install a ground water monitoring well and shall discharge only domestic waste from sinks and restrooms. All printing and photo processing chemicals shall be collected in sealed containers and hauled away for reprocessing.

5. Laundry/Dry Cleaning. Laundry and dry cleaning facilities shall install a ground water monitoring well and shall incorporate a lint trap system equivalent to two City of Houston Dwg. 533-S units in series, providing a minimum of 3,000 gallons of capacity. Cleaning of the lint trap is required at least once a month.

6. Landscaping/Nurseries. Landscaping and nurseries that use herbicides and pesticides shall install a ground water monitoring device and shall only discharge domestic waste from sinks and restrooms.

7. Discharge of Waters or Wastes Containing Toxic or Poisonous Substances; Submission of Written Statement. Where the operation of a person, firm, or corporation entails the discharge of water or wastes containing toxic or poisonous substances, a written statement setting forth the nature of the operation contemplated or presently carried on shall be filed with the District. The statement shall specify the amount of water that will be used and its source, the proposed point of discharge of wastes into the Waste Disposal System of the District, and the estimated amount to be discharged; the statement shall include a laboratory statement setting forth the expected bacterial, physical, chemical, and other known characteristics of said wastes. Within thirty (30) days from receipt of such statement, the District shall issue an order stating minimum restrictions necessary in the judgment of the District's Engineer to protect the District's systems.

Where pretreatment or control is required by the District, it shall review and approve the design and installation of the equipment and processes in conformity with all applicable laws and regulatory requirements. Any person responsible for discharges requiring such pretreatment or control facilities shall provide and maintain such facilities in effective operating conditions.

At least once every two (2) years, the District shall evaluate whether each significant commercial and industrial user needs an accidental discharge/slug control plan. The District may require any user to develop, submit for approval, and implement such a plan. Alternatively, the District may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of pretreatment and/or flow equalization facilities;

3. Description of stored chemicals;
4. Procedures for immediately notifying the District of any accidental or slug discharge; and
5. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

V. **TRAPS; INTERCEPTORS**

A. Required Grease and Oil Interceptors.

Grease, oil, and sand interceptors shall be provided *as part of all Customer's Sanitary Sewer Collection Systems discharging commercial waste to the District's Waste Disposal System* for the proper handling of liquid wastes containing grease and oils in amounts that will impair the proper functioning of any sanitary sewer line and for preventing any flammable wastes, sand, and other harmful ingredients from entering into the sanitary sewers. Interceptors shall not be required for premises used exclusively as private living quarters or dwelling units. *However, the District, shall have the right to require users to install grease, oil, and sand interceptors for pretreatment of wastewater where, and in the opinion of the District, the character of the discharge from any commercial, manufacturer, industrial facility, or other premises is such that it will damage the system or cannot be treated satisfactorily in the system.* All interceptors shall be of a type and capacity approved by the District and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and watertight. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Any facility with a mud and grease trap or grease trap or pretreatment system shall be required to remove grease, grit, sludge, or other residue at least once a month and shall maintain records at the site of the date, time, name of hauler, volume removed, destination, waste hauling permit number, and a copy of a hauler's manifest. Records shall be available for inspection by District's representatives during normal working hours and shall be submitted to the District not less than quarterly. A facility not complying with the requirement to have a grease trap or interceptor, failing to provide documentation of grease hauling or permitting a by-pass shall be subject to the fees and penalties as set forth under Miscellaneous Charges on the Rate Schedule, attached hereto as Appendix "A," of the District's Rate Order and having water service terminated until the facility is brought into compliance.

B. Grease and Oil Interceptor Inspection and Fees.

Grease and oil interceptors shall be required as set forth in this Wastewater Control Order. The District's staff shall inspect all interceptors on a minimum of a quarterly basis starting in January, or more frequently as determined to be necessary by the District. In the event the interceptor fails to pass the inspection, a re-inspection will be required. In the event of a failure of the re-inspection, a second re-inspection will be required. Additionally, failure to pass a third inspection will result in immediate termination of services and subject the Customer to all of the reconnect fees associated with such termination. Each interceptor inspection, re-inspection or a failure to pass an inspection or re-inspection shall be subject to the charges, fees and penalties as set forth under Miscellaneous Charges on the Rate Schedule, attached as Appendix "A," of the District's Rate Order. Failure to pay the inspection fee and any penalty amounts shall be deemed cause for termination as set forth in this Rate Order. All costs incurred by the District for cleaning lines or taking other corrective actions for problems caused by improper handling of grease and oil shall be charged to the Customer.

VI.

SAMPLING; TESTING; INSPECTION; RIGHT OF ENTRY

A. Control Manholes: Installation, Location, and Maintenance. The owner of any property served by a sewer carrying Commercial Waste shall install a suitable control manhole in the sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Owners of property served by a sewer carrying Commercial Waste and required to install a suitable manhole pursuant to this Article VI hereof and receiving water and sanitary sewer service from the District on the initial effective date of this Wastewater Control Order shall have one hundred eighty (180) days from the initial effective date to install a suitable control manhole. Failure to install the manhole within one hundred eighty (180) days as described herein shall result in the termination of water and sewer service to the property. All new connections served by a sewer carrying Commercial Waste shall have a suitable control manhole installed prior to receiving water and sewer service from the District.

B. Sampling/Testing. The District or its duly authorized agent or representative may enter at all reasonable times any lands or premises served or proposed to be served by the Waste Disposal System for the purposes of carrying out and determining compliance with the provisions hereof.

After the effective date hereof and upon completion of the installation of a suitable control manhole pursuant to Section VI(A) hereof, the Operator for the District shall conduct an initial test which shall consist of a minimum of one (1) grab sample and a maximum of three (3) grab samples, as determined by the District's Operator, from the control manhole of all sewers carrying Commercial Waste. If the results of the grab samples indicate that the waste being discharged into the Waste Disposal System is in accordance with this Wastewater Control Order, testing shall then be conducted on a periodic basis.

In the event the grab samples indicate that the waste being discharged into the Waste Disposal System is in violation of this Wastewater Control Order, then the owner of the property shall be notified and shall be required to submit a plan for the satisfactory correction of the violation in accordance with Subsection C of this Section, unless the violation presents an imminent danger to the health or welfare of the public, then service shall be terminated in accordance with Article IX hereof. The cost for all additional testing conducted as a result of the violation shall be billed to the commercial Customer, and failure to pay such cost will result in the termination of water and sewer service.

Sampling and testing shall be conducted on connections carrying Commercial Waste in accordance with customarily accepted methods, reflecting the effects of constituent wastes upon the Waste Disposal System and the existence of hazards to health, life, limb, or property. Examination and analysis of the characteristics of water and waste shall be conducted in accordance with Standard Methods or such other manual of operation as the District may adopt from time to time in accordance with the latest rules of the Texas Commission on Environmental Quality and shall be determined from suitable samples taken at control points selected by the District. The cost to take and analyze such samples shall be added to the Customer's water and sewer service bill, and failure to pay for such sample will result in the termination of the Customer's water and sewer service.

C. Notification of Violation/Submission of Plan. Whenever the District finds that any Customer has violated or is violating this Wastewater Control Order, except when such violation presents an imminent danger to the health or welfare of persons, as provided in Article IX, the District shall serve upon such person a written notice stating the nature of the violation. Within a period of not more than thirty (30) days from the date of the notice, as specified therein, a plan for satisfactory correction thereof shall be submitted in writing to the District. If such a plan is not timely submitted, or if such violation is not corrected, the District shall proceed with enforcement under Article XII. No prior notice shall be required for the imposition of the fine described in Article XI if such fine is assessed for a violation of this Wastewater Control Order.

VII.

SUPERVISION

If the District or its designated representative determines that a discharge or a proposed discharge into the Waste Disposal System may deleteriously affect the Waste Disposal System or receiving waters, or create a hazard to life or health, or create a public nuisance, it may require:

- A. Discontinuation of the discharge into the District's sewer system in its entirety.
- B. Pretreatment to an acceptable condition for discharge into the Waste Disposal System.
- C. Control over the quantities and rates of discharge.
- D. Waste surcharge payments sufficient to compensate the District for the cost of handling and treating the waste.

VIII. COMMERCIAL WASTE CHARGES

In addition to the wastewater service charges made by the District, the District may charge Customers discharging commercial waste into the Waste Disposal System the Commercial Waste Charges provided for herein where the waste discharge exceeds the parameters of normal domestic wastewater.

1. The Commercial Waste Charge shall be calculated by the following formula:

$$UC = Q[X + Y(\text{BOD} - 200) + Z(\text{SS} - 200) + n(N-35)]$$

Formula values are:

UC = Commercial Waste Charge (in dollars)

Q = Billable quantity (based on water billed or actual measurement of Wastewater discharged) of wastewater in thousands of gallons.

X = \$0.50

Y = \$0.0018

Z = \$0.0022

n = \$0.0125

BOD = Five-day, twenty (20) degrees celsius, biochemical oxygen demand content of the waste delivered, in mg/l based on monthly average concentration.

SS = Suspended solids content of the waste delivered, in mg/l based on monthly average concentration.

N = Ammonia content of the Waste delivered, in mg/l based on monthly average concentration.

The District shall review and, if appropriate, adjust the Commercial Waste Charges to reflect changes in the characteristics of the commercial waste of each user based upon the results of sampling and testing. The District also shall review the basis for determining Commercial Waste Charges and shall adjust the unit treatment costs in the above formula to reflect increases or decreases in the wastewater treatment costs based upon the prior experience. Increases in Commercial Waste Charges shall continue for six (6) billing periods unless subsequent tests determine that the charges should be further increased. If another method of billing is determined by the District's Board to be a more effective method of allocating such costs to the Customer, based upon the particular facts of each case, the District may use such method in lieu of the above. The Commercial Waste Charges will be billed as a separate item from wastewater service charges. Failure to pay the Commercial Waste Charge shall result in termination of water

and sewer service pursuant to provisions of the District's Order Adopting Consolidated Rate Order and Rules and Regulations; Establishing Policy Regulating Water Use During Emergencies; Establishing a Wastewater Control Order; Establishing Certain Other Policies; and Providing Penalties for Violation Thereof.

IX. EMERGENCY RELIEF

The District may immediately suspend the wastewater treatment service of a user when such suspension is necessary, in the opinion of the Board of the District, in order to stop or prevent an actual or threatened discharge that presents an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the Waste Disposal System of the District, or which would cause the effluent from the plant to exceed discharge parameters. The District may immediately suspend the wastewater treatment service of a user when such suspension is necessary, in the opinion of the Board of the District, to prevent contamination of sludge from the plant. The District shall reinstate the wastewater service upon proof of the elimination of the noncomplying discharge. Such disconnection and reconnection shall be at the expense of the user. The District may permanently disconnect any user showing a history of flagrant or habitual violation of this Wastewater Control Order.

X. REVIEW

Any user objecting to a decision or order of the District under authority of this Wastewater Control Order shall have the right to a hearing before the Board of the District, at which time the contentions of both the District and user shall be reviewed. The Board President, or in his absence the Vice President, shall be the presiding officer and may, at his discretion, request other professional opinions prior to rendering his decision on the matter of review.

XI. PENALTY FOR VIOLATION OF ARTICLE

All violations of this Wastewater Control Order, including any failure to observe any discharge parameter set forth herein or permit issued pursuant to this Wastewater Control Order, shall be punishable with the Civil Penalties set forth in and under the Enforcement Provisions of the District's Rate Order and as set forth in Article XII of this Wastewater Control Order. Each day of a violation of any parameter or requirement constitutes a distinct and separate offense.

XII. ENFORCEMENT

Any or all of the following remedies may be employed by the District to abate and prevent any violation of the provisions of this Wastewater Control Order:

1. Discontinuance of water service.
2. Disconnection and sealing of sanitary sewer connection.

3. In accordance with Texas Water Code Section 49.004, as amended, the Board hereby imposes the following civil penalties for breach of any rule of the District: The violator shall pay the District twice the costs that the District has sustained due to the violation up to and not exceeding \$10,000 as set forth in the Texas Government Code Section 27.031, as amended. A penalty under this Section is in addition to any other penalty provided by the laws of this State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. If the District prevails in any suit to enforce its rules, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorneys' fees shall be fixed by the court.
4. The District's attorney may and is hereby authorized to:
 - (a) File suit in a court of competent jurisdiction to secure appropriate judicial relief, including, but not limited to, injunctive relief and the penalty provided in the District's Rate Order for the violation by such user of the provisions of this Wastewater Control Order.
 - (b) Seek a resolution of the Board authorizing the filing of a lawsuit under the provision of Texas Water Code 26.124.
5. A user found in violation of this Wastewater Control Order shall be liable to the District for all expenses borne by the District including laboratory fees, legal fees, engineering fees and other costs incurred by the District in establishing the violation and resolving the cause of the violation.
6. A user found in violation of this Wastewater Control Order that causes or contributes to a violation by the District's Waste Disposal System of effluent parameters shall be liable to the District for all expenses borne by the District, including legal and engineering fees related to any lawsuit filed by federal, state, or local authorities regarding violations by the District of effluent parameters applicable to the District's sanitary sewer system.
7. Where a user discharges wastewater to the District's Waste Disposal System in violation of this Wastewater Control Order and such discharge causes or contributes to contamination of sludge from the wastewater treatment plant, the user shall be liable for all costs borne by the District in disposing of the contaminated sludge over and above costs regularly incurred in sludge disposal.

XIII.

SEVERABILITY

All orders or parts of orders in conflict herewith are hereby repealed to the extent of such conflict. The invalidity of any section, clause, sentence, or provision of this Wastewater Control Order shall not affect the validity of any other part or parts of this Wastewater Control Order, which other part or parts shall be given effect as though such invalid section, clause, sentence, or provision were omitted.

XIV.
SUPERSEDING REGULATION OR STATUTE

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency having jurisdiction over the subject matter of this Wastewater Control Order is in conflict with this Wastewater Control Order, the stricter requirement shall apply, unless mandated otherwise.

XV.
REIMBURSEMENT TO DISTRICT

In the event that any person, as defined in Section II herein, discharges industrial wastes as defined in this Wastewater Control Order, either with or without authorization by the District, such person shall be responsible for any extraordinary costs of operation of the wastewater treatment plant that might result from unauthorized wastes or improper handling of authorized wastes and shall also be responsible for any administrative fines, penalties or fees that may be assessed to the District for such discharge.

Such charges may include, but not be limited to, the costs of determining the nature of the contaminant into the plant (a Toxicity Identification Evaluation), the costs of locating the source of the contaminant, and the costs of preventing the contaminant from entering the plant or eliminating the contaminant from the treatment units. Failure to pay such costs when billed may subject the entity to disconnection of services as set forth in Section XII above and to any other remedies available to the District.

XVI.
EFFECT OF REGULATION; AMENDMENT

The provisions hereof are to be deemed and construed as regulatory requirements supplementary and in addition to all laws, rules, regulations, ordinances, or licenses now in effect or hereafter passed, adopted, or promulgated by any regulatory agency, federal, state, or local, having jurisdiction over the District's Waste Disposal System. The provisions hereof are subject to amendment, repeal, or alteration from time to time by the Board of Directors of the District.

APPENDIX D

RULES AND REGULATIONS GOVERNING MOBILE FOOD ESTABLISHMENTS

All mobile food establishments must display a current Harris County Public Health (HCPH) permit and medallion. The District must have a record on file with the following information:

1. Complete name and identification;
2. Address and notarized permission letter signed by the owner of the property **(Note: The notarized letter is only required for mobile food unit that park two (2) or more hours)** stating that the District's rules and regulations relating to water and sewer system connection and operation will be followed;
3. Current telephone number at all times; and
4. The Mobile Food Unit Permit Number is issued by HCPH.

Mobile Food Establishments are required to comply with all HCPH regulations. Current HCPH regulations may be found at the following link:

<https://publichealth.harriscountytexas.gov/Services-Programs/All-Services/Food-Permits/New-Customers/Mobile-Units-New>