

TALTY SPECIAL UTILITY DISTRICT

P.O. Box 890
12475 Windy Lane
Forney, Texas 75126

Tel: (972) 552-4422

Fax: (972) 552-2338

www.taltysud.com

RATE ORDER

CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10850

KAUFMAN COUNTY, TEXAS

Amended March 21, 2023
Amended August 15, 2022
Amended March 15, 2021
Amended October 21, 2019
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Prepared by:

JAMES W. WILSON, ESQ.
GAY, MCCALL, ISAACKS & ROBERTS, P.C.
777 EAST 15TH STREET
PLANO, TEXAS 75074
(972) 424-8501
jwilson@gmigr.com

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ACRONYMS

The following acronyms are used throughout this Rate Order:

- ANSI/NSF. . . American National Standards Institute/National Sanitation Foundation
- AWWA. American Water Works Association
- CCN. certificate of convenience and necessity
- CSI. customer service inspection
- DCVA. double-check valve assembly
- NTMWD. . . . North Texas Municipal Water District
- OSSF. on-site sewage facility
- PUC. Texas Public Utility Commission
- ROW. right-of-way
- RPZ. reduced pressure zone valve assembly
- RV. recreation vehicle
- TAC. Texas Administrative Code
- TCEQ. Texas Commission on Environmental Quality
- TSBPE. Texas State Board of Plumbing Examiners
- TWDB. Texas Water Development Board

SECTION A.

ADOPTION & AUTHORITY

1. **Effective Date.** This Rate Order was originally adopted by the Board of Directors of the Talty Special Utility District on March 20, 2017, by passage of Ordinance No. 2017-003. This Rate Order took effect immediately upon its adoption.

2. **Preexisting Penalties and Vested Rights.** The adoption of this Rate Order shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or vested right established or accrued under the District's predecessor, the Talty Water Supply Corporation, prior to the effective date of the adoption of this Rate Order.

3. **Official Rate Order; Copies.**

(a) Location and Maintenance. The official Rate Order approved by the Board of Directors shall be maintained by the Secretary in the District's regular office. The Secretary will clearly enter and delineate all additions, deletions and amendments to the Rate Order adopted from time to time by the Board.

(b) Copies Available. An official copy of the Rate Order shall be available to the public for examination at the District's regular office during regular office hours. A copy of this Rate Order shall be made available upon request and payment of a \$12.00 reproduction charge.

4. **Conflicts.** Rules and regulations of state and federal agencies having applicable jurisdiction, promulgated under any applicable state or federal law, shall supersede all terms of this Rate Order that directly conflict with such state or federal rules or regulations. If any section, paragraph, sentence, clause, phrase, word or words of this Rate Order are declared unconstitutional or in violation of law, the remainder of this Rate Order shall not be affected thereby and shall remain in full force and effect.

SECTION B.

STATEMENTS

1. **Organization.** The District was formed by converting the Talty Water Supply Corporation to the Talty Special Utility District under the authority of Article XVI, Section 59, of the Texas Constitution, and Chapters 49 and 65 of the Texas Water Code. The District operates pursuant to Texas law and the regulations and authority of the Texas Commission on Environmental Quality and the Public Utility Commission. The District exists for the purpose of furnishing potable water utility service for domestic use. The District is managed by a Board of Directors whose members are elected by qualified voters residing within the political boundaries of the District.

2. **Non-Discrimination Policy.** Service is made available to all qualified applicants that comply with the provisions of this Rate Order regardless of race, creed, color, national origin, sex, disability or marital status.

3. **Policy and Rule Application.** These policies, rules and regulations apply to the service provided by the District. Failure on the part of a customer or applicant to observe these policies, rules and regulations gives the District the authority to deny or discontinue service.

4. **Fire Protection.** The District's water system provides potable water primarily for domestic consumption and will provide additional capacity to meet reasonable local demand characteristics. However, it is District policy to design and construct the water system with sufficient capacity to provide fire-flows and, following the construction of such facilities, the District will use its best efforts to maintain and operate the water system in accordance with applicable fire-flow standards. All hydrants or flush valves are primarily for the operation and maintenance of the water system and may be used for refill or firefighting only by authorized fire departments. The District reserves the right to remove any hydrant due to improper use or detriment to its water system, as determined by the District, at any time and without notice, except for a hydrant installed pursuant to the terms of a temporary service contract with the District, in which event the terms and conditions of the contract shall apply.

5. **Damage Liability.** Pursuant to state law, the District is not liable for damages caused by service interruptions due to waterline breaks or equipment failure, tampering by third persons or customers of the District, system failures, system maintenance or repairs, or other events beyond the District's control. The limit of liability of the District is the extent of the cost of service provided. Notwithstanding anything herein to the contrary, nothing in this Rate Order shall be construed as a waiver of immunity by the District of its officials.

6. **Public Information Disclosure.** District records shall be kept at the District's office located at 12475 Windy Lane, Forney, Texas 75126. All information collected, assembled or maintained by or for the District shall be disclosed to the public in accordance with the Texas

Public Information Act. An individual customer may request in writing that the District keep the customer's name, address and telephone number confidential. **In no event and under no circumstances shall the District disclose the Social Security Number of any customer to any person other than an employee of the District with a need to know it for District business purposes.** Such confidentiality does not prohibit the District from disclosing this information to an official or employee of the state or a political subdivision of the state acting in an official capacity or an employee of the District acting in connection with the employee's duties. A reasonable charge pursuant to the Texas Public Information Act may be assessed to any person requesting copies of District records.

7. **Notice of Change in Rates.** The District will give written notice of a change to monthly water rates by publication, mail or hand delivery to all affected customers at least thirty (30) days prior to the effective date of the new rate. The notice shall state the old rates, the new rates, the effective date of the new rates, the date of Board approval, and the name and telephone number of the District representative designated to address inquiries about the rate change. Failure of the District to give the notice shall not invalidate the changed rate or any change based on the changed rate.

8. **Customer Service Inspections.** A customer service inspection is an examination of private water distribution facilities for the purpose of providing, denying or terminating water service. The District requires a customer service inspection certificate to be completed prior to providing continuous water service to new construction and for all new customers as part of the activation of standard and some non-standard service. The District may also require customer service inspections of existing service connections when the District has reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction or addition to private water distribution facilities. Under the foregoing conditions, the inspection is limited to the identification and prevention of cross connections, potential contaminant hazards and illegal lead materials. [30 TAC § 290.46(j)]. A customer service inspection is not a plumbing inspection as defined and regulated by the Texas State Board of Plumbing Examiners (TSBPE).

9. **Public Works Standards.** The District adopts applicable sections of the Standard Specifications for Public Works Construction (4th Edition), as amended, promulgated by the North Central Texas Council of Governments, as guidance in the design, installation and maintenance of line extensions and service facilities.

10. **Submetering Responsibility.** Submetering and non-submetering by Master Metered Accounts may be allowed in the District's water distribution system provided the Master Metered Account customer registers with the Texas Commission On Environmental Quality (TCEQ) and complies with its rules on submetering at Title 30, Chapter 291, Subchapter H of the Texas Administrative Code. The District has no jurisdiction over or responsibility to tenants receiving water under a Master Metered Account, and such tenants are not considered customers of the District. Any interruption or impairment of water service to the tenants is the responsibility of the

Master Metered Account customer. Any complaints regarding submetering should be directed to the TCEQ. From time to time, the District may check on the master metered account customer to:

(a) verify that the master metered account customer is registered with the TCEQ (Water Code, Chapter 13, Subchapter M);

(b) verify that the master metered account customer charges tenants no more than the total amount of charges billed (if the aggregate bill is greater than the District's charge, the Master Metered Account Customer is considered by the TCEQ to be a separate public water system and it will be required to comply with all TCEQ regulations); or

(c) protect the District's CCN area. Should the master metered Account customer continue to violate these or other state regulations, the District will apply to the TCEQ for a cease and desist order (Water Code, §13.252 and 30 TAC §291.118).

11. **District Forms Policy.** The District has promulgated official forms for various administrative and customer service purposes. Official forms must be used when applicable. The District reserves the right to amend, revise and discontinue use of any form, and to create and use new forms for any reason including compliance with federal and state laws and regulations, improving administrative efficiency, preparing for future system demands, and meeting the unique service needs of developers and non-standard service applicants or customers.

12. **Voluntary Contributions Policy.** The District has established guidelines for accepting voluntary contributions from customers to be distributed to emergency service providers in the District's service area. (See Texas Water Code §§ 13.143 and 67.017)

13. **Plumbing Code.** The District has adopted the International Plumbing Code, 2009 edition, for all residential and commercial plumbing facilities.

SECTION C.

DEFINITIONS AND ACRONYMS

The following words and terms, when used in this Rate Order, shall have the following meanings unless the context clearly indicates otherwise:

1. **Active Service** – The status of any customer currently receiving authorized service under the provisions of this Rate Order.
2. **Applicant** — A person, corporation, organization, government or governmental subdivision or agency, business trust, estate trust, partnership, association, or any other legal entity applying to the District for service. A person must have reached the age of majority (18 years) in Texas to apply for service. (Civil Practices & Remedies Code § 129.001).
3. **Designated representative (or) District representative** — The General Manager of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed by this Rate Order pursuant to either general or specific authorization to do so from the General Manager or the Board of Directors.
4. **Board of Directors (or) Board** — The governing body of the District elected by qualified voters residing within the District’s political boundaries in accordance with applicable election laws.
5. **Certificate of Convenience and Necessity (or) CCN** — The authorization granted by the Texas Commission On Environmental Quality under Chapter 13, Subchapter G, of the Texas Water Code for the District to provide water utility service within a defined territory or service area. The District has been issued CCN No. 10850.
6. **Customer** — Any person receiving service from the District.
7. **Deposit** — A non-interest bearing refundable fee that is held by the District as security for service being rendered.
8. **Developer** — Any person that subdivides land, requests two (2) or more water service connections on a single contiguous tract of land, or who is developing a non-residential project with a water demand that cannot be served through a standard residential water meter (5/8" x 3/4"). [See Water Code § 13.2502(e)(1)].
9. **Disconnection of service** — The discontinuance of water service to a customer of the District.

10. **District** — The Talty Special Utility District.
11. **Easement** — A private perpetual dedicated right-of-way for the installation of water service lines and facilities that allow the District access to property for purposes of operating, maintaining, replacing, upgrading, or installing one or more pipelines and appurtenant facilities, to limit installation of structures or obstacles that may interfere with the District’s intended use of the easement.
12. **Final plat** — A complete and exact plan for the subdivision or development of a tract of land which has been approved by all local governments having jurisdiction pursuant to Chapters 212 or 232 of the Texas Local Government Code. The District shall determine whether a plat submitted by a developer qualifies as a final plat under this Rate Order. [30 TAC § 291.85].
13. **General manager** — The person appointed to the position of General Manager by the Board of Directors and given full authority to manage and operate the affairs of the District subject only to orders of the Board.
14. **Hazardous condition** — A condition that jeopardizes the health and welfare of District customers or employees as determined by the District or any other regulatory authority with jurisdiction.
15. **Mobile Home Park** — A property on which spaces are rented for the occupancy of manufactured or mobile homes for non-transient residential use and for which rent is paid at intervals of one month or longer.
16. **Person** — Any natural person, firm, corporation, cooperative, limited liability company, partnership, unincorporated association, public agency or governmental entity, or any other public or private organization or entity of any type or character.
17. **Public Utility Commission (or) PUC** — A Texas state regulatory agency having certain jurisdictional authority over water and wastewater service utilities.
18. **Recreational Vehicle** — A motor vehicle primarily designed as temporary living quarters for recreational, camping, or travel use, which includes a travel trailer, camping trailer, truck camper, and motor home. [Transportation Code § 522.0044(b)]
19. **Recreational Vehicle Park** — A commercial property that is designated primarily for recreational vehicle transient guests use for which fees for site service connections are paid daily or longer. [Water Code § 13.087]
20. **Reserved Service Charge** — A monthly charge assessed for each active account at a specific location for which a meter has not been installed but for which the District and an applicant have entered into an agreement to reserve service. The Reserved Service Charge shall

be based on the District's fixed costs to service the applicant's dedicated facilities on a per service unit basis. This charge reserves service to the Applicant's property designated to receive service. The amount of the flat-rate charge is determined on a case by case basis but must not exceed the Base Rate (see Section G2) for metered service on a per service unit basis. (See Sections F.6(e), (f).

21. **Re-Service** — Providing service to an applicant at a location at which service previously existed and at which there is an existing setting for a meter. Costs of such re-servicing shall be as established in this Rate Order or based on justifiable expenses in connection with such re-servicing.

22. **Seasonal Reconnect Fee** – A fee charged to resume service at a location where the customer has voluntarily suspended service, by written request, for a period of time not exceeding nine months within a twelve month period. The fee is based on the total number months during which service is suspended multiplied by the monthly base rate.

23. **Service** — Any act performed, anything furnished or supplied, and any facilities or lines committed or used by the District in the performance of its duties under the Texas Water Code, the Texas Administrative Code, or applicable municipal ordinance or Commissioner's Court Order to its customers, employees, other retail public utilities and the public, as well as the interchange of facilities between the District and one or more retail public utilities.

24. **Service application and agreement (or) service agreement** — A written agreement between a customer and the District defining the type or level of service requested, and the responsibilities of each party regarding the service to be provided on the property designated to receive service.

25. **Service Area** — The geographic area in which the District furnishes water service as described in CCN No. 10850. Sometimes referred to as a "certificated service area".

26. **Service classification** — The type of water service required by an applicant as may be determined by the District based on specific criteria such as estimated or actual usage, meter size, demand, nature of use, and other factors related to the applicant's request.

27. **Service Investigation Fee** — The fee paid by a developer simultaneous with filing a non-standard service application for the purpose of determining the feasibility of providing service to a proposed subdivision or development project. This fee covers administrative, legal fees, and engineering expenses incurred by District. [Section G2]

28. **Service Unit** — The base unit of service used in facilities design and rate making. For the purpose of this Rate Order, a service unit is a 5/8" x 3/4" water meter.

29. **Subdivide** — To divide a designated surface area of land into separate lots or tracts. [Local Gov't Code § 232.021(11)].

30. **Subdivision** — An area of land that has been subdivided into lots or tracts. [See Local Gov't Code § 232.021(13)].

31. **Temporary service** — The classification for non-standard water service assigned to an applicant that is in the process of constructing a residential or commercial structure. The District may also apply this classification to other nonpermanent service uses (e.g., agricultural, road construction, drilling, livestock, etc.). The District may provide temporary water service for up to ten (10) days from the date of application for temporary service. Temporary service may be extended upon request and approval of the District's District on a case-by-case basis. As a prerequisite to receiving temporary service, the applicant must pay the applicable Temporary Service Charges, pursuant to Section G1.16 of this Rate Order.

32. **Texas Commission on Environmental Quality (or) TCEQ** — A state regulatory agency having certain jurisdictional authority of water and wastewater service utilities.

33. **Usage** — The amount of water taken or used by a customer based on a meter reading.

34. **Water system** — The water storage and distribution facilities operated by or constructed by or for the District, and any water system extensions, improvements or facilities that may be built within the District's boundaries or service area in the future.

SECTION D.

GEOGRAPHIC AREA SERVED

[INSERT CCN NO. 10850 HERE]

[INSERT SERVICE AREA MAP HERE]

SECTION E.

SERVICE RULES AND REGULATIONS

1. **Service Entitlement.** An applicant requesting service to real property located within the District's service area shall be considered qualified and entitled to water service when proper application has been made, the terms and conditions of service have been met and continue to be met, and all fees have been paid as prescribed. An applicant requesting service to real property located outside the boundaries of the District's service area shall be considered for service in accordance with current District policies on providing service outside the District's service area.

2. **Application Procedures and Requirements.**

(a) Service Classifications. Applications to the District for service shall be divided into the following two (2) classes:

(1) *Standard Service.* Standard service is defined as service from an existing District service line where line or service facility extensions are not required and special design and/or engineering considerations are not necessary. Standard water service is provided to a 5/8" x 3/4" meter or 3/4" meter set on an existing waterline. The District may classify applications for service to commercial or industrial uses or for service requiring a one inch (1") or larger meter non-standard pursuant to Section E.2(b).

(2) *Non-Standard Service.* Non-standard service is defined as service to a subdivision or high-density development, service that requires a meter one-inch (1") or larger in size, service to a Master-Metered Account pursuant to Section E.2(b)(4) below, service to a commercial business, or service that requires an addition to the District's supply, storage or distribution facilities. Except for temporary service applicants, a non-standard service applicant must comply with the service requirements prescribed by Section F of this Rate Order prior to receiving service. The District shall determine the appropriate size and type of meter to serve non-standard service applicants.

(b) Requirements for Standard and Non-Standard Service.

(1) The applicant shall complete and sign a Service Application and Agreement or Non-standard Service Application as applicable.

(2) As a condition for service, the District may require an applicant to complete and execute a waterline easement form, a sanitary control easement and any additional easement forms to grant the District rights of access to construct, install, maintain, replace, upgrade, inspect or test any facility necessary to serve the applicant as well as the District's purposes in providing system-wide service. [See Water Code §

49.218]. This requirement may be delayed for non-standard service applicants. New meters shall be located within a utility easement at or near the boundary line of the property designated for service.

(3) The applicant must provide proof of ownership or lawful authority to control or possess the real property designated to receive service. To prove ownership, the applicant must produce a deed or other recordable documentation of fee simple title. To prove authority to control or possess, the applicant must produce a counter-signed lease or rental agreement.

(4) *Individual Metering for Multiple Use Facilities.* At the request of a property owner or an owner's authorized agent, the District shall install individual meters owned by the District in an apartment house, manufactured home rental community, multiple use facility, or condominium unless the District determines that the installation of individual meters is not feasible. If the District determines that installation of individual meters is not feasible, the property owner or manager shall install a plumbing system that is compatible with the installation of submeters or individual meters. The District shall be entitled to the payment of reasonable costs to install individual meters pursuant to 16 TAC § 24.122(d) and Section F or Section G1 of this Rate Order. The cost of individual meter installations shall be prepaid by the property owner as well as the cost of any additional facilities or system improvements required to satisfy the total water service demand of the property at full occupancy, as determined under applicable provisions of Section F. The District shall consider master metering and/or non-standard service to apartments, condos, trailer/RV parks, or business centers and other similar type enterprises at an applicant's request provided the total number of units to be served are all:

(A) owned by the same person, partnership, cooperative, corporation, agency, or public or private organization of any type, but not including a family unit;

(B) directly inaccessible to a public right-of-way; and

(C) considered a commercial enterprise (i.e., for business, rental or lease purposes).

(5) Notice of application approval and costs of service as determined by the District shall be presented to the applicant in writing and shall remain in effect for a period not to exceed thirty (30) days. After that time the applicant must re-apply for service.

(6) If a waterline has been located in the public right-of-way and is adjacent to applicant's property due to the current or previous landowner's refusal to grant

easement to the District for the purpose of installing the water line and appurtenances, and the District has documentation of such refusal, the applicant, prior to receiving the requested service, shall grant an easement as required under this Rate Order and, in addition to the normally required fees for new customer service, shall pay such sums as are reasonably necessary to remove or cap the existing water main in the public right-of-way and to construct the appropriate line or lines within that easement for the District's system-wide service.

(7) If an applicant or transferee fails to provide all documentation or information required at the time of application, the District will issue written notice that the applicant must provide the documentation and/or information within ten (10) days or service will be terminated. This provision applies to both standard and non-standard service requests.

3. **Activation of Standard Service.**

(a) New Service Connection. The District shall charge a refundable Deposit, Connection Fee and other applicable fees as required under Section G1 of this Rate Order to obtain a new service connection. The fees shall be quoted in writing to the applicant. An applicant must pay all fees or enter into a deferred payment agreement prior to installation of a new service connection.

(b) Re-Service. On property where service previously existed, the District shall charge a Deposit, Administrative Fee, delinquent fees, if owed by the customer requesting a re-service, and any other applicable fees necessary to restore service.

(c) Performance of Work. The District shall install all standard service taps and equipment necessary to provide service within five (5) working days whenever practicable, but not later than 10 working days, following approval and receipt of payment of all quoted fees and charges for the property designated to receive service, unless service requires construction of a line extension from the District's water system. Where service previously existed, this shall occur within three (3) work days. This time may be extended for installation of facilities and equipment necessary to serve a request for non-standard service. [See 16 TAC § 24.85].

(d) Inspection of Customer Service Facilities. The District shall inspect an applicant's property to insure compliance with state required Minimum Acceptable Operating Practices For Public Drinking Water Systems as promulgated by the TCEQ or its successor agency. [30 TAC § 290.46(j)].

4. **Activation of Non-Standard Service.**

(a) Activation of Non-standard Service. Activation of non-standard service shall be

conducted pursuant to Section F of this Rate Order.

(b) Re-service. The provisions applicable to standard re-service requests under the Section E.3(b) shall also apply to non-standard re-service requests.

5. **Line Extension Reimbursement.** An approved developer applicant may have to pay, on a pro-rated basis, a line reimbursement fee to the District for the purpose of reimbursing the District or a third-party who made a prior capital outlay to extend service to that area.

6. **Changes in Service Classification.** If at any time the District determines that the service classification of a customer has changed from that originally applied for and that additional or different facilities are necessary to provide adequate service, the District shall require the customer to re-apply for service under the terms and conditions of this Rate Order. Customers failing to comply with this provision shall be subject to disconnection with notice under Section E.14(a) below.

7. **Landlords and Tenants.**

(a) In the case of a landlord/tenant relationship, the District may require both parties to sign an agreement specifying which party is responsible for monthly bills, deposits and other fees. This agreement may be included as a provision of the District's service application form. The District shall not require the landlord to guarantee the tenant's customer deposit or monthly service bill as a condition of service. However, if the landlord signs a guarantee of payment for deposits, monthly service bills and fees, the guarantee shall remain in full force and effect until the guarantee is withdrawn in writing by the landlord and copies are provided to both the District and the tenant.

(b) The owner of property designated to receive service under this Rate Order shall be solely responsible for payment of service extension fees to the District provided the facilities will remain in service to the property after the tenant vacates the premises.

8. **Denial of Service.** The District may deny service to an applicant for the following reasons:

(a) failure of an applicant to complete all required easement forms and pay all required fees and charges;

(b) failure of an applicant to comply with the rules, regulations and policies of the District;

(c) existence of a hazardous condition at the applicant's property which would jeopardize the welfare of other customers of the District upon connection;

(d) failure of an applicant to provide representatives or employees of the District reasonable access to property, for which service has been requested;

(e) failure of an applicant to comply with all rules and regulations of the District which are in this Rate Order on file with the state regulatory agency governing the service applied for by the applicant;

(f) failure of an applicant to provide proof of ownership, control or possession of the property designated to receive service to the satisfaction of the District (e.g., presenting a deed, lease agreement, or other reliable documentation);

(g) the District has determined that the applicant's service facilities are known to be inadequate or of such character that satisfactory service cannot be provided;

(h) failure of an applicant to comply with applicable regulations for on-site sewage disposal systems if the District has been requested to deny service by the TCEQ or the TCEQ's designated representative under Chapter 366 of the Texas Health and Safety Code; or

(i) failure of the applicant to pay any previous outstanding delinquent account(s) with the District in full.

9. **Applicant's Recourse.** In the event the District denies service to an applicant under the provisions of this section, the District shall inform the applicant in writing of the basis for its denial and that the applicant may file a written complaint with the Board of Directors.

10. **Insufficient Grounds to Deny of Service.** The following shall not constitute sufficient cause to deny service to an applicant:

(a) delinquency in payment for service by a previous owner or tenant of the property designated to receive service;

(b) failure to pay a bill to correct previous underbilling more than six (6) months prior to the date of application;

(c) violation of the District's rules pertaining to operation of non-standard equipment or unauthorized attachments which interferes with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said requirements;

(d) failure to pay a bill of another customer as guarantor thereof unless the guarantee was made in writing to the District as a condition precedent to service;

(e) failure to pay the bill of another customer at the same address except where the

change of customer identity is made to avoid or evade payment of a utility bill;

(f) failure to comply with regulations or rules for anything other than the type of utility service specifically requested including failure to comply with septic tank regulations or sewer hook-up requirements.

11. **Deferred Payment Agreement.** The District may enter into a deferred payment agreement, not to exceed a term of one (1) year, with a customer who cannot pay an outstanding balance in full and is willing to pay the balance in reasonable installments as determined by the District, including any late payment penalties or interest on the monthly balance to be determined as per the agreement. The District may require payments under a deferred payment agreement to be made by automatic bank draft or credit/debit card. Failure to make a timely payment will cause the outstanding balance to be immediately due.

12. **Charge Distribution and Payment Application.**

(a) Base Rate. The Base Rate shall be charged from the first day to the last day of each monthly billing cycle. The base rate shall be prorated if service is initiated or terminated during a billing cycle. All active service connections shall be assessed a monthly Base Rate charge whether or not there is use of service.

(b) Gallonage Charge. A Gallonage Charge shall be billed at the rate specified in Section G2 and shall be calculated in one thousand (1000) gallon increments. Charges for water usage are based on monthly meter readings and are calculated from reading date to reading date. The District shall take all meter readings used in calculating billing.

(c) Posting of Payments. All payments shall be posted against previous balances prior to posting against current billings.

(d) Forms of Payment. The District will accept the following forms of payment: cash, personal check, cashier's check, money order, credit card, automatic debit on customer's bank account, or draft on bank. The District will not accept two-party checks, pay checks, or any other instrument of payment that is not made out to the District. The District reserves the right to require exact change and may refuse to accept payments made using more than \$1.00 in coins. The District may collect a reasonable fee to recoup costs incurred by the District to process credit card or debit card payments.

13. **Due Dates, Delinquent Bills, and Service Disconnection Date.**

(a) The District shall mail all bills on or about the 30th day of the month. All bills shall be due and payable upon receipt and are past due beyond the date indicated on the bill (allowing approximately 15 days to pay), after which time a penalty shall be applied pursuant to Section G1. Payment for utility service is delinquent if the full payment, including late fees

and regulatory assessments, is not received at the District by 4:00 p.m. on the due date. Final notice shall be delivered by mail, text message, email or telephone allowing ten (10) additional days for payment prior to disconnection. The ten (10) additional days shall begin on the day the final notice is deposited with the U.S. Postal Service or sent by text or email. If the past due date for a regular or final bill falls on a weekend or holiday, the past due date for payment purposes shall be the next day the District office is open for business after said weekend or holiday. For all disputed payment deadlines, the date postmarked on each bill will determine the beginning of each billing cycle or final notice mailings.

(b) Upon written request, any residential customer sixty-five (65) years of age or older who occupies the entire premises of a dwelling receiving water utility service from the District shall receive an extension of the past due date, without penalty. The extension shall not exceed ten (10) days beyond the usual fifteen (15) day payment period, for a total of no more than twenty-five (25) days from the date the bill is issued. [See Utilities Code §§ 182.001 - 182.005].

(c) All checks returned for insufficient funds or closed accounts, or money orders that have a "stop payment order" issued, will be deemed delinquent as if no payment was received and the meter is subject to disconnection with notice on the regular disconnection day.

(d) The Board of Directors, General Manager or Office Manager may elect to waive a late fee or other penalty incurred after the occurrence of a natural disaster or other incident that seriously impacts the property of one or more customers, or that interrupts the management and operation of the water system.

14. Rules for Disconnection of Service. Below are the rules and conditions for disconnecting service. Notwithstanding any language to the contrary in a Service Application and Agreement, the District may only discontinue service for the reasons set forth in this section. For purposes of disconnecting sewer service provided by another retail public utility, and for which the District has an agreement to bill for sewer service, the District will terminate water service in lieu of disconnecting sewer service.

(a) Disconnection with Notice. Water service may be disconnected after proper notice for any of the following reasons:

(1) failure to pay a delinquent account for utility service provided by the District, failure to timely provide a deposit, or failure to comply with the terms of a deferred payment agreement;

(2) violation of the District's rules pertaining to the use of service in a manner which interferes with the service of others;

(3) the operation of non-standard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;

(4) failure to comply with the terms of a service agreement, Non-standard Service Contract, the District's Drought Contingency Plan or this Rate Order provided the District has given notice of said failure to comply, and the customer has failed to comply within a specified amount of time after notification;

(5) failure to provide District personnel or designated representatives access to a meter or to property at which water service is received for purposes of inspecting and verifying the existence of potential hazardous conditions or policy violations;

(6) any misrepresentation of fact by an applicant or customer on any form, document or agreement required by the District;

(7) failure to re-apply for service upon notification by the District that customer no longer meets the service classification originally applied for under the original service application;

(8) failure to pay a delinquent account billed by the District for sewer utility service or trash removal service provided by another retail public utility pursuant to the District's billing agreement with the sewer or trash service provider;

(9) violation of any applicable regulation or pertaining to on-site sewage disposal systems if the District has been requested in writing to disconnect service by the TCEQ or the TCEQ's designated representative under Chapter 366 of the Texas Health and Safety Code; or

(10) failure to disconnect or secure additional service tap(s) for an RV or other service connection (*see* Section E.25) after notification that the customer is in violation of the prohibition against multiple service connections.

(b) Disconnection Without Notice. Water service may be disconnected without prior notice for the following reasons:

(1) a known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a public health nuisance as defined in Sections 341.011 or 343.011 of the Texas Health and Safety Code and regulations adopted pursuant thereto. If the District has reason to believe a dangerous or hazardous condition exists, the District may conduct a customer service inspection (CSI) to verify the hazardous condition and may notify the local county health office. The District will disconnect without notice if the customer

refuses to allow access to the property for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition. [See Sections E.3(d) and E.23; 30 TAC § 290.46(i), (j)]. Service will be restored when a CSI confirms no health hazard exists, the health hazard has been removed or repaired, or the health hazard has been isolated from the District's water system by the installation of an appropriate backflow prevention device;

(2) where service is connected without District authority by a person who has not made application for service;

(3) where service has been reconnected without authority following termination of service for nonpayment; or

(4) in instances of tampering with the District's meter or equipment, by-passing the meter or equipment, or other diversion of service.

(c) Disconnection Prohibited. Utility service may not be disconnected for any of the following reasons:

(1) failure to pay charges for non-utility service provided by the District, unless there is an agreement whereby the customer guaranteed payment of non-utility service as a condition of service or the District has a contract with another governmental unit to collect payment for services rendered to the customer by the other government unit such as water, wastewater, or solid waste services;

(2) failure to pay for a different type or class of utility service unless a fee for such service is included in the same bill;

(3) failure to pay charges arising from an under-billing due to any misapplication of rates more than six (6) months prior to the current billing;

(4) failure of the customer to pay charges arising from an under-billing due to any faulty metering, unless the meter has been tampered with or unless such under-billing charges are due under Section E.20 below (Inoperative Meters);

(5) failure to pay the account of another customer as guarantor thereof, unless the District has in writing the guarantee as a condition precedent to service;

(6) failure of the customer to pay estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the District is unable to read the meter due to circumstances beyond its control; or

(7) in response to a request for disconnection by an owner of rental property

where the tenant is billed directly by the District as authorized by the owner, and the renter's account is not scheduled for disconnection under the rules for disconnection of service in this Rate Order.

(d) Disconnection on Holidays and Weekends. Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on a day, or on a day preceding a day, when District personnel are not available to the public for the purpose of making collections and reconnecting service.

(e) Disconnection Due to Utility Abandonment. The District may not abandon a customer or a certificated service area without written notice to its customers and all similar neighboring utilities, and obtained approval from the TCEQ.

(f) Disconnection Due to Illness or Disability. The District may not discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person at that residence becoming seriously ill or more seriously ill if service is discontinued. To avoid disconnection under these circumstances, the customer must provide a written statement from a physician to the District prior to the stated date of disconnection. Service may be disconnected in accordance with Section E.14(a) of this section if the next month's bill and the past due bill are not paid by the due date of the next month's bill, unless the customer enters into a deferred payment agreement with the District.

(g) Disconnection of Master-Metered Accounts. When a bill for service to a Master-Metered Account customer is delinquent, the following shall apply:

(1) The District shall send a notice to the customer as required. This notice shall also inform the customer that notice of possible disconnection will be provided to the customer's tenants or occupants of the master metered property in five (5) days if payment is not rendered before that time.

(2) At least five (5) days after providing notice to the customer, and at least five (5) days prior to disconnection, the District shall post at notices, stating "Termination Notice," in public areas of the master-metered property to notify tenants or occupants of the scheduled date for disconnection of service.

(3) The tenants or occupants may pay the District for any delinquent bill in behalf of the customer to avert disconnection or to reconnect service to the master-metered property.

(h) Disconnection of Temporary Service. When an applicant with temporary service fails to comply with the conditions stated in the service agreement or provisions of this Rate Order, the District may terminate temporary service with notice.

(i) Payment During Disconnection. The District is not obligated to accept payment of a bill when a District employee or designated representative is at a customer's property for the purpose of disconnecting service.

15. **Returned Check Policy.** Payment by check which has been rejected for insufficient funds, closed account, or for which a "stop payment" order has been issued is not deemed to be payment to the District. The District shall mail, via the U.S. Postal Service, a notice of returned check requiring that a returned instrument be redeemed at the District office within ten (10) days of the date of the notice. Redemption of the returned instrument plus payment of a Returned Check Fee, as required by Section G1.9, shall be made by cash, money order, or certified check. Failure to meet these terms shall result in disconnection of service. A customer shall be considered a bad credit risk for having an instrument returned as insufficient or non-negotiable for any reason for any two billing periods within a 12-month period, and shall be placed on a "cash-only" basis for a 12-month period during which the District will only accept payment by means of a certified check, money order or cash.

16. **Billing Cycle Changes.** The District reserves the right to change its billing cycles if the workload requires such practice. After a billing period has been changed, bills shall be sent on the new change date unless otherwise determined by the District.

17. **Back-billing.** If a customer was undercharged, the District may back-bill the customer for the amount which was under-billed. The back-billing shall not exceed twenty-four (24) months unless such undercharge was the result of meter tampering, bypass, or diversion of service by the customer as defined in Section E.23. If the under-billing is \$100 or more, the District must offer to enter into a deferred payment agreement with the customer for the same length of time as that of the under-billing. In cases of meter tampering, bypass, or diversion of service, the District may offer a customer a deferred payment plan.

18. **Disputed Bills.** In the event of a dispute between a customer and the District regarding any monthly bill, the dispute shall be resolved or disposed of in accordance with the Grievance Procedures set forth in the following Section E.19, except as follows:

(a) Notice of the bill dispute must be submitted to the District, in writing, and a payment equal to the customer's average monthly usage at current rates must be received by the District prior to the due date posted on the disputed bill.

(b) The customer will not be required to pay the disputed portion of a bill which exceeds the amount of that customer's average monthly usage at current rates pending the completion of the determination of the dispute. For purposes of this section, the customer's average monthly usage shall be the average of the customer's usage for the preceding 12-month period. Where no previous usage history exists, consumption for calculating the average monthly usage shall be estimated on the basis of usage levels of similar customers under similar conditions.

(c) Notwithstanding any other section of this Rate Order, a customer's service shall not be subject to discontinuance for nonpayment of that portion of a bill under dispute pending the completion of the determination of the dispute. The customer is obligated to pay any billings not disputed as established in Section E.14 relating to Disconnection of Service.

19. **Grievance Procedures.** Any customer of the District or person demonstrating an interest under the policies of this Rate Order in becoming a customer shall have an opportunity to voice concerns or grievances to the District by the following means and procedures:

(a) The aggrieved party must first submit written notice to the District or authorized staff member stating the concern or grievance and the desired result. The District shall investigate the matter and provide a response to the aggrieved party within fourteen (14) days after receipt the written notice of grievance.

(b) If the District does not resolve the grievance to the satisfaction of the aggrieved party, the party may appeal the District's decision, in writing, to the President of the Board of Directors for disposition. The written notice of appeal must be submitted to the District within seven (7) days after the date of the District's written response to the notice of grievance.

(c) Upon receipt of an appeal, the President of the Board of Directors shall review the request and determine the best means by which the grievance shall be resolved. The President may direct that a grievance be heard by the Board of Directors for final disposition, or initially by District staff appointed by the President and serving in an advisory capacity to the Board of Directors. The President shall also determine a reasonable time and place for the grievance to be heard, but such hearing shall take place within sixty (60) days of the date that the President received the written notice of appeal. Final disposition by the Board of Directors shall be reported to the aggrieved party in writing.

(d) If under this section an aggrieved party contests a charge or fee as sole or partial basis of a grievance, the contested charge or fee shall be suspended until such time as the grievance is satisfactorily resolved by the District, the deadline for delivering an appeal to the President of the Board of Directors has passed, or the Board of Directors has rendered its final disposition of the dispute. This provision does not apply to disputed monthly bills pursuant to Section E.18 above.

20. **Inoperative Meters.** Water meters found inoperative will be repaired or replaced by the District within a reasonable time. If a meter is found not to register for any period, unless by-passed or tampered with, the District will make a charge for units used, but not metered, for a period not to exceed six (6) months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years.

21. **Bill Adjustments.**

(a) Due To Meter Error. The District must test any customer's meter upon written request of the customer. In the event the meter tests within the accuracy standards of The American Water Works Association (AWWA), a meter test fee as prescribed in Section G1.14 of this Order shall be imposed. In the event the test results indicate that the meter is faulty or inaccurate, the test fee shall be waived, the meter shall be calibrated or replaced, and a billing adjustment may be made as far back as six (6) months. The billing adjustment shall be made to the degree of the meter's inaccuracy as determined by the test. The customer must complete and sign a Meter Test Authorization and Test Report prior to the test.

(b) Due to Estimated Bills. If the District has estimated a customer's usage because the District is unable to access the meter due to circumstances beyond the District's control, such as a natural disaster or because access to the meter is hindered or denied by the customer, then the District shall adjust the bill once access has been regained and actual usage determined by reading the meter.

22. **Leak Adjustment Policy.**

(a) A customer who discovers a leak on the customer's side of the meter must contact the District office. An employee of the District will verify the leak and, following repair, an employee of the District will verify the leak repair. The customer must submit a written request for a leak adjustment to the District. A leak adjustment will be calculated as follows:

(1) the customer's average monthly usage based on the previous three months will be calculated;

(2) the customer pay for the average monthly usage at the District's current rates stated in Section G2; and

(3) the customer will pay for usage in excess of the average monthly usage at the lowest water rate stated in Section G2.

(b) The District will consider only one leak adjustment per customer during a twelve (12) month period, except for leaks in a customers' sprinkler or irrigation system which the District will consider only once during a five (5) year period. Negligent practices such as leaving a water hose pressurized or leaving faucets running are not considered leaks and are not eligible for an adjustment.

23. **Meter Tampering and Diversion of Service.** All meters connected to the District's water system shall be provided, owned, installed and maintained by the District. Meter-tampering, by-pass and diversion of service are prohibited. For purposes of this Rate Order, meter tampering,

bypass, or diversion shall be defined as tampering with a District meter or service equipment causing damage or unnecessary expense to the District, bypassing the same, or other instances of diversion of service, such as:

- (a) removing or altering District equipment, including locks or shut-off devices installed by the District to discontinue service;
- (b) physically disorienting a meter;
- (c) attaching objects to a meter to divert service or to by-pass;
- (d) inserting objects into a meter;
- (e) other electrical and/or mechanical means of tampering with, by-passing, or diverting service;
- (f) connecting or reconnecting service without District authorization; or
- (g) connecting to the service line of adjacent customers or of the District.

The burden of proof of meter-tampering, by-passing, or diversion is on the District. Photographic evidence or any other reliable and credible evidence may be used; however, any evidence shall be accompanied by a sworn affidavit by one or more employees or agents of the District upon the initiation of an action for meter-tampering under this Rate Order. A court finding of meter tampering may be used instead of photographic or other evidence, if applicable. Unauthorized users of District services shall be prosecuted to the extent allowed by law under the Texas Penal Code § 28.03 and shall be assessed an Equipment Damage Fee pursuant to Section G1.12.

24. **Meter Relocation.** The District shall permit the relocation of meters or services provided that:

- (a) an easement for the proposed location has been granted to the District;
- (b) service capacity is available at the proposed location;
- (c) service was previously provided by the District at the proposed location; and
- (d) the customer pays a Meter Relocation Fee [Section G1.15].

25. **Prohibition of Multiple Connections to a Single Tap.** No more than one residential, commercial or industrial service connection is allowed per meter. The District may permit the owner of an apartment building, mobile home/RV park or other commercial account to apply for a single meter as a "master-metered account" pursuant to Section E.2(b)(4) of this Rate Order. For

Purposes of this section a master meter for a multiple use facility is considered a commercial meter. Any unauthorized submetering or diversion of service shall be considered a "multiple connection" and subject to disconnection of service. If the District has sufficient reason to believe a multiple connection exists, the District shall discontinue service under the Disconnection with Notice provisions in Section E.14(a).

(a) For purposes of this section, the following definitions shall apply:

(1) A "multiple connection" is the connection to any portion of a customer's water line that is connected to a primary delivery point already serving one residence or commercial facility for the purpose of diverting service to another residence or commercial facility. Water lines connecting to outbuildings, barns or other accessory structures will not be considered a multiple connection if: (i) the structure is located on the same tract as the primary delivery point, and (ii) the structure is not used as a residence or commercial facility.

(2) "Primary delivery point" means the physical location of a meter that is installed in accordance with this Rate Order and applicable law, and which provides water service to one residence or to one commercial facility of a District customer.

(3) "Residence" means any structure used for human habitation that includes kitchen and bathroom facilities or other evidence of habitation as defined by the District.

(4) "Commercial" facility means any structure or combination of structures at which any business trade, occupation, profession or other commercial act is conducted. A business conducted within a customer's residence or property that does not require water in addition to that provided to the customer's residence shall not be considered a separate commercial facility

(b) The District agrees to allow customers in good standing to share water usage with a visitor on their property housed in a recreation vehicle (RV) or travel trailer for a period of no longer than three months. However, if the recreation vehicle or travel trailer is being used as a permanent residence, the District will require the property owner to install an additional meter to serve the RV or travel trailer. The District may require the installation of an additional meter for a customer who routinely has more than one visitor at a time residing in recreation vehicles or travel trailers, or has multiple visitors throughout the year. The customer must submit a written request to the District's business office at least five (5) business days prior to sharing District water with a visitor. The District has the right to refuse or deny the shared usage for any reason. The District also has the right to inspect the premises for any potential cross-contamination issues as

outlined in the Customer Service Inspection requirements and to ensure that the meter is properly sized for the additional usage at the time of total peak water demand. *These requirements pertain to visitors only.* No commercial usage where fees for water are charged is allowed. If a customer is found to violate these conditions, the customer will be sent a letter of notice stating that water service will be cut off in ten (10) days if the situation is not corrected.

26. Customer Responsibilities.

(a) District Access to Meters. Customers shall allow District employees and designated representatives access to meters for the purpose of reading, testing, installing, disconnecting, maintaining and removing meters and using utility cutoff valves. If access to a meter is hindered so that the District is prevented from the reading of the meter, an estimated bill shall be rendered to the customer for the month and a notice of the hindrance shall be sent to the customer. If access is denied for three (3) consecutive months after notice to the customer, then service shall be discontinued and the meter removed with no further notice. [See Section E.14(a)(5)].

(b) Compliance with On-site Service and Plumbing Requirements. Customers shall be responsible for complying with all District, local, state and federal codes, requirements and regulations concerning on-site service and plumbing facilities.

(1) All connections shall be designed to ensure against back-flow or siphonage into the District's water system. In particular, livestock water troughs shall be plumbed above the top of the trough with an air space between the discharge and the water level in the trough. [30 TAC § 290.46].

(2) It is prohibited to use pipe and pipe fittings that contain more than 8.0% lead, or solder or flux that contain more than 0.2% lead, in private water distribution facilities installed on or after July 1, 1988. It is prohibited to use pipe and pipe fittings that contain more than 0.25% lead in private water distribution facilities installed on or after January 4, 2014. Customer service pipelines shall be installed by the applicant. [30 TAC § 290.46].

(3) All sewer and water service pipeline installations must be a minimum of nine feet (9') apart and meet all applicable regulations and standards for line separation and crossing.

(c) Backflow Prevention Assembly Requirements for Septic.

(1) Chapter 344 of the Texas Water Code, the Landscape Irrigation Program Regulations, applies to all irrigation systems. These regulations require the use of a reduced pressure zone valve assembly (RPZ) to prevent backflow from

irrigation systems installed on property which also has an on-site sewage facility (OSSF). This is due to the significant increase in the contamination hazard posed by the OSSF.

(2) Prior to the adoption of the current Landscape Irrigation Rules in 2009, a double-check valve assembly (DCVA) was an acceptable form of backflow prevention for irrigation systems installed on property which also has an OSSF. After 2009, the new rules require installation of a reduced pressure zone assembly (RPZ). As a result, many currently installed irrigation systems lack the appropriate, required backflow prevention. To remedy this the District will implement the following policy: If an irrigation system is connected to a potable water supply and requires major maintenance, alteration, repair, or service, the system must be connected to the potable water supply through an approved, properly installed backflow prevention method as defined in the title before any major maintenance, alteration, repair or service is performed.

(d) Payment on Multiple Accounts. A customer owning more than one service connection shall keep all payments current on all accounts. Failure to maintain current status on all accounts shall be enforceable as per Service Application and Agreement executed by the customer.

(e) Extent of District Ownership and Maintenance. The District's ownership and maintenance responsibility of water supply and metering equipment shall end at the meter or other service equipment. Therefore, all water usage registering upon and/or damages occurring to the metering equipment owned and maintained by the District shall be subject to charges pursuant to this Rate Order.

(f) Cut-off Valve Requirement. The District shall require each customer to have a cut-off valve on the customer's side of the meter for purposes of isolating the customer's service pipeline and plumbing facilities from the District's water pressure. The valve shall meet AWWA standards (a ball valve is preferred). The customer's use of the District's curb stop or other similar valve for such purposes is prohibited. A customer shall be subject to charges for any damage to the District's meter or other service equipment. A cut-off valve may be installed as a part of the original meter installation by the District.

27. Prohibited Plumbing Practices

(a) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination will be isolated from the public water system by an air gap or an appropriate backflow prevention device.

(b) No cross-connection between the water supply and a private water system

is permitted. These potential threats to the public drinking water supply must be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.

(c) No connection which allows water to be returned to the public drinking water supply is permitted.

(d) No pipe or pipe fitting which contains more than eight percent (8.0%) lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

(e) No solder or flux which contains more than two-tenths of one percent (0.2%) lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

(f) Plumbing installed after January 4, 2014 must bear a label indicating $\leq 0.25\%$ lead content.

28. Water Service Connections.

(a) Applications for water service connections shall be filed with the District on approved forms. Applicants shall meet all District requirements for service, including the grant of any necessary easements, as determined by the District, and the installation of a cut-off valve at the expense of the service applicant.

(b) No person, other than District employees or designated representatives, shall be permitted to tap or make any connection with the mains or service lines of the District's water system, or make any repairs or additions to or alterations in any tap, pipe, cock or other fixture connected to a water service line.

(c) A customer must allow the District to inspect the customers' property for possible cross-connections and other undesirable plumbing practices. These inspections will be conducted by the District prior to initiating service and may be conducted periodically thereafter. All inspections will be conducted during the District's normal business hours.

(d) The customer must, at the customer's expense, properly install a backflow prevention device as required by the District. [30 TAC § 290.38(17), (31)]

(e) All costs to extend or oversize District water mains or service lines to serve any residential or commercial user or any undeveloped area within the District shall be the sole responsibility of the property owner and/or developer requesting service.

29. **Standards for Water Service Lines.** The following standards govern the installation of customer service lines for water service to residences or commercial buildings within the District:

(a) All new residential or commercial connections to the District's water system shall be made in accordance with previous Section 28 and the Rules and Regulations for Public Water Systems issued by the TCEQ as set forth in Subchapter D, Chapter 290, Title 31 of the Texas Administrative Code. In the event of a conflict between the provisions of Section 28 and the TCEQ's Rules and Regulations for Public Water Systems, the more stringent shall apply.

(b) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel or other approved materials.

(c) Waterlines and sewer lines shall be no less than three feet (3') apart horizontally and shall be separated by undisturbed or compacted earth.

(d) Water lines must not be run or laid in the same trench with non-metallic sewer lines or drainage pipe unless all three of the following conditions are met:

(1) The bottom of the waterline at all points shall be at least twelve inches (12") above the top of the sewer line.

(2) The waterline shall be placed on a solid shelf excavated at one side of the common trench and the two lines shall be separated by a minimum of eighteen inches (18").

(3) The waterline shall be installed with water tight joints tested to a minimum of 150 PSI.

(e) A minimum of four feet (4') of type "L" soft copper pipe or ASTM D2737 CTS Poly shall be installed at the end of the waterline at the connection to the water meter.

(f) Waterlines shall be bedded in washed sand to provide six inches (6") of cushion below the line. The trench bottom and walls shall be cleared of all protruding rocks which could damage the pipe before the sand bedding is placed.

(g) A District-owned water meter and a District-approved meter box shall be installed by the District or its designated representative.

(h) Potable water supply piping, water discharge outlets, backflow prevention devices, or similar equipment shall not be located so as to make possible the submergence of such equipment in any contaminated or polluted substance.

(i) Lawn sprinkling systems shall be equipped with an approved back-flow assembly device.

(j) The District's water system shall be protected from swimming pool makeup water by means of an approved backflow prevention device or an adequate air gap.

(k) Upon the installation of a service line, a request for inspection shall be made to the District's office, and the line shall not be back-filled until the District has inspected and approved of the installation. The District shall perform the inspection within forty-eight (48) hours of receiving the request.

(l) Back filling of service line trenches must be accomplished within twenty-four (24) hours of inspection and approval, and no debris will be permitted in any service line trench.

30. **Authority to Tap or Repair District Facilities.** No person other than a duly authorized employee or agent of the District is authorized to tap or make any connection to a District owned water distribution line, except for emergency fire-fighting purposes, or to make any repairs or alterations to any meter, meter box, tap, pipe, cock or other fixture connected to the District's water system. The District reserves the right, immediately and without notice, to:

(a) Remove the meter or disconnect water service to any customer whose meter has been tampered with; and

(b) to repair any damage to the District's water facilities; and

(c) to assess an equipment damage fee to the customer under Section G.12 of this Rate Order.

31. **Service Outside District Boundaries.** It is the general policy of the District to provide service to users or customers located outside the District's service area only after annexation of the property designated to receive service with approval of the Board of Directors. At the discretion of the Board, the District may enter into contracts with other political subdivisions of this state to provide service to users or customers located outside the District's service area.

32. **Enforcement and Civil Penalties.**

(a) Enforcement.

(1) *Civil Penalties.* Any person violating any provision of this Rate Order may be subject to a civil penalty of not more than \$2,000.00 for each violation. Each day that a violation of this Rate Order is permitted to exist shall constitute a separate violation. A penalty under this section is in addition to any other penalty

or remedy provided by the laws of the State of Texas or this Rate Order. A penalty under this section may be enforced by complaint filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located.

(2) *Liability for Costs.* Any person violating any provision of this Rate Order shall be liable to the District for any expense, loss or damage incurred by the District by reason of such violation and the District's enforcement thereof. If the District prevails in any legal action to impose a civil penalty or otherwise enforce this Rate Order, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court.

(b) No Waiver. The failure on the part of the District to enforce any article, section, clause, sentence, or provision of this Rate Order shall not constitute a waiver of the right of the District later to enforce any section, clause, sentence, or provision of this Rate Order.

SECTION F.
DEVELOPER, SUBDIVISION AND
NON-STANDARD SERVICE REQUIREMENTS

1. **District Limitations.** All applicants shall recognize that the District must comply with state and federal laws and regulations as promulgated from time-to-time, and with covenants of current indebtedness. The District is not required to extend retail utility service to any applicant requesting standard service to a lot or tract in a subdivision where the developer responsible for the subdivision has failed to comply with the requirements of the District's subdivision service extension policies and non-standard service requirements set forth in this section. [See Sections F.3 and F.14]

2. **Purpose.** It is the purpose of this section to define the process by which the specific terms and conditions for service to subdivisions and other kinds of non-standard service are determined, including the non-standard service applicant's and the District's respective costs.

For purposes of this section, the term "applicant" shall refer to a developer or person that desires to secure non-standard service from the District. The applicant must be the same person or entity that is authorized to enter into a contract with the District setting forth the terms and conditions pursuant to which non-standard service will be furnished to the property. In most cases, the applicant will be the owner of the property for which non-standard service is sought. An applicant other than the property owner must furnish evidence to the District that the applicant has authority to request non-standard service on behalf the owner, or that it otherwise has authority to request non-standard service for the property.

3. **Application of Rules.** This section is applicable to subdivisions, additions to subdivisions, commercial, industrial and governmental developments, and any situation where additional service facilities are required to serve a single tract of property. Examples of non-standard service to a single tract of land include, without limitation, service requests that require road bores, extensions to the District's distribution system, service lines exceeding one inch (1") internal diameter in size, service lines exceeding twenty feet (20') in length, or service needs that require a one-inch (1") meter or larger. Most non-residential service applications will be considered non-standard by the District at its sole discretion. For purposes of this Rate Order, applications subject to this section shall be defined as "non-standard." This section may be altered or suspended for facility expansions constructed by the District at its expense. The District's General Manager shall interpret, on an individual basis, whether or not an applicant's service request shall be subject to all or part of the conditions of this section. For purposes of this section the term "project" includes subdivisions, additions to subdivisions, and commercial, industrial and governmental developments.

This section sets forth the general terms and conditions pursuant to which the District will process non-standard service requests. The specific terms and conditions pursuant to which the

District will provide non-standard service in response to any request will depend upon the nature of such request and may be set forth in a contractual agreement to be entered between the District and applicant. The contract may not contain any terms or conditions that conflict with this section.

4. **Non-Standard Service Application.** The applicant shall meet the following requirements prior to entering into a Non-standard Service Contract with the District:

(a) The applicant shall complete and submit three (3) copies of a Non-standard Service Application to the District, while giving special attention to that item entitled "*Special Service Needs of the Applicant.*"

(b) Simultaneous with submission of the Non-standard Service Application, the applicant must submit three (3) copies of the proposed final plat showing the applicant's requested service area for approval by the District. *The proposed final plat must also be submitted in PDF format on a CD-Rom or by email.* The final plat must be approved by all governmental authorities exercising jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities except to the extent Section F.3 is applicable. Plans, specifications, and special requirements of such governmental authorities shall be submitted with the plat. Applicants for single taps that require an extension or over-sizing of District facilities shall be required to submit maps or plans detailing the location of the requested extension and details of demand requirements.

(c) The applicant shall pay a Service Investigation Fee to the District in accordance with the requirements of Section G1.2 for purposes of paying the District's administrative, legal and engineering fees. In the event such a fee is not sufficient to pay all expenses incurred by the District, the applicant shall pay to the District all remaining expenses that have been or will be incurred by the District, and the District shall have no obligation to complete processing of the request until all remaining expenses have been paid.

(d) If after completing its service investigation the District determines that the applicant's service request is for property located wholly or partially outside the District's certificated service area, the District may still extend service provided that:

(1) the requested service area is not in an area receiving similar service from another retail public utility;

(2) the requested service area is not within another retail public utility's certificated service area; and

(3) the District's CCN shall be amended at the PUC to include the entirety of the applicant's property for which service is requested and the applicant

shall pay all costs incurred by the District in amending its CCN including surveying, engineering and legal fees. If the service location is contiguous to or within one-fourth (¼) mile of the District's certificated service area, the District may extend service prior to completing the amendment to its CCN, but will do so only upon applicant's legally enforceable agreement to fully support such amendment including payment of all surveying, engineering and legal fees incurred by District in securing the amendment.

5. Facilities Design and Approval.

(a) Design Requirements. Upon receipt of a completed Non-standard Service Application and Service Investigation Fee, the District shall study the design requirements of the applicant's required facilities before preparing a Non-standard Service Contract in accordance with the following:

(1) The District's engineer shall either design or review and approve the plats and plans for all on-site and off-site service facilities for the applicant's requested service in accordance with the District's specifications and any applicable municipal or other governmental codes and specifications. The consulting engineer shall notify the applicant in writing of any necessary changes to applicant's proposed plats or plans. Allow a minimum of thirty (30) days for the review process.

(2) The District's engineer shall ensure all facilities for any applicant meet the demands for service as platted and/or requested in the plans or plat submitted by the applicant. The District's engineer will also determine the fire-flow design for any non-standard service request including new subdivisions, based on density, type of structure and other factors. The District reserves the right to upgrade or upsize the planned service facilities to meet future customer demands on condition that the applicant is reimbursed the additional expense of such upgrading or upsizing in excess of the applicant's facility requirements.

(3) The size and location of waterlines and other service facilities will be determined by the District's engineer, whose determination is final. In all new installations, the District's waterlines shall be installed on the opposite side of the road as franchise or other utilities except where that may not be possible as determined by the District. Where it is not possible to install waterlines and franchise utilities on the opposite side of the road, a minimum of ten feet of separation shall be maintained.

(4) All water line material fittings shall conform to American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 61 and must be certified by an organization accredited by ANSI but not less than DR18 C900.

(5) Any waterline extensions constructed by a developer shall be constructed completely across (property line to property line) the side of the subdivision or development which is contiguous and adjacent to the road or street on which the main entrance to the project is located.

(6) The water system shall be designed to afford effective circulation of water with a minimum of dead ends. All dead-end mains shall be provided with acceptable flush valves and discharge piping. All dead-end waterlines less than two inches (2") in diameter will not require flush valves if they end at a customer service connection. Where dead ends are necessary as a stage in the growth of the system, they shall be located and arranged to ultimately connect the ends to provide circulation. [See 30 TAC § 290.44(d)(6)].

6. **Non-standard Service Contract.** Applicants requesting or requiring non-standard service shall be required to execute a written Non-standard Service Contract prepared by the District's attorney. The contract shall define the terms of service prior to construction of required service facilities for a project. The Non-standard Service Contract may include, without limitation, provisions for the following:

(a) payment of all costs associated with required administration, design, construction and inspection of facilities for water service to the project;

(b) procedures by which the applicant shall accept or deny a contractor's bid, thereby committing to continue or discontinue the project;

(c) reservation of service capacity for the applicant and duration of reserved service with respect to the impact the applicant's service demand will have upon the District's water system capability to meet other service requests;

(d) terms by which the applicant shall indemnify the District from all third party claims or lawsuits arising from or related to the project;

(e) payment of monthly Reserved Service Charges as applicable to the service request;

(f) terms by which service capacity shall be reserved for the applicant and duration of reserved service with respect to the impact the applicant's stated service demand will have upon the District's system capability to meet other service requests;

(g) terms by which the applicant shall dedicate all constructed service facilities to the District and by which the District shall assume operation and maintenance responsibility, including any enforcement of warranties related to construction of the service facilities;

(h) terms by which the applicant shall grant title or easements to the District for right-of-ways, constructed service facilities, and service facility sites, and/or terms by which the applicant shall provide for the securing of required right-of-ways and sites;

(i) terms by which the Board of Directors shall review and approve any applicable Non-standard Service Contract, or any other contract related to the project pursuant to current rules, regulations and policies of the District; and

(j) terms by which the District may administer the applicant's project with respect to:

(1) the design of the applicant's water service facilities;

(2) securing and qualifying bids;

(3) execution of the contract;

(4) dispensing advanced funds for construction of facilities required for the applicant's service;

(5) inspecting construction of facilities; and

(6) testing facilities and closing the project.

The District and applicant must execute a Non-standard Service Contract before commencing construction of service facilities for a project. In the event that an applicant commences construction of any water service facilities prior to execution of the contract, the District may refuse to provide service to the applicant (or require full costs of replacing or repairing any facilities constructed without prior execution of the contract from any person buying a lot or home from applicant), require that all facilities be uncovered by the applicant for inspection by the District, require that any service facilities not approved by the District be replaced, or take any other lawful action determined appropriate by the Board of Directors.

7. **Property and Right-of-Way Acquisition.** With regard to construction of service facilities, the District shall require private right-of-way easements or private property as per the following conditions:

(a) If the District determines that right-of-way easements or facility sites outside the applicant's property are required, the applicant shall secure easements or title to the right-of-way or facility sites in behalf of the District. All right-of-way easements and property titles shall be researched, validated, and recorded by the District at the expense of the applicant.

(b) All costs associated with service facilities that must be installed in public right-of-ways on behalf of the applicant, due to the inability of the applicant to secure private right-of-way easements, shall be paid by the applicant. Alternatively, applicant shall pay all costs, including legal and other professional fees, and the condemnation award in the event District secures such private easements or facility sites through eminent domain proceedings. Any request of applicant to the District to commence eminent domain proceedings shall be made in writing. The District reserves the right to secure right-of-way easements or facility sites by eminent domain on its own initiative.

(c) The District shall require an exclusive dedicated right-of-way on the applicant's property (as required by the size of the planned facilities and as determined by the District) and title to property required for other on-site facilities.

(d) Easements and facility sites shall be prepared for construction of the District's mains, service lines and service facilities in accordance with the District's requirements and at the expense of the applicant.

8. **Contractor Selection and Qualification.** Applicants shall select a qualified contractor to construct water and wastewater facilities required by the District to serve a project. The District reserves the right to reject any contractor selected by the applicant. Alternatively, the District may agree to construct the service facilities provided the applicant pays all estimated constructions costs prior to the commencement of construction.

9. **Construction.**

(a) All road work shall be completed in accordance with applicable state, county or municipal standards prior to construction of project water service facilities to avoid future problems resulting from road right-of-way excavation and completion. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage during construction of applicant's service facilities.

(b) The District shall, at the expense of the applicant, inspect the service facilities to ensure compliance with District standards.

(c) Construction plans and specifications shall be strictly adhered to, but the District reserves the right to revise any specifications by change-order due to unforeseen circumstances during the design phase or to better facilitate construction and/or operation of the project service facilities. All change-order amounts shall be charged to the applicant.

(d) After completing construction of the water service facilities, the applicant shall deliver to the District three (3) copies of as-built drawings plus one copy in PDF electronic format. The as-built drawings shall verify that all facilities have been properly located within the easements or rights-of-way conveyed or dedicated to the District. The

District's receipt of the as-built drawings shall be a condition of acceptance of the service facilities.

10. **Filling Non-potable Water Tanks.** A person desiring to take or use water for the purpose of filling non-potable water tanks from any location other than an existing metered service, must adhere to the following procedures:

(a) At least two (2) working days prior to the requested service date, the applicant must complete and submit a written application on a District approved form and pay an Administrative Fee and Non-potable Tank Fill Deposit in the amounts stated in Section G2.

(b) A District employee will connect a hydrant meter equipped with a back-flow prevention device to a hydrant on the water system located as near to the applicant's proposed location or locations as is practicable. The employee will also inspect the equipment that the applicant intends to connect to the hydrant.

(c) District employees will read the hydrant meter on at least a monthly basis.

(d) No more than one hydrant meter per subdivision or development is permitted without prior approval from the Board of Directors.

11. **Dedication of Service Facilities.** Upon proper completion of construction of an applicant's on-site and off-site service facilities, final inspection and approval thereof by the District, and applicant's payment to the District of all required fees and charges in connection therewith, the applicant shall dedicate the service facilities to the District by an appropriate legal instrument approved by the District's attorney, and the District shall accept the dedication. The District shall thereafter own the water service facilities subject to applicant's maintenance bond in an amount of not less than twenty percent (20%) of the total construction cost of the service facilities and for a term of not less than two (2) years. The maintenance bond is subject to prior approval by the District's attorney.

12. **Service within Subdivisions.** The District's objective to provide service to any customer located within a subdivision governed by this section is strictly limited to the non-standard service specified by an applicant. The applicant is responsible for paying for all costs necessary to provide non-standard service to a subdivision as determined by the District under the provisions of this Rate Order, and in particular, the provisions of this section. Should the applicant fail to pay these costs, the District has the right to require payment of these costs by any one or more of the persons purchasing lots within such subdivision before the District is obligated to provide water service to the subdivision. In addition, the District may elect to pursue any remedies provided by the Non-Standard Service Contract and the laws of Texas.

13. **Pro-Rata Reimbursement.** The District may from time to time negotiate and enter

into a pro-rata reimbursement agreement with a project applicant on condition that the following factors must be present:

- (a) the project applicant (or "constructing applicant") must construct off-site service facilities to the District's water system;
- (b) the constructing applicant must comply with a District requirement to oversize the off-site service facilities to service future growth not generated by the constructing applicant's project;
- (c) the District shall assess a five percent (5%) administrative fee for the administration of pro-rata fees collected by the District from subsequent connecting applicants, which shall be deducted from pro-rata reimbursements before remittance to the constructing applicant; and
- (d) the pro-rata reimbursement agreement shall contain the following items:
 - (1) the term of the agreement shall not exceed ten (10) years;
 - (2) reimbursement shall not be for more than eighty percent (80%) of the actual cost of the off-site improvement constructed; and
 - (3) the amount due to the constructing applicant from a future connecting applicant shall be based on a formula agreed upon by the District and applicant or developer, or as follows.

Acres in connecting applicant's project
 ----- (x) Actual cost of off-site facilities (=) Pro-Rata Fee
 Total potential acres served by off-site
 facilities of constructing applicant.
(less)
 Total acres in constructing applicant's project.

EXAMPLE:

100(a) (x) \$50,000.00(d) (=) \$12,500.00(e)
 500(b) (-) 100(c)

Where:

- (a) = Acres in connecting applicant's project.
- (b) = Total potential acres served by the off-site facilities constructed by the constructing applicant as determined by the District's consulting engineer.
- (c) = Total acres in the constructing applicant's project.

- (d)** = Actual cost of the off-site facilities.
- (e)** = Pro-rata fee to be collected from any water service applicant that connects or desires to connect to the off-site facilities.

SECTION G1.

RATES AND SERVICE FEES

1. **Classes of Users.** All users of the District's water services shall be grouped into the following classes:

(a) Residential users or customers. Persons located within the District's service area who receive District service to a single-family residential unit for domestic purposes only.

(b) Commercial users or customers. Persons located within the District's service area who receive District service to a commercial, industrial or other nonresidential establishment, or who receive District service for commercial, industrial, recreational or other non-domestic purposes. An apartment building or mobile home park may be considered by the District to be a single commercial facility to be served by a master-meter.

(c) Outside users or customers. Persons located outside the District's certificated service area who receive District service.

All classes of users may be grouped into sub-classes according to the size of the meter installed at the property receiving service. Water charges will be assessed in such a manner that each class of users generally pays its share of debt service and operation and maintenance expenses for water service. Outside customers may be assessed additional charges for service to reflect the additional costs associated with serving outside customers or the risk that such customers may have other options for receiving service and may elect to discontinue being District customers. The District may create additional classes of users in the future at its discretion.

2. **Service Investigation Fee.** The District shall conduct a service investigation for each service application submitted to the District. An initial determination shall be made by the District, without charge, as to whether the request is for standard or non-standard service. An investigation shall then be conducted by the District and the results reported under the following terms:

(a) Standard Service Requests. All standard service requests shall be investigated without charge and all applicable costs for providing service shall be quoted in writing to the applicant within twenty (20) working days of application.

(b) Non-standard Service Requests. All non-standard service requests shall be subject to a Service Investigation Fee in the amount specified in Section G2 unless the General Manager determines it proper to charge a Service Investigation Fee appropriate to the project and of sufficient amount to cover all administrative, legal and engineering costs associated with an investigation of the District's ability to provide service to the applicant's project, which may include:

- (1) providing cost estimates of the project;
- (2) presenting detailed plans and specifications as per final plat;
- (3) advertising and accepting bids for the project;
- (4) preparing a Non-standard Service Contract between the District and applicant; and
- (5) providing other services as required by the District for such investigation.

A Non-standard Service Contract shall be presented to the applicant within a suitable amount of time as determined by the complexity of the project. [See Section F.6].

3. Deposits.

(a) Initial Payment and Amount. At the time an application for service is approved, the applicant shall pay a deposit to be held by the District, without interest, until settlement of the customer's final bill. The deposit may be used to offset delinquent charges or unpaid bills.

(1) *Standard Service.* The deposit amount for standard or residential water service is stated in Section G2.

(2) *Non-standard Service.* The deposit amount for commercial and other non-residential water service, including Master Metered Accounts, is stated in Section G2.

(3) *Increased Risk Customer.* A customer whose service has been discontinued more than twice in a twelve (12) month period for nonpayment of bills must reestablish the customer's deposit in the amount specified in Section G2 to cover the increased risk of a final unpaid bill.

(4) *Renter/Tenant.* The deposit amount for standard or residential water service to a renter or tenant is stated in Section G2.

(b) Reestablishment of Deposit. Every service applicant who has previously been a customer of the District and whose service has been discontinued for nonpayment of bills, meter tampering, bypassing of meter or failure to comply with applicable state regulations or regulations of the District shall be required, before service is resumed, to pay all amounts due the District or execute a deferred payment agreement, if offered, and shall be required to pay a deposit if the District does not currently have a deposit from the customer.

(c) Refund of Deposit. If service is not connected, or after disconnection of service,

the District shall refund the service applicant's or customer's deposit, if any, in excess of the unpaid bills for service furnished. In the event that a surplus of Five Dollars (\$5.00) or more exists after the final bill is paid, the balance of the deposit will be paid to the customer within forty-five (45) days provided the customer has given the District written notice of a forwarding address. All requests for deposit refunds shall be made in writing and must be delivered to the District within ninety (90) days of termination of service. In the event that an outstanding balance exists after the deposit is applied, the District shall attempt to collect the outstanding balance by all lawful means available.

(d) Failure to Provide Forwarding Address for Refund. If the District is not provided with a valid forwarding address in writing to send the balance of a deposit, or if after mailing the balance to the address provided it is returned by the postal service, then the District will hold the deposit balance for **one year**. After the one-year holding period expires, the District will turn the money over to the Texas Comptroller's office. The customer may still claim the deposit balance from the Texas Comptroller.

(e) Transfer of service. A transfer of service from one service location to another within the District's service area shall not be deemed a disconnection within the meaning of this section, and no additional deposit may be required unless permitted by this section.

4. **Easement Fee.** When the District determines that private right-of-way easements and/or easements for facility sites are necessary to provide service to an applicant, the applicant shall be required to make a good faith effort to secure such easements on behalf of the District or pay all costs incurred by the District to validate, clear and obtain such easements, including but not limited to legal fees and court costs, in addition to a connection fee otherwise required pursuant to the provisions of this Rate Order. [See Sections E.2(b)(2) and F.7].

5. **Connection Fee.** The District shall charge a connection fee for service as follows:

(a) Standard Service. The Connection Fee for a standard service meter includes all labor and materials to install and inspect a tap, service line, meter vault, riser, meter, and other necessary appurtenances. The Connection Fee is charged on a per connection basis in advance in the amount stated in Section G2.

(b) Non-standard Service. The Connection Fee for non-standard service is equal to the Connection Fee for a standard service meter plus the additional cost of the larger meter, if any, and includes all labor and materials to install and inspect a tap, service line, meter vault, riser, meter, and other necessary appurtenances. The Connection Fee is charged on a per connection basis and must be paid in advance.

(c) Extraordinary Expenses.

(1) *Generally.* Extraordinary expenses such as road bores, street crossings,

system improvements and pipeline relocations will be added to the Connection Fee and shall be paid by the applicant.

(2) Street Crossings. The fee for boring under a road to install a service line is stated in Section G2.

6. **Monthly Charges.** The District shall assess the following monthly charges for water service:

(a) Base Rate. The base rate is that portion of a customer's monthly bill which is paid for the opportunity of receiving utility service, excluding standby fees and Reserved Service Charges, which does not vary due to changes in service consumption. The standard 5/8" x 3/4" meter (as per American Water Works Association maximum continuous flow specifications) is used as a base multiplier for the base rate amount. Therefore, a customer's base rate charge is based on the number of 5/8" x 3/4" meters equivalent to the size of that customer's meter. The District's monthly base rates for water service and meter size equivalents are as follows:

METER SIZE	METER EQUIVALENTS	MONTHLY BASE RATE
5/8" x 3/4"	1.0	\$30.00
3/4"	1.5	\$45.00
1"	2.5	\$75.00
1½"	5.0	\$150.00
2"	8.0	\$240.00
3" DISP	9.0	\$270.00
3" CMPD	16.0	\$480.00
3" TURB	17.5	\$525.00
4" CMPD.	25.0	\$750.00
4" TURB.	30.0	\$900.00
6" CMPD.	50.0	\$1,500.00
6" TURB.	62.5	\$1,875.00
8" CMPD.	80.0	\$2,400.00
10" CMPD.	115.0	\$3,450.00

(b) Gallage Charge. In addition to the Base Rate, customers shall be assessed a gallage charge at the rates stated in Section G2 for water usage during any one (1) billing period.

(c) Regulatory Assessment. In accordance with TCEQ regulations, the District shall collect from each customer a regulatory assessment equal to 0.5% of the monthly charge for water and sewer service. [See 16 TAC § 24.76 and Water Code § 5.701(n)]. State agencies,

wholesale customers and purchasers of non-potable water are exempt from the regulatory assessment.

(d) Voluntary Emergency Responder Fees. The District may assess and collect voluntary contributions for the Kaufman County Voluntary Fire Department and Emergency Medical Service and/or for Careflite.

7. **Credit Card Convenience Fee.** The District may assess a convenience fee equal to 3% of the total amount of any payment to the District involving use of a credit card or debit card. The convenience fee is a separate charge and is non-refundable in the event of a refund to the cardholder.

8. **Late Payment Fee.** A one-time penalty in the amount stated in Section G2 will be applied to delinquent bills of District customers except for political subdivisions and state agencies. The District will not apply a late payment fee to any balance to which the penalty was applied in a previous billing, but shall be applied to any unpaid balance during the current billing period. Political subdivisions and state agencies will be assessed a late penalty of 1% on any amount unpaid on the 46th day after a bill or statement for service furnished is received by the state agency or political subdivision and an additional 1% shall be assessed for each month thereafter that the bill remains unpaid. [Gov't Code Chapter 2251]

9. **Returned Check Fee.** In the event a check, draft, or any other similar instrument is given by any person for payment of services provided for in this Rate Order, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the account for which the instrument was issued shall be assessed a Returned Check Fee in the amount stated in Section G2.

10. **Administrative Fee.** The District shall charge an Administrative Fee in the amount stated in Section G2 for disconnecting the water service for any reason provided for in this in this Rate Order, except for re-service under Sections E.3(b) and E.4(b) of this Rate Order. The Administrative Fee is assessed the morning of the date of disconnection.

11. **Service Trip Fee.** The District shall charge a service trip fee in the amount stated in Section G2 for any service call or trip to a customer's tap at the request of a customer, unless the service call concerns damage to District or customer equipment or facilities, or for the purpose of disconnecting or collecting payment for services. For service trips that extend beyond one hour, such as when an extended line location is required, the District shall charge an hourly charge per employee for each additional hour required.

12. **Equipment Damage Fee.** The District shall charge for all labor, material, equipment, and all other actual costs necessary to repair or replace all equipment damaged due to negligence, meter tampering, by-passing or reconnecting service without authority, or by any other service diversion. The District may charge for all actual cost necessary to correct service diversions or

unauthorized taps where there is no equipment damage, including incidents where service is reconnected without authority. An itemized bill for the damages will be provided to the customer. In cases of meter tampering or service diversion, the District may disconnect the service of a customer refusing to pay damage charges. [16 TAC § 24.87(n)]

13. **Customer History Report Fee.** A fee in the amount stated in Section G2, shall be charged to provide a history report of past water purchases in response to a customer's request for such a record.

14. **Meter Test Fee.** The District shall test a customer's meter upon written request of the customer and payment of a Meter Test Fee in the amount stated in Section G2.

15. **Meter Relocation Fee.** The fee for relocating a meter under the terms of Section E.24 shall be the actual relocation costs incurred by the District plus administrative charges. During removal of the existing meter the District will also remove the existing service tap.

16. **Temporary Service Fees.** Temporary service allows realtors, property management companies, and prospective buyers to receive service temporarily for purposes of conducting inspections or repairs. Temporary service applicants are not responsible for payment of a monthly Base Rate. The following procedure shall be followed for application to temporary service:

(a) All requests must be made in person at the District's business office between the hours of 9:00 a.m. and 4:00 p.m. (Monday through Friday). The applicant must complete an Application for Temporary Service.

(b) All payments must be made in cash.

(c) Payment of a disconnect/reconnect fee must be received prior to service reconnection. Term of service shall not exceed ten (10) business days.

(d) Payment of a cash Temporary Service Deposit in the amount stated in Section G2 must also be made prior to temporary service being established.

(e) Payment for all water used during the 10-day period must be received prior to any refund of the Temporary Service Deposit. Persons receiving temporary service will pay for water taken at the Non-potable Water Rate stated in Section G2. Failure to submit payment for water used will result in a forfeiture of some or the entire deposit amount.

(f) Requests for a refund of the Temporary Service Deposit, less any unpaid charges for water, must be made in person appear in person at the District's business office between the hours of 9:00 a.m. and 4:00 p.m. (Monday through Friday). Valid identification must be presented. Deposits not claimed within 60 days of the termination of temporary service are forfeited.

17. **Fire Suppression Line Fees.** Customers who install a fire suppression line to supply water to a fire sprinkler or fire suppression system shall pay the monthly Base Rate stated in Section G2 for an equivalent sized meter.

18. **Flow Testing Fee.** A fee in the amount stated in Section G2, shall be charged to perform a requested flow test of a water line or hydrant. The estimated water loss for performing the requested flow test shall also be paid for at the non-potable rate stated in Section G2.

19. **Deferred Agreement Fee.** A fee in the amount stated in Section G2, shall be charged to a customer for entering into a Deferred Payment Agreement.

20. **Information Disclosure Fee.** All public information except that which has been individually requested by customers to remain confidential shall be available to the public for a fee to be determined by the District based on the level of service and costs to provide such information, but not to be inconsistent with the terms of the Texas Publication Information Act: Chapter 552, Texas Government Code.

21. **Customer Service Inspection Fee.** A Customer Service Inspection Fee in the amount stated in Section G2 will be assessed each applicant before permanent continuous service is provided to new construction if an additional inspection is required in addition to the initial inspection included with the Connection Fee.

22. **Seasonal Reconnect Fee.** Base Rate multiplied by the number of months during which service is suspended, not to exceed 9 months during any 12 consecutive month period.

23. **Hardship Adjustments.** A customer may request to have a one-time hardship adjustment of a monthly bill. The customer must submit a written request for a hardship adjustment. If approved, the adjusted water usage will be billed at the lowest water rate listed in Section G2.

24. **Usage Graphs.** Customers may request one water usage graph, free of charge, every five years, to be used at their discretion. Additional graphs will be billed at \$50 each.

25. **After Hours Fee.** In addition to a Service Trip Fee of Administrative Fee, the District will also assess an After Hours Fee in the amount stated in Section G2 for a service trip or to reconnect service (after disconnection for failure to pay a monthly bill) after 5:00 p.m.

26. **Additional Assessments.** In the event any federal, state or local government imposes on the District a "per meter" fee or an assessment based on a percent of water charges, this fee or assessment will be billed and collected as a "pass through" charge to the customer.

27. **Other Fees.** All services outside the normal scope of utility operations that the District may be compelled to provide at the request of a customer shall be charged to the recipient based on the cost of providing such service.

28. **Fees Non-refundable.** All fees, rates and charges of the District set forth in this Rate Order are non-refundable unless expressly stated otherwise.

29. **Free Service Prohibited.** The District shall not furnish free service to any person except for fire-fighting purposes.

SECTION G2.

RATE SCHEDULE

(Amended by Ord. 2023-003, Mar. 21, 2023)

Administrative Fee.	\$50.00	
After Hours Fee.	\$50.00	
Connection Fee.	\$3,200.00	
Customer History Report Fee.	\$5.00	
Customer Service Inspection Fee.	\$60.00	
<u>Deposit:</u>		
Standard Service.	\$100.00	
Renter/Tenant.	\$150.00	
Increased Risk.	\$200.00	
Non-standard Service (Commercial).	\$250.00	
Non-potable Tank Fill.	\$1,500.00	
Temporary Service.	\$250.00	plus \$50.00 service
Deferred Agreement Fee.	\$10.00	
Disconnect/Reconnect Fee.	\$50.00	
Flow Testing Fee.	\$500.00	
Late Fee.	\$20.00	
Meter Replacement Fee.	\$200.00	minimum
<u>Meter Set Fee:</u>		
Non-standard Service (includes tap fee).	\$450.00	
Standard Service (existing tap).	\$235.00	
Meter Tampering Fee.	\$50.00	
Meter Test Fee.	\$150.00	
Processing Fee.	\$50.00	
Reserved Service Charge.	\$9.95	
Return Check Fee.	\$40.00	
Road bore or road crossing (estimated minimum).	\$1,000.00	
<u>Service Investigation Fee:</u>		
3 or fewer water connections.	\$1,000.00	
More than 3 water connections.	\$2,500.00	
Service Trip Fee.	\$50.00	

MONTHLY WATER RATES FOR STANDARD SERVICE

Usage Range/Gallons	Base Rate		Water Rate Per 1000 Gallons
1-2,000	\$30.00		n/a
2,001-10,000	\$30.00	<i>plus</i>	\$6.00
10,001-20,000	\$30.00	<i>plus</i>	\$7.50
20,001 and up	\$30.00	<i>plus</i>	\$9.00

Non-potable Water Rate: \$10.00 per 1000 gallons.

Billing Procedures: Meters are read on or around the 20th day of each month. The bills are mailed on or before the first of each month. Bills are due upon receipt. Payment must be received by the office no later than the 15th of the month to avoid a Late Fee. ***Payments received after the 15th day of the month will be assessed a Late Fee.***

If payment is not received by the 15th of the month a Disconnect Notice will be sent. If payment is not received by the due date on the Disconnect Notice, the account will be assessed an Administration Fee and service will be disconnected. ***A US postal postmark does not apply to receipt of payment for disconnects.*** If a customer requests reconnection between 5pm and 8pm, an After Hours Fee will also be charged to the account. To reconnect the water service the account balance must be paid in full including the ADMINISTRATIVE FEE, AFTER HOURS FEE, as well as any outstanding charges on the account.

SECTION H.
WATER CONSERVATION PLAN

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Appendices

Appendix A. . . . List of References

Appendix B. . . . TCEQ Rules on Municipal Water Conservation Plans

- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.1 – Definitions (Page B-1)
- Texas Administrative Code Title 30, Part 1, Chapter 288, Subchapter A, Rule §288.2 – Water Conservation Plans for Municipal Uses by Public Water Suppliers (Page B-4)

Appendix C. . . . Landscape Water Management Regulations

1. Introduction and Objectives.

Water supply has always been a key issue in the development of Texas. In recent years, the growing population and economic development of North Central Texas have led to increasing demands for water supplies. At the same time, local and less expensive sources of water supply are largely developed. Additional supplies to meet higher demands will be expensive and difficult to develop. It is therefore important that we make efficient use of our existing supplies and make them last as long as possible. This will delay the need for new supplies, minimize the environmental impacts associated with developing new supplies, and delay the high cost of additional water supply development.

Recognizing the need for efficient use of existing water supplies, the Texas Commission on Environmental Quality (TCEQ) has developed guidelines and requirements governing the development of water conservation plans for public water suppliers.¹ TCEQ guidelines and requirements are included in Appendix B. The North Texas Municipal Water District (NTMWD) has also developed this model water conservation plan for its member cities and customers following TCEQ guidelines and requirements.

The objectives of this water conservation plan are as follows:

- To reduce water consumption from the levels that would prevail without conservation efforts.
- To reduce the loss and waste of water.
- To improve efficiency in the use of water.
- To document the level of recycling and reuse in the water supply.
- To extend the life of current water supplies by reducing the rate of growth in demand.

In order to adopt this plan, the City of Forney requires The District to do the following:

- Complete the water utility profile.
- Set five- and ten-year goals for per capita water use.
- Adopt ordinance(s) or regulation(s) approving the model plan.

The water utility profile, goals, and ordinance(s) or regulations should be provided to the City of Forney in draft form for review and comments. Final adopted versions should also be provided to the City of Forney.

This water conservation plan includes all of the elements required by TCEQ. Some elements of this model plan go beyond TCEQ requirements, and member cities and customers can be flexible in their implementation. The following elements are recommended for inclusion in this water conservation plan but are not required:

¹ Superscripted numbers match references listed in Appendix A.

- landscape water management plan and
 - 12% goal for unaccounted water. (The goal for unaccounted water might be higher for rural systems.)
2. **Texas Commission on Environmental Quality Rules.**

The TCEQ rules governing development of water conservation plans for public water suppliers are contained in Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code, which is included in Appendix B. For the purpose of these rules, a water conservation plan is defined as “[a] strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water.”¹ The elements in the TCEQ water conservation rules covered in this conservation plan are listed below.

Minimum Conservation Plan Requirements

The minimum requirements in the Texas Administrative Code for Water Conservation Plans for Public Water Suppliers are covered in this report as follows:

- 288.2(a)(1)(A) – Utility Profile – Section 3
- 288.2(a)(1)(B) – Specification of Goals – Section 4
- 288.2(a)(1)(C) – Accurate Metering – Sections 5.1 and 5.2
- 288.2(a)(1)(D) – Universal Metering – Section 5.2
- 288.2(a)(1)(E) – Determination and Control of Unaccounted Water – Section 5.4
- 288.2(a)(1)(F) – Public Education and Information Program – Section 6
- 288.2(a)(1)(G) – Non-Promotional Water Rate Structure – Section 7
- 288.2(a)(1)(H) – Reservoir System Operation Plan – Section 8.1
- 288.2(a)(1)(I) – Means of Implementation and Enforcement – Section 9
- 288.2(a)(1)(J) – Coordination with Regional Water Planning Group – Section 8.6

Conservation Additional Requirements (Population over 5,000)

The Texas Administrative Code includes additional requirements for water conservation plans for cities with a population over 5,000:

- 288.2(a)(2)(A) – Leak Detection, Repair, and Water Loss Accounting – Sections 5.4, 5.5, and 5.6
- 288.2(a)(2)(B) – Record Management System – Section 5.3
- 288.2(a)(2)(C) – Requirement for Water Conservation Plans by Wholesale Customers – Section 8.5

Additional Conservation Strategies

TCEQ rules also list additional optional but not required conservation strategies, which may be adopted by suppliers. The following optional strategies are included in this plan:

- 288.2(a)(3)(A) – Conservation Oriented Water Rates – Section 7
- 288.2(a)(3)(B) – Ordinances, Plumbing Codes or Rules on Water-Conserving Fixtures – Section 8.3
- 288.2(a)(3)(D) – Reuse and Recycling of Wastewater – Section 8.2
- 288.2(a)(3)(F) – Landscape Water Management Regulations – Section 8.4, Appendix C
- 288.2(a)(3)(G) – Monitoring Method – Section 5.6

3. Water Utility Profile.

In adopting this water conservation plan, The District will provide a draft water utility profile to the City of Forney for review and comment. A final water utility profile will be provided to the City of Forney.

4. Specification of Water Conservation Goals.

Current TCEQ rules require the adoption of specific water conservation goals for a water conservation plan. As part of plan adoption, each member city and customer will develop 5-year and 10-year goals for per capita municipal use, following TCEQ procedures described in the water utility profile. These goals should be submitted to the City of Forney in draft form for review. The goals for this water conservation plan include the following:

- Keep the per capita municipal water use below the specified amount in gallons per capita per day in a dry year, to be shown on the completed Table C-1 (5-year and 10-year goals).
- Keep the level of unaccounted water in the system below 12% annually in 2008 and subsequent years, as discussed in Section 5(d). (The 12% goal for unaccounted water is recommended but is not required. Systems with long distances between customers may adopt a higher unaccounted water goal.)
- Implement and maintain a program of universal metering and meter replacement and repair, as discussed in Section 5(b).
- Decrease waste in lawn irrigation by implementation and enforcement of landscape water management regulations, as discussed in Section 8(d). (The landscape water management regulations are recommended but are not required.)
- Raise public awareness of water conservation and encourage responsible public behavior by a public education and information program, as discussed in Section 6.
- Develop a system specific strategy to conserve water during peak demands, thereby reducing the peak use.

5. Metering, Water Use Records, Control of Unaccounted Water, and Leak Detection and Repair.

One of the key elements in water conservation is careful tracking of water use and control of losses through illegal diversions and leaks. Careful metering of water deliveries and water use, detection and repair of leaks in the distribution system and regular monitoring of unaccounted water are important in controlling losses.

(a) Accurate Metering of Treated Water Deliveries from the City of Forney. The City of Forney supplies all of the water used by the District. Water deliveries are metered by the City of Forney using meters with accuracy of $\pm 2\%$. These meters are calibrated on an annual basis by The District to maintain the required accuracy.

(b) Metering of Customer and Public Uses and Meter Testing, Repair, and Replacement. All customers of member cities and customers, including public and governmental users, should be metered. In many cases, member cities and customers already meter all of their water users. For those member cities and customers who do not currently meter all of their water uses, these entities will implement a program to meter all water uses within the next three years. Most member cities and customers test and replace their customer meters on a regular basis. All customer meters should be replaced on a 15-year cycle. Those who do not currently have a meter testing and replacement program will implement such a program over the next three years.

(c) Record Management System. As required by TAC Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2(a)(2)(B), the record management system allows for the separation of water sales and uses into residential, commercial, public/institutional, and industrial categories. This information will be included in an annual water conservation report, as described in Section 5(f) below. For those entities whose record management systems do not currently allow for the separation of water sales as described above, they will move to implement such a system within the next five years.

(d) Determination and Control of Unaccounted Water.

(1) Unaccounted water is the difference between water delivered to The District from the City of Forney and metered deliveries to customers plus authorized but unmetered uses. (Authorized but unmetered uses would include use for fire fighting, releases for flushing of lines, and uses associated with new construction.) Unaccounted water can include several categories:

(A) Inaccuracies in customer meters. (Customer meters tend to run more slowly as they age and under-report actual use.)

(B) Accounts which are being used but have not yet been added to the billing system.

(C) Losses due to water main breaks and leaks in the water distribution system.

(2) Measures to control unaccounted water are part of the routine operations of member cities and customers. Maintenance crews and personnel are asked to look for and report evidence of leaks in the water distribution system. The leak detection and repair program is described in Section 5(e) below. Meter readers are asked to watch for and report signs of illegal connections, so they can be addressed quickly.

(3) Unaccounted water is to be calculated. With the measures described in this plan, member cities and customers intend to maintain the unaccounted water below 12% in 2008 and subsequent years. If unaccounted water exceeds this goal, the member city or customer will implement a more intensive audit to determine the source(s) of and reduce the unaccounted water. The annual conservation report described below is the primary tool used to monitor unaccounted water.

(e) Leak Detection and Repair. As described above, city crews and personnel are asked to look for and report evidence of leaks in the water distribution system. Areas of the water distribution system in which numerous leaks and line breaks occur are targeted for replacement as funds are available.

(f) Monitoring of Effectiveness and Efficiency - Annual Water Conservation Report. Appendix D is a form that will be used in the development of an annual water conservation report for member cities and customers. This form will be completed by March 31 of each year and will be used to monitor the effectiveness and efficiency of the water conservation program and to plan conservation-related activities for the next year. The form records the water use by category, per capita municipal use, and unaccounted water for the current year and compares them to historical values. The annual water conservation report will also be sent to the City of Forney, which will monitor regional water conservation trends.

6. **Continuing Public Education and Information Campaign.**

The continuing public education and information campaign on water conservation includes the following elements:

- Insert water conservation information with water bills. Inserts will include material developed by member cities' and customers' staff and material obtained from the TWDB, the TCEQ, and other sources.
- Encourage local media coverage of water conservation issues and the importance of water conservation.
- Notify local organizations, schools, and civic groups that member city or customer staff and staff of the NTMWD are available to make presentations on the importance of water conservation and ways to save water.

- Make the *Texas Smartscape CD*, water conservation brochures, and other water conservation materials available to the public at City Hall and other public places.
- Make information on water conservation available on its website (if any) and include links to the *Texas Smartscape* website and to information on water conservation on the TWDB and TCEQ web sites.

As a regional water supplier, the NTMWD has made the “Learning to Be Water Wise” educational materials for 5th grade students available to local school districts. This program contains individual kits and activities to educate students on the importance of water and water conservation activities in the community and in their homes.

7. **Water Rate Structure.**

Member cities and customers will adopt, if they have not already done so, an increasing block rate water structure that is intended to encourage water conservation and discourage excessive use and waste of water upon completion of the next rate study or within five years. An example water rate structure is as follows:

Residential Rates

1. Monthly Base Rate. This may include up to 2,000 gallons water use with no additional charge.
2. Base charge per 1,000 gallons up to the approximate average residential use.
3. 2nd tier (from the average to 2 times the approximate average) at 1.25 to 2.0 times the base charge.
4. 3rd tier (above 2 times the approximate average) at 1.25 to 2.0 times the 2nd tier.
5. The residential rate can also include a lower tier for basic household use up to 4,000 gallons per month or so.

Commercial/Industrial Rates

Commercial/industrial rates should include at least 2 tiers, with rates for the 2nd tier at 1.25 to 2.0 times the first tier. Higher water rates for commercial irrigation use are encouraged, but not required.

8. **Other Water Conservation Measures.**

(a) NTMWD Reservoir System Operation Plan. Member cities and customers of NTMWD purchase treated water from NTMWD and do not have surface water supplies for which to implement a reservoir system operation plan. NTMWD’s permits do allow some coordinated operation of its reservoirs, and NTMWD is seeking additional water rights for coordinated operation to optimize its available water supplies.

(b) Reuse and Recycling of Wastewater.

(1) Most member cities and customers do not own and operate their own wastewater treatment plants. Their wastewater is treated by NTMWD. NTMWD currently has the largest wastewater reuse program in the state. NTMWD has water rights allowing reuse of up to 35,941 acre-feet per year of treated wastewater for municipal purposes, which provides about 13 percent of NTMWD's total water supply. NTMWD is currently seeking a permit that would double its permitted reuse and is also considering additional reuse projects to increase this supply further. NTMWD also makes treated wastewater from its plants available for direct reuse for landscape irrigation and industrial use.

(2) For those member cities and customers who do own and operate their own wastewater treatment plants, they will move toward reusing treated effluent for irrigation purposes around their plants over the next three years. These entities will also seek other alternatives for reuse of recycled wastewater.

(c) Ordinances, Plumbing Codes, or Rules on Water-Conserving Fixtures. The State of Texas has required water-conserving fixtures in new construction and renovations since 1992. The state standards call for flows of no more than 2.5 gallons per minute (gpm) for faucets, 3.0 gpm for showerheads, and 1.6 gallons per flush for toilets. Similar standards are now required nationally under federal law. These state and federal standards assure that all new construction and renovations will use water-conserving fixtures.

(d) Landscape Water Management Regulations. Appendix C is a summary of considerations for landscape water management regulations adopted as part of the development of this water conservation plan. These regulations are intended to minimize waste in landscape irrigation. The District will consider adopting additional water conservation programs including but not limited to:

- (1) low-flow toilet replacement and rebate programs;
- (2) pressure reduction in the system or for individual customers;
- (3) rebates for rain/freeze sensors;
- (4) low-flow showerhead and sink aerators replacement programs; or
- (5) other water conservation incentive programs.

(e) Requirement for Water Conservation Plans by Wholesale Customers. Every contract for the wholesale sale of water by the City of Forney that is entered into, renewed, or extended after the adoption of this water conservation and drought contingency plan will

include a requirement that the wholesale customer and any wholesale customers of that wholesale customer develop and implement a water conservation plan meeting the requirements of Title 30, Part 1, Chapter 288, Subchapter A, Rule 288.2 of the Texas Administrative Code. The requirement will also extend to each successive wholesale customer in the resale of the water.

(f) Coordination with Regional Water Planning Group and NTMWD. The City of Forney will send a copy of their draft ordinance(s) or regulation(s) implementing the plan and their water utility profile to NTMWD for review and comment. The adopted ordinance(s) or regulation(s) and the adopted water utility profile will also be sent to NTMWD.

9. Implementation and Enforcement of the Water Conservation Plan.

(a) It is the responsibility of the General Manager of the District to implement, administer, and enforce this water conservation plan.

(b) Any customer failing to comply with the provisions of this water conservation plan shall be subject to discontinuance of water service for 24 hours by the District. All outstanding charges and any Administrative Fee(s) assessed must be paid in full before service is restored. Each day a customer fails to comply with this water conservation plan is a separate violation.

Appendix A

List of References

1. Title 30 of the Texas Administrative Code, Part 1, Chapter 288, Subchapter A, Rules 288.1 and 288.2, and Subchapter B, Rule 288.20, downloaded from <http://www.tnrcc.state.tx.us/oprd/rules/pdflib/288a.pdf>, November 2003.
2. Freese and Nichols, Inc.: North Texas Municipal Water District Water Conservation and Drought Management Plan, prepared for the North Texas Municipal Water District, Fort Worth, August 2004.
3. Edward Motley, Marisa Vergara, Tom Gooch, and Stephanie Griffin: Memorandum to File on “Region C Municipal Water Use Projections Adopted on August 18, 2003,” Fort Worth, August 21, 2003.

The following conservation and drought contingency plans and related documents were reviewed in the development of this plan. References marked with a * were used heavily in the development of this plan.

4. City of Austin Water Conservation Division: “City of Austin Water Drought Contingency Plan, Developed to Meet Senate Bill 1 Regulatory Requirements,” Austin, August 1999.
5. City of Austin Water Conservation Division: “City of Austin Water Conservation Plan, Developed to Meet Senate Bill 1 Regulatory Requirements,” Austin, August 1999.
6. Upper Trinity Regional Water District: “Water Conservation Plan and Emergency Water Demand Management Plan,” adopted by the Board of Directors, Lewisville, August 5, 1999.
7. Upper Trinity Regional Water District: “Water Conservation Plan and Emergency Water Demand Management Plan (2002 Amended),” adopted by the Board of Directors, Lewisville, February 2002.
8. *City of Dallas Water Utilities Department: “City of Dallas Water Management Plan,” adopted by the City Council, Dallas, September 1999.
9. Updates to City of Dallas Water Management Plan found at <http://www.dallascityhall.com> in September 2003.
10. *City of Dallas Water Utilities Department: “City of Dallas Water Conservation Plan,” adopted by the City Council, Dallas, September 1999.
11. *City of Fort Worth: “Water Conservation plan for the City of Fort Worth,” Fort Worth, August 1999.
12. Updates to the City of Fort Worth water conservation plan found at <http://ci.fort-worth.tx.us> in September 2003.
13. *City of Fort Worth: “Emergency Water Management Plan for the City of Fort Worth,” Fort Worth, August 19, 2003.
14. HDR Engineering, Inc.: “Water Conservation and Emergency Demand Management Plan,” prepared for the Tarrant Regional Water District, Austin, February 2000.
15. Freese and Nichols, Inc.: “Water Conservation and Drought Contingency Plan,” prepared for Brown County Water Improvement District No. 1, Fort Worth, August 1999.
16. Freese and Nichols, Inc.: “Water Conservation and Drought Contingency Plan,” prepared for the Sabine River Authority of Texas, Fort Worth, September 1994.
17. HDR Engineering, Inc.: “Water Conservation and Emergency Demand Management Plan,” prepared for the Tarrant Regional Water District, Austin, June 1998.

18. HDR Engineering, Inc.: "Water Conservation Plan for the City of Corpus Christi," adopted by the City of Corpus Christi City Council, August 24, 1999.
19. City of Houston's water conservation plan downloaded September 2003 from <http://www.cityofhouston.gov>
20. City of Houston: "Ordinance N. 2001-753, Amending Chapter 47 of the Code of Ordinances Relating to Water Emergencies," Houston, August 2001.
21. City of Houston: "Ordinance No. 98-764, Relating to Water Conservation," Houston, September 1998.
22. City of Houston: "Water Conservation Plan," 1998.
23. City of Houston: "Water Emergency Response Plan," Houston, July 15, 1998.
24. City of Lubbock: "Water Conservation Plan," ordinance number 10177 adopted by the City Council in August 1999.
25. City of El Paso Water Conservation Ordinance downloaded August 14, 2003 from <http://www.epwu.org/ordinance.html>
26. San Antonio Water System: "Water Conservation and Reuse Plan," San Antonio, November 1998 with June 2002 updates.
27. North Texas Municipal Water District: "District Policy No. 24 Water Conservation Plan Containing Drought Contingency Plan," adopted August 1999.
28. GDS Associates, Inc.: "Water Conservation Study," prepared for the Texas Water Development Board, Fort Worth, 2002.
29. A & N Technical Services, Inc.: "BMP Costs & Savings Study: A Guide to Data and Methods for Cost-Effectiveness Analysis of Urban Water Conservation Best Management Practices," prepared for The California Urban Water Conservation Council, Santa Monica, California, July 2000.
30. *City of Dallas: "City of Dallas Ordinances, Chapter 49, Section 21.1," Dallas, October 1, 2001.

Appendix B

Texas Commission on Environmental Quality Rules on Water Conservation Plans

Texas Administrative Code

TITLE 30. ENVIRONMENTAL QUALITY

PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288. WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS

SUBCHAPTER A. WATER CONSERVATION PLANS

RULE §288.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Agricultural or Agriculture--means any of the following activities:
 - (A) cultivating the soil to produce crops for human food, animal feed, or planting seed or for the production of fibers;
 - (B) the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or non-soil media by a nursery grower;
 - (C) raising, feeding, or keeping animals for breeding purposes or for the production of food or fiber, leather, pelts, or other tangible products having a commercial value;
 - (D) raising or keeping equine animals;
 - (E) wildlife management; and
 - (F) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure.
- (2) Agricultural use--Any use or activity involving agriculture, including irrigation.
- (3) Conservation--Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.
- (4) Drought contingency plan--A strategy or combination of strategies for temporary supply and demand management responses to temporary and potentially recurring water supply shortages and other water supply emergencies. A drought contingency plan may be a separate document identified as such or may be contained within another water management document(s).
- (5) Industrial use--The use of water in processes designed to convert materials of a lower order of value into forms having greater usability and commercial value, commercial fish production, and the development of power by means other than hydroelectric, but does not include agricultural use.
- (6) Irrigation--The agricultural use of water for the irrigation of crops, trees, and pastureland, including, but not limited to, golf courses and parks which do not receive water through a municipal distribution system.
- (7) Irrigation water use efficiency--The percentage of that amount of irrigation water which is beneficially used by agriculture crops or other vegetation relative to the amount of water diverted from the source(s) of supply. Beneficial uses of water for irrigation purposes include, but are not limited to, evapotranspiration needs for vegetative maintenance and growth, salinity management, and leaching requirements associated with irrigation.
- (8) Mining use--The use of water for mining processes including hydraulic use, drilling, washing sand and gravel, and oil field re pressuring.
- (9) Municipal per capita water use--The sum total of water diverted into a water supply system for residential, commercial, and public and institutional uses divided by actual population served.
- (10) Municipal use--The use of potable water within or outside a municipality and its environs whether supplied by a person, privately owned utility, political subdivision, or other entity as well as the use of sewage effluent for certain purposes, including the use of treated water for domestic purposes, fighting fires, sprinkling streets, flushing sewers and drains, watering parks and parkways, and recreational purposes, including public and private swimming pools, the use of potable water in industrial and commercial enterprises supplied by a municipal distribution system without special construction to meet its demands, and for the watering of lawns and family gardens.
- (11) Nursery grower--A person engaged in the practice of floriculture, viticulture, silviculture, and horticulture, including the cultivation of plants in containers or nonoil media, who grows more than 50% of the products that the person either sells or leases, regardless of the variety sold, leased, or grown. For the purpose of this definition, grow means the actual cultivation or propagation of the product beyond the mere holding or maintaining of the item prior to sale or lease, and typically includes activities associated with the production or multiplying of stock such as the development of new plants from cuttings, grafts, plugs, or seedlings.

- (12) Pollution--The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.
- (13) Public Water Supplier--An individual or entity that supplies water to the public for human consumption.
- (14) Regional Water Planning Group--A group established by the Texas Water Development Board to prepare a regional water plan under Texas Water Code, §16.053.
- (15) Retail Public Water Supplier--An individual or entity that for compensation supplies water to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants when that water is not resold to or used by others.
- (16) Reuse--The authorized use for one or more beneficial purposes of use of water that remains unconsumed after the water is used for the original purpose of use and before that water is either disposed of or discharged or otherwise allowed to flow into a watercourse, lake, or other body of state-owned water.
- (17) Water conservation plan--A strategy or combination of strategies for reducing the volume of water withdrawn from a water supply source, for reducing the loss or waste of water, for maintaining or improving the efficiency in the use of water, for increasing the recycling and reuse of water, and for preventing the pollution of water. A water conservation plan may be a separate document identified as such or may be contained within another water management document(s).
- (18) Wholesale Public Water Supplier--An individual or entity that for compensation supplies water to another for resale to the public for human consumption. The term does not include an individual or entity that supplies water to itself or its employees or tenants as an incident of that employee service or tenancy when that water is not resold to or used by others, or an individual or entity that conveys water to another individual or entity, but does not own the right to the water which is conveyed, whether or not for a delivery fee.

Source Note: The provisions of this §288.1 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544; amended to be effective August 15, 2002, 27 TexReg 7146

Texas Administrative Code

TITLE 30. ENVIRONMENTAL QUALITY

PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 288. WATER CONSERVATION PLANS, DROUGHT CONTINGENCY PLANS, GUIDELINES AND REQUIREMENTS

SUBCHAPTER A. WATER CONSERVATION PLANS

RULE §288.2 Water Conservation Plans for Municipal Uses by Public Water Suppliers

- (a) A water conservation plan for municipal water use by public water suppliers shall provide information, where applicable, in response to the following.
- (1) Minimum requirements. All water conservation plans for municipal uses by public drinking water suppliers shall include the following elements:
- (A) a utility profile including, but not limited to, information regarding population and customer data, water use data, water supply system data, and wastewater system data;
- (B) specification of conservation goals including, but not limited to, municipal per capita water use goals, the basis for the development of such goals, and a time frame for achieving the specified goals;
- (C) metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply;
- (D) a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement;
- (E) measures to determine and control unaccounted-for uses of water (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections, abandoned services, etc.);
- (F) a program of continuing public education and information regarding water conservation;
- (G) a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not

encourage the excessive use of water;

(H) a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin in order to optimize available water supplies; and

(I) a means of implementation and enforcement which shall be evidenced by:

(i) a copy of the ordinance, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and

(ii) a description of the authority by which the water supplier will implement and enforce the conservation plan; and

(J) documentation of coordination with the Regional Water Planning Groups for the service area of the public water supplier in order to insure consistency with the appropriate approved regional water plans.

(2) Additional content requirements. Water conservation plans for municipal uses by public drinking water suppliers serving a current population of 5,000 or more and/or a projected population of 5,000 or more within the next ten years subsequent to the effective date of the plan shall include the following elements:

(A) a program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted-for uses of water;

(B) a record management system to record water pumped, water deliveries, water sales, and water losses which allows for the desegregation of water sales and uses into the following user classes:

(i) residential;

(ii) commercial;

(iii) public and institutional; and

(iv) industrial; and

(C) a requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter; if the customer intends to resell the water, then the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with applicable provisions of this chapter.

(3) Additional conservation strategies. Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements in paragraphs (1) and (2) of this subsection, if they are necessary to achieve the stated water conservation goals of the plan. The commission may require that any of the following strategies be implemented by the water supplier if the commission determines that the strategy is necessary to achieve the goals of the water conservation plan:

(A) conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

(B) adoption of ordinances, plumbing codes, and/or rules requiring water-conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;

(C) a program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;

(D) reuse and/or recycling of wastewater and/or greywater;

(E) a program for pressure control and/or reduction in the distribution system and/or for customer connections;

(F) a program and/or ordinance(s) for landscape water management;

(G) a method for monitoring the effectiveness and efficiency of the water conservation plan; and

(H) any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

(b) A water conservation plan prepared in accordance with 31 TAC §363.15 (relating to Required Water Conservation Plan) of the Texas Water Development Board and substantially meeting the requirements of this section and other applicable commission rules may be submitted to meet application requirements pursuant to a memorandum of understanding between the commission and the Texas Water Development Board.

Source Note: The provisions of this §288.2 adopted to be effective May 3, 1993, 18 TexReg 2558; amended to be effective February 21, 1999, 24 TexReg 949; amended to be effective April 27, 2000, 25 TexReg 3544

Appendix C

Landscape Water Management Regulations

1. **Purpose.** The purpose of these landscape water management regulations ("Regulations") is to provide a consistent mechanism for preventing the waste of water resources.

2. **Lawn and Landscape Irrigation Restrictions.**

(a) A person commits an offense if the person irrigates, waters, or knowingly or recklessly causes or allows the irrigation or watering of any lawn or landscape located on any property owned, leased, or managed by the person between the hours of 10:00 a.m. and 6:00 p.m. year round. Watering is limited to twice a week with schedule to be determined by the City Manger or his/her designee. Systems irrigating with non-potable water are exempt from this provision.

(b) A person commits an offense if the person knowingly or recklessly irrigates, waters, or causes or allows the irrigation or watering of lawn or landscape located on any property owned, leased, or managed by that person in such a manner that causes:

(1) over-watering lawn or landscape, such that a constant stream of water overflows from the lawn or landscape onto a street or other drainage area; or

(2) irrigating lawn or landscape during any form of precipitation. This restriction applies to all forms of irrigation, including automatic sprinkler systems; or

(3) the irrigation of impervious surfaces or other non-irrigated areas, wind driven water drift taken into consideration.

(c) A person commits an offense if the person knowingly or recklessly operates a lawn or irrigation system or device on property that the person owns, leases, or manages that:

(1) has broken or missing sprinkler head(s); or

(2) has not been properly maintained to prevent the waste of water.

3. **Rain and Freeze Sensors.**

(a) Any new irrigation system installed must be equipped with rain and freeze sensing devices in compliance with city ordinance, state design and installation regulations. Existing irrigation systems are encouraged to install rain and freeze sensing devices.

(b) A person commits an offense on property owned, leased or managed if the person:

(1) knowingly or recklessly installs or allows the installation of new irrigation systems in violation of Section 3(a); or

(2) knowingly or recklessly operates or allows the operation of an irrigation system that does not comply with Section 3(a).

4. **Variances.**

(a) In special cases, variances may be granted to persons demonstrating extreme hardship or need. Variances may be granted by the Board of Directors or designee under the following circumstances:

(1) the applicant must sign a compliance agreement agreeing to irrigate or water the lawn and/or landscape only in the amount and manner permitted by the variance; and

(2) the variance must not cause an immediate significant reduction to the water supply; and

(3) the extreme hardship or need requiring the variance must relate to the health, safety, or welfare of the person making the request; and

(4) the health, safety, and welfare of the public and the person making the request must not be adversely affected by the requested variance.

(b) A variance will be revoked upon a finding that:

(1) the applicant can no longer demonstrate extreme hardship or need; or

(2) the terms of the compliance agreement are violated; or

(3) the health, safety, or welfare of the public or other persons requires revocation.

5. **Enforcement.**

(a) No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of these Regulations, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by

the Board President, or his/her designee, in accordance with provisions of these Regulations. A mandatory surcharge will added according to the appropriate drought response stage.

(b) **First Violation** - A written notice of violation will be given to the Member. Written notice may be hand delivered, placed on the front door of the dwelling or by US Postal mail delivery.

(c) **Second Violation** - The District may terminate service at the meter for a period of up to twenty-four (24) hours. The normal Administrative Fee shall apply for restoration of service.

(d) Any person, including a person classified as a water customer of the District in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttal presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children.

(e) Any employee of the District is authorized to give written notice or to initiate enforcement after consultation with the Board President.

TALTY SUD WATERING SCHEDULE

Irrigation of landscaped areas shall be prohibited between the hours of 10:00 a.m. and 6:00 p.m.

If your address ends in a 0, 2, 4, 6 or 8, you may water on Mondays and Thursdays.

If your address ends in a 1, 3, 5, 7 or 9, you may water on Tuesdays and Fridays.

Schools, Parks, Athletic Facilities, places of Worship, Medians, ROWs, and Designated Open spaces may water on Wednesday and Saturday or Sunday (limited to 2 days only).

SECTION I. DROUGHT CONTINGENCY PLAN

1. Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and augment fire protection supplies, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the District has adopted the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan ("Plan") are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section 10 of this Plan.

2. Public Involvement

The District by means of direct mail notified customers that a public hearing would be held on February 20, 2006 to provide an opportunity for input into this Plan.

3. Public Education

The District will periodically provide the public with information about this Plan, including information about the conditions under which each stage of this Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases, newsletters, internet, and signs that will be placed throughout the water system and in public places.

4. Coordination with Regional Water Planning Groups

The service area of the District is located within the Region C Water Planning Group and District has provided a copy of this Plan to the Region C Water Planning Group.

5. Authorization

The Board President or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Board President or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

6. Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the District. The terms "person" and "customer" as used in this Plan include individuals, corporations, partnerships, associations, and all other legal entities.

7. Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: Water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

City of Forney: Water supplier for the District.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: Any person, company, or organization using water supplied by the District.

Domestic water use: Water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: Street addresses, if not available then box numbers, or rural postal route numbers, ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: The use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: Water uses that are not essential or required for the protection of public, health, safety, and welfare, including:

- irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- use of water to wash down buildings or structures for purposes other than immediate fire protection;
- flushing gutters or permitting water to run or accumulate in any gutter or street;
- use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;

- use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: Street addresses, if not available then box numbers, or rural postal route numbers, ending in 1, 3, 5, 7, or 9.

8. Criteria for Initiation and Termination of Drought Response Stages

When conditions defined by this Plan are present, the Board President or his/her designee may authorize Drought Condition Operations in the service area or for a limited area affected by equipment failure or limited capacity. The water supply and/or demand conditions will be monitored on a daily basis and shall determine when conditions warrant initiation or termination of each stage of this Plan, that is, when the specified “triggers” are reached. The triggering criteria described below are based on known system capacity limits, equipment failure and/or supply capacity of The City of Forney. Public notification of the initiation or termination of drought response stages shall be by means of press releases, newsletters, and signs that will be placed throughout the water system and in public places.

9. Drought Response Stages

The Board President, or his/her designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 8 of this Plan, shall determine that a mild, moderate, severe, critical emergency, or water shortage condition exists and shall implement the following notification procedures:

To the Public - The Board President or his/ here designee shall notify the public by means of press releases, newsletters, and signs that will be placed throughout the water system and in public places.

Additional Notification - The Board President or his/her designee shall notify directly, or cause to be notified directly, the Board of Directors, TCEQ, and the Kaufman County Emergency Coordinator.

10. Enforcement

- No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Board President, or his/her designee, in accordance with provisions of this Plan.

A mandatory surcharge will be added according to the appropriate drought response stage.

- **First Violation** - A written notice of violation will be given to the Member. Written notice may be hand delivered, placed on the front door of the dwelling or by U.S. Postal mail delivery.
- **Second Violation** - The District may terminate service at the meter for a period of up to twenty-four (24) hours. The normal Administrative Fee shall apply for restoration of service.
- Any person, including a person classified as a water customer of the District in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttal presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children.
- Any employee of the District is authorized to give written notice or to initiate enforcement after consultation with the Board President.

11. Variances

The Board President, or his/her designee, may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which this Plan is in effect.
- Alternative methods can be implemented which will achieve the same level of reduction in water use. Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the District office within 5 days after the Plan or a particular drought response stage has been invoked AND must attend a special board meeting on the 5th day after this Plan is implemented, to be considered. All petitions for variances shall be reviewed by the Board President, or his/her designee, and shall include the following:
 - Name and address of the petitioner(s).
 - Purpose of water use.
 - Specific provision(s) of this Plan from which the petitioner is requesting relief.
 - Detailed statement as to how the specific provision of this Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.

- Description of the relief requested.
- Period of time for which the variance is sought.
- Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- Other pertinent information. Variances granted by the District shall be subject to the following conditions, unless waived or modified by the District or his/her designee.
- Variances granted shall include a timetable for compliance.
- Variances granted shall expire when this Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

VARIANCES SHALL ONLY BE CONSIDERED DURING STAGE 1 AND STAGE 2 RATIONING!

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STAGE 1

Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 1 of this Plan when notification is received from The City of Forney that mild drought conditions exist and requests that the District initiate the appropriate stage of their Drought Contingency Plan and/or when the total daily water demand equals or exceeds 90% of the supply capacity per day for three (3) consecutive days or 100% on a single day.

Drought Response

Goal: Achieve a 2 percent reduction in daily water demand.

Limitation Responses: Water Use Restrictions -

- Voluntary reductions in water use by the public.
- Increase public education efforts on ways to reduce water use.
- Intensify efforts on leak detection and repair.
- Reduce non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Notify major water users and work with them to achieve voluntary water use reductions.
- Reduce city government water use for landscape irrigation.

Overage surcharge: No overage surcharge.

Requirements for termination: Stage 1 of this Plan may terminate when the City of Forney terminates its Stage 1 condition or when the circumstances that caused the initiation of Stage 1 no longer prevail.

STAGE 2

Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 1 of this Plan when notification is received from The City of Forney that strong drought conditions exist and requests that the District initiate the appropriate stage of their Drought Contingency Plan and/or when the total daily water demand equals or exceeds 95% of the supply capacity per day for three (3) consecutive days or 100% on a single day.

Drought Response

Goal: Achieve a 5 percent reduction in daily water demand.

Limitation Responses: Water Use Restrictions -

- Continue or initiate any actions available under Stage 1.

- Initiate engineering studies to evaluate alternatives should conditions worsen.
- Further accelerate public education efforts on ways to reduce water use.
- Halt non-essential city government water use. (Examples include street cleaning, vehicle washing, operation of ornamental fountains, etc.)
- Encourage the public to wait until the current drought or emergency situation has passed before establishing new landscaping.
- The District may prohibit watering from 5 to 9 AM and from 4 to 7 PM in order to allow ground and elevated storage to be replenished.
- Limit landscape watering with sprinkler or irrigation systems to no more than two days per week. An exemption is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of occupancy.
- Prohibit planting of cool season grasses (such as rye grass or other similar grasses) that intensify cool season water requirements.
- Irrigation of landscaped areas shall be prohibited between the hours of 10 AM and 6 PM beginning April 1 through October 31 of each year.
- All Talty Water Supply water users to comply with the following two-day per week water use schedule based on the **Table** below for automatic and hose-end sprinkler systems.

Last Digit of Address	Primary Watering Day	Additional Watering Day
0,2,4,6,8	Monday	Thursday
1,3,5,7,9	Tuesday	Friday
Schools, Parks, Athletic Facilities, Places of Worship, Medians, ROW's & Designated Open Spaces	Wednesday	Saturday or Sundays

Overage surcharge: No overage surcharge.

Requirements for termination: Stage 2 may terminate when the City of Forney terminates its Stage 2 condition or when the circumstances that caused the initiation of Stage 2 no longer prevail.

STAGE 3

Requirements for initiation: Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when notification is received from The City of Forney that severe drought conditions exists and requests that The District initiate the appropriate stage of their Drought Contingency Plan and/or when the total daily water demand equals or exceeds 98% of the supply capacity per day for three (3) consecutive days.

Drought Response

Goal: Achieve a 10 percent reduction in daily water demand.

Limitation Responses: Water Use Restrictions -

- Continue or initiate any actions available under Stages 1 and 2.
- Implement viable alternative water supply strategies.
- Initiate mandatory water use restrictions as follows:
 - o Prohibit hosing of paved areas, buildings, or windows. (Pressure washing of impervious surfaces is allowed.)
 - o Prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water.
 - o Prohibit washing or rinsing of vehicles by hose except with a hose end cutoff nozzle.
 - o Prohibit using water in such a manner as to allow runoff or other waste.
- Limit landscape watering with sprinklers or irrigation systems at each service address to once every seven days. Exceptions are as follows:
 - o Foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system.
 - o Golf courses may water greens and tee boxes without restrictions.
 - o Public athletic fields used for competition may be watered twice per week.
 - o Locations using other sources of water supply for irrigation may irrigate without restrictions.
 - o Registered and properly functioning ET/Smart irrigation systems and drip irrigation systems may irrigate without restrictions.
 - o Exception for the establishment of new sodded grasses. The exemption for new sodded grass areas shall not exceed 30 consecutive days.
- Requires all Talty Water Supply water users to comply with the following one day per week water use schedule based on the **Table** below for automatic and hose-end sprinkler systems.

Last Digit of Address	Primary Watering Day
0,2,4,6,8	Monday
1,3,5,7,9	Tuesday
Schools, Parks, Athletic Facilities, Places of Worship, Medians, ROW's, & Designated Open Spaces	Wednesday

- Limit landscape watering with sprinklers or irrigation systems between November 1 and March 31 to once every two weeks. An exception is allowed for landscape associated with new construction that may be watered as necessary for 30 days from the date of the occupancy, temporary certificate of occupancy, or certificate of completion.
- Prohibit hydroseeding, hydromulching, and sprigging.
- Existing swimming pools may not be drained and refilled (except to replace normal water loss).
- Initiate a rate surcharge as requested by NTMWD.
- Initiate a rate surcharge for all water use over a certain level.
- If the City of Forney has imposed a reduction in water available to Talty Water Supply, impose the same percent reduction on Talty Water Supply customers.
- Prohibit watering of golf courses using treated water, except as needed to keep greens and tee boxes alive.

Overage surcharge: A 25% surcharge will be added for usage in excess of 15,000 gallons per month.

Requirements for termination: Stage 3 may terminate when the City of Forney terminates its Stage 3 condition or when the circumstances that caused the initiation of Stage 3 no longer prevail.

STAGE 4

Requirements for initiation: Critical Emergency Conditions may be triggered by any number of situations including natural disasters, major water line breaks, pump or system failures, which cause unprecedented loss of capability to provide water service, natural, or man-made contamination of the water supply source(s), massive power outages, massive equipment or facility failures, public water supply contamination or if notification is received from The City of Forney that critical emergency conditions exist in their system.

Drought Response:

Goal: The goal for water use reduction under Stage 4 is a reduction of whatever amount is necessary in the amount of water obtained from the City of Forney.

Limitation Responses: Water Use Restrictions -

- Continue or initiate any actions available under Stages 1, 2, and 3.
- Implement viable alternative water supply strategies.
- Prohibit the irrigation of new landscaping using treated water.

- Prohibit washing of vehicles except as necessary for health, sanitation, or safety reasons.
- Prohibit commercial and residential landscape watering, except that foundations and trees may be watered for 2 hours on any day with a hand-held hose, a soaker hose, or a dedicated zone using a drip irrigation system. ET/Smart irrigation systems are not exempt from this requirement.
- Prohibit golf course watering with treated water except for greens and tee boxes.
- Prohibit the permitting of private pools. Pools already permitted may be completed and filled with water. Existing private and public pools may add water to maintain pool levels but may not be drained and refilled.
- If the City of Forney has imposed a reduction in water available to Talty Water Supply, impose the same percent reduction on Talty Water Supply customers.
- Initiate a rate surcharge for all water use over normal rates for all water use over normal rates for all water use.

Overage Surcharge: A 25% surcharge will be added for all water usage.

Requirements for termination: Stage 4 may terminate when the City of Forney terminates its Stage 4 condition or when the circumstances that caused the initiation of Stage 4 no longer prevail.

SECTION J
LANDSCAPE IRRIGATION POLICY

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Landscape Irrigation Policy

1. DEFINITIONS.

The following words and terms, when used in this Section J, have the following meanings, unless the context clearly indicates otherwise.

Air gap – a complete physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.

Atmospheric vacuum breaker – An assembly containing an air inlet valve, a check seat, and an air inlet port. The flow of water into the body causes the air inlet valve to close the air inlet port. When the flow of water stops the air inlet valve falls and forms a check against back-siphonage. At the same time it opens the air inlet port allowing air to enter and satisfy the vacuum. Also known as an Atmospheric Vacuum Breaker Back-siphonage Prevention Assembly.

Backflow prevention – The mechanical prevention of reverse flow, or back siphonage, of non-potable water from an irrigation system into the potable water source.

Backflow prevention assembly – Any assembly used to prevent backflow into a potable water system. The type of assembly used is based on the existing or potential degree of health hazard and backflow condition.

Completion of irrigation system installation – When the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.

Consulting – The act of providing advice, guidance, review or recommendations related to landscape irrigation systems.

Cross-connection – An actual or potential connection between a potable water source and an irrigation system that may contain contaminants or pollutants or any source of water that has been treated to a lesser degree in the treatment process.

Design - The act of determining the various elements of a landscape irrigation system that will include, but not limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

Design pressure – The pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.

Double-check valve – An assembly that is composed of two independently acting approved check valves, including tightly closed resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. Also known as a Double-check Valve Backflow Prevention Assembly.

Emission device – Any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.

Employed – Engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, 26 United States Code §3212(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

Head-to-head spacing – The spacing of spray or rotary heads equal to the manufacturer’s published radius of the head.

Health hazard – A cross-connection or potential cross-connection with an irrigation system that involves any substance that may, if introduced into the potable water supply, cause death or illness, spread disease, or have a high probability of causing such effects.

Hydraulics – The science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

Inspector – A licensed plumbing inspector, water district operator, other governmental entity, or irrigation inspector who inspects irrigation system and performs other enforcement duties for a municipality or water district as an employee or as a contractor.

Installer – A person who actually connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Chapter 37 of the Texas Water Code (relating to Occupational Licenses and Registrations).

Irrigation inspector – A person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under chapter 37 of the Texas Water Code (relating to Occupational Licenses and Registrations).

Irrigation plan – A scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

Irrigation services – Selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

Irrigation system – An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defended by Texas Agricultural Code §251.002.

Irrigation technician – A person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under chapter 37 of the Texas Water Code (relating to Occupational Licenses and Registrations).

Irrigation zone – A subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

Irrigator – A person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, service or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under chapter 37 of the Texas Water Code.

Irrigator-in-charge – The irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to obtaining permits, developing design plans,

Supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation systems.

Landscape irrigation – The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

License – An occupation license that is issued by the commission under Chapter 37 of the Texas Water Code to an individual that authorizes the individual to engage in an activity that is covered by this landscape irrigation policy.

Mainline – A pipe within an irrigation system that deliver water from the water source to the individual zone valves.

Maintenance checklist – A document made available to the irrigation system’s owner or owner’s representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

Major maintenance, alteration, repair, or service – Any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

Master valve – A remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

Matched precipitation rate – The condition in which all sprinkler heads within an irrigation zone apply water at the same rate.

New installation – An irrigation system installed at a location where one did not previously exist.

Non-health hazard – A cross-connection or potential cross-connection from a landscape irrigation system that involves any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the potable water supply.

Non-potable water – Water that is not suitable for human consumption. Non-potable water sources include, but are not limited to, irrigation systems, lakes, ponds, streams, gray water that

is discharged from washing machines, dishwashers or other appliances, water vapor condensate from cooling towers, reclaimed water, and harvested rainwater.

Pass-through contract – A written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.

Potable water – Water that is suitable for human consumption.

Pressure vacuum breaker – An assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. Also known as a Pressure Vacuum Breaker Back-siphonage Prevention Assembly.

Reclaimed water – Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

Records of landscape irrigation activities – The irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.

Reduced pressure principle backflow prevention assembly – An assembly containing two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

Static water pressure – The pressure of water when it is not moving.

Supervision – The on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair or service an irrigation system.

TAC – Acronym for the Texas Administrative Code.

Water conservation – The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

Zone flow – A measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

Zone valve – An automatic valve that controls a single zone of a landscape irrigation system.

2. BACKFLOW PREVENTION.

(a) All backflow testers performing a backflow test on an approved backflow prevention assembly within the District's CCN service area must pre-register annually with the District office. A registration fee of \$50.00 will apply at the time of registration. The following information will be required at the time of registration:

- (1) A valid copy of TCEQ Backflow Prevention and Assembly Testers license;
- (2) A valid copy of current drivers license;
- (3) A valid copy of current test gauge certification;
- (4) And \$50.00 registration fee.

(b) To ensure adequate protection of the public water supply, the District requires that all backflow prevention devices must be tested upon installation and, at least annually thereafter, regardless of health hazard.

(c) All irrigation systems connected to a public or private potable water supply must be properly connected through one of the following backflow prevention methods:

(1) *Atmospheric vacuum breakers.* Atmospheric vacuum breakers are designed to prevent only back siphonage. Therefore, atmospheric vacuum breakers must not be used in any irrigation systems where back-pressure may occur. There cannot be any shutoff valves downstream from an atmospheric vacuum breaker. Where atmospheric vacuum breakers may be used, they must be installed at least six inches above any downstream piping and the highest downstream opening. Where local topography effectively prohibits such installation, the executive director shall be consulted for alternative acceptable installation criteria. Such alternative criteria must provide equivalent protection to the potable water supply. In addition, continuous pressure on the supply side of an atmospheric vacuum breaker is prohibited. Where atmospheric vacuum breakers are used in an irrigation system, a separate atmospheric vacuum breaker must be installed on the discharge side of each water control valve, between the valve and all of the sprinkler heads which the valve controls.

(2) *Pressure-type vacuum breakers.* Pressure-type vacuum breakers are designed to prevent back siphonage and can operate under continuous pressure. Pressure vacuum breakers must be installed at least 12 inches above any downstream piping and the highest downstream opening. Where local topography effectively prohibits such installation, the executive director shall be consulted for alternative

acceptable installation criteria. Such alternative criteria must provide equivalent protection to the potable water supply.

(3) *Double-check valve assembly backflow preventors.* Double-check valve assembly backflow preventors are designed to prevent back pressure and back siphonage of water not containing any toxic substance. They may be used where water supply pressure and back pressure on the backflow prevention device may continuously exist. If a double check valve assembly is installed below grade, there must remain adequate space for testing and repair of the device. Test cock plugs must be of non-ferrous material. Test cocks shall not be used as supply connections and must be plugged except when being tested.

(4) *Reduced pressure principle backflow prevention assemblies.* Reduced pressure principle assemblies are designed for water containing toxic or non-toxic substances and for back pressure and back siphonage. They must be installed 12 inches above grade in a location so as to insure that the device will not be submerged. In addition, adequate provisions must be made for any water which may be discharged through the assembly relief valve.

(5) *Air Gap.* An air gap, when used must be installed and maintained in accordance with the standards established in the American Waterworks Association M14 Manual on Cross Connection Control.

(d) Specific Conditions and Backflow Prevention Devices.

(1) An irrigation system that does not have associated with it any type of injection device and that is connected or capable of being connected only to a single source of water presents a low potential for contamination of the water supply and is, therefore, considered to be a “low hazard” installation. Such an irrigation system must be connected to the water supply through an industry-approved backflow prevention device, such as a double check valve assembly, air gap separation, reduced pressure principle assembly, pressure type vacuum breaker, or atmospheric vacuum breaker.

(2) An irrigation system which adds any chemical is considered to be a “high health hazard”. Such an irrigation system must not be connected to any potable water supply except through a reduced pressure principle backflow prevention assembly. The backflow prevention assembly must be tested upon installation and, at least, annually, thereafter, in accordance with 30 TAC §290.44(h)(4) (relating to Water Distribution).

(3) An irrigation system may not have more than one water supply source. An irrigation system that is connected to the potable water supply must have an industry-approved testable backflow prevention device installed. The device must be

tested upon installation and, at least, annually, thereafter, in accordance with 30 TAC §290.44(h)(4).

To ensure that adequate protection of the public water supply, the District requires that all backflow prevention assemblies must be tested upon installation and, at least annually thereafter, regardless of the health hazard present.

3. MINIMUM DESIGN STANDARDS.

(a) Minimum standards for spacing.

(1) Irrigation systems using spray or rotary heads must be designed and installed not to exceed the manufacturer's maximum recommended head spacing for a specific nozzle operating at a specific pressure.

(2) Irrigation systems using spray or rotary heads with no recommended spacing provided by the manufacturer must be designed and installed in conformance with the average spacing specifications provided by a minimum of two other manufacturers of like equipment for the same size nozzle and the same pressure.

(3) Irrigation systems not using spray or rotary heads must be installed according to the manufacturer's recommended installation specifications.

(b) Minimum standards for water pressure. Irrigation systems using spray or rotary heads must be designed and installed according to the minimum head pressure required by the manufacturer for the nozzle and head spacing used.

(c) Minimum standards for wind derating.

(1) Irrigation systems using spray or rotary heads with no manufacturer recommended spacing duration provided must be designed and installed in conformance with the average spacing wind derating information provided by two other manufacturers of like equipment for that size nozzle and pressure.

(2) Irrigation systems using spray or rotary heads with no manufacturer recommended spacing duration provided must be designed and installed in conformance with the average spacing wind derating information provided by two other manufacturers of like equipment for that size nozzle and pressure.

(d) Minimum standards for precipitation rate. Landscape irrigation system using spray or rotary heads that are installed in precipitation zone #1, as defined in 30 TAC §344.1 of this title (relating to Definitions), must be designed and/or installed to provide a minimum

precipitation rate of 0.275 inches per hour for every hour that the landscape irrigation system is in operation.

(e) Minimum standards for depth coverage of piping. Irrigation using spray or rotary heads must be designed and/or installed according to the manufacturer recommended specifications for depth coverage of piping, unless one of the following circumstances is encountered.

(1) If the manufacturer has no recommended specifications for depth coverage of piping, the irrigation system must be designed and/or installed to provide a minimum of six inches of coverage over piping.

(2) If utilities, structures, or tree roots are encountered, the irrigation system must be designed and/or installed to provide a minimum of two inches of coverage over piping.

(f) Minimum standards for wiring irrigation systems.

(1) The wiring used in an irrigation system that connects section valves to controllers must be Underwriters Laboratories listed for direct underground burial.

(2) The wiring used in an irrigation system that connects section valves to controllers must be sized according to the manufacturer's recommendation.

(3) Direct burial wire splices used in an irrigation system must be waterproof as per manufacturer recommendation.

(g) Water Conservation Devices. An individual who installs an irrigation system should discuss with the purchaser of an irrigation system, including drip irrigation, water conservation devise and irrigation scheduling as a component of the design and installation of the irrigation system. All such components of an irrigation system shall be installed following the manufacturer's recommended practices for specific types of equipment.

(h) All design standards and installation shall conform to 30 TAC §344.

(i) If an existing irrigation system is relocated, extended or modified in any way, it must be permitted, brought up to code, and inspected. (When relocating, extending or modifying an existing system, a master valve is not required downstream of the backflow device.)

(j) New irrigation installations will be required to have a master valve no more than five (5) feet downstream of the backflow device.

(k) If an existing irrigation system is being repaired for a leak, it shall be exempt from the permitting process.

4. PERMITTING.

(a) All installers of irrigation systems must be licensed by TCEQ and obtain an Irrigation Permit from the District before installation of the irrigation system and get the required inspections completed. All irrigation systems must conform to the minimum standards and specifications for the design, installation and operation set forth by the TCEQ and this document.

(b) Irrigation System Permit Fees. This means that the minimum permit fee for a lawn irrigation system with one (1) backflow device will be \$195.00 permit fee. All permit applications must be accompanied by an irrigation plan.

- (1) Irrigation permit fee of \$60.00.
- (2) Plan review and inspection fee of \$120.00.
- (3) Backflow report fee of \$15.00 (per device).

(c) With the implementation of this fee the registered irrigator will be required to submit an irrigation plan for review. The irrigation plan shall include the following information.

(1) Two (2) sets of irrigation drawings are required for submittal, One (1) set will be retained as part of inspection records, and one (1) set will be required for onsite inspection to be given to the property owner on completion of irrigation system. Submitted irrigation plans shall have a minimum font size of 3/32" and maximum drawing sheet size of 36"x48".

(2) Designed and installation shall conform to 30 TAC §344.62.

(3) All irrigation plans used for construction must be drawn to scale. The maximum scale for residential drawings should be one inch to 30 feet, for commercial and athletic field drawings the maximum scale should be one inch to 40 feet and for golf courses or comparable drawings the maximum scale should be one inch to 100 feet and now smaller than one inch equal to thirty feet and the plan must include the following information (see 30 TAC §344.61 (c)).

(A) the irrigator's seal, signature, and date of signing;

(B) all major physical features and the boundaries of the areas to be watered;

(C) an arrow indicating "north";

(D) a legend;

(E) the zone flow measurement for each zone;

(F) location and type of each: controller; connection;

(G) location, type, and size of each:

(i) water source, such as, but not limited to a water meter and points(s) of backflow prevention device;

(ii) required rain and freeze sensor;

(iii) water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;

(iv) valve, including, but not limited to, zone valves, master valves, and isolation valves; Location of isolation valve (30 TAC §344.62(k)) and master control valve (30 TAC §344.62(h)) installation of these valves will require ready access.

(v) pressure regulation components;

(vi) main line and lateral piping.

(H) the scale used; and

(I) connection to potable water supply and the installation of a backflow device shall not be installed more than ten (10) feet from the water meter and installed on the property being served by the system. No backflow device will be installed in the parkway (between the sidewalk and the public right-of-way). Exception: use of atmospheric vacuum breakers may be installed in an accessible location.

(J) Irrigation permits will be valid for sixty (60) days from the permit issue date.

(K) Failure to have a permit before work begins will result in a fine of twice the permit fee.

5. **INSPECTION.**

(a) Substantial completion. An inspection of the irrigation system will be made by The District upon request of the irrigator. The irrigation system must be sufficiently complete so that all plant material can be sustained by the system and all valve boxes are properly installed. Contractor shall deliver complete "as-built" or "record" drawings to The District for review and comment prior to application of inspection.

(b) All design standards and installation shall conform to 30 TAC §344.

(c) The following items must be completed before an irrigation inspection will be scheduled:

(1) Appropriate backflow protection must be properly installed and tested by a TCEQ licensed backflow prevention assembly tester and submitted prior to inspection of the irrigation system.

(2) A final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system must take place prior to the irrigation system inspection.

(3) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owners representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be submitted to The District and maintained by the irrigator. The items on the maintenance checklist shall include but are not limited to:

(A) the manufacturer's manual for the automatic controller, if the system is automatic;

(B) a seasonal (spring, summer, fall, winter) water schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;

(C) a list of components, such as the nozzle, or pump filters, and other such components; that require maintenance and the recommended frequency for the service; and

(D) the statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."

(E) A permanent sticker which contains the irrigator's name, license number, company name, telephone number and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink.

(4) Final Completion. The District, upon written request, will make an inspection of the irrigation system for Final Completion by the Contractor. Provide notification of at least two (2) working days before requested inspection date.

(5) Irrigator must have ALL heads and valves flagged for inspection or must be on site during the inspection process.

(6) Upon successful completion of the irrigation inspection, a certificate of completion will be issued.

(7) A successful completion of the irrigation inspection must be completed before the expiration of the irrigation permit. Failure to have all required paper work and/or inspections before the prior to the expiration date of the irrigation permit will result in disconnection of service.

6. ENFORCEMENT.

(a) Any customer failing to comply with the provisions of this landscape irrigation policy will be subject to discontinuance of water service for 24 hours by the District. All outstanding charges and any disconnect or reconnect charges must be paid in full before service will be restored. Each day a customer fails to comply with the landscape irrigation policy is a separate violation.

(b) The District may also enforce this this landscape irrigation policy under Section E.32 of this Rate Order.

SECTION K.

CROSS-CONNECTION CONTROL PROGRAM

1. **Customer Service Inspections.**

(a) A customer service inspection shall be completed prior to providing continuous water service to all new construction and to any existing service connection when the District finds or has reason to believe that a cross-connection or other contaminant hazard exists at the property, or after any material improvement, modification or addition to the customer's private water distribution facilities. It is the responsibility of the customer to report to the District any such improvements, corrections or additions.

(b) Only individuals with the following credentials shall be recognized as capable of conducting a customer service inspection:

(1) plumbing inspectors and water supply protection specialists that have been licensed by the Texas State Board of Plumbing Examiners (TSBPE); and

(2) Certified waterworks operators and members of other water related professional groups who have completed a training course, passed an examination administered by the TCEQ or its designated agent, and hold a current endorsement issued by the TCEQ.

(c) The customer service inspector must certify that:

(1) No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the water system by a properly installed air gap or an appropriate backflow prevention assembly.

(2) No cross-connection between the public water supply and a private water source exists. Where an actual properly installed 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 recognized backflow prevention assembly tester.

(3) No connection exists which allows water to be returned to the public water supply is permitted.

(4) No pipe or pipe fitting which contains more than 8% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.

(5) No solder of flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one (1) lead test shall be performed for each inspection.

(6) No water service connection shall be made to any establishment where a potential or actual contamination hazard exists unless the water supply is protected in accordance with TCEQ Rules and Regulations for Public Water Systems ("TCEQ Rules") and the provisions of this article. The District shall discontinue water service if a required backflow prevention assembly is not installed, maintained and tested in accordance with the TCEQ Rules and this article. The required assembly shall be installed at the customer's expense.

2. Backflow Prevention Assembly Installation, Testing, and Maintenance.

(a) All backflow prevention assemblies in the District's service area shall be installed, tested, and certified to be operating within specifications by a licensed backflow prevention assembly tester (BPAT) that has registered with the District. A backflow prevention assembly installed by or for a customer to protect the District's water system against health hazards must be tested and certified to be operating within specifications at least annually by a BPAT licensed District operator.

(b) All backflow prevention assemblies shall be installed and tested in accordance with the manufacturer's instructions, the AWWA's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or The University of Southern California Manual of Cross-Connection Control, current addition.

(c) Assemblies shall be repaired, overhauled or replaced at the expense of the customer whenever said assemblies are found to be defective. Original forms of the test, repairs and over-haul shall be kept and submitted to the District within five (5) working days of any test, repair or overhaul of a backflow prevention assembly. These forms shall include the test gauge's serial number and date of last certification.

(d) No backflow prevention assembly or device shall be removed from use, relocated, or other assembly or device substituted without the approval of the District. Whenever the existing assembly or device is moved from the present location or cannot be repaired, the backflow assembly or device shall be replaced with a backflow prevention assembly or device that complies with this section, the AWWA's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, University of Southern California Manual of Cross Connection Control, current addition, or the current plumbing policies and regulations of the District, whichever is more stringent.

(e) Test gauges used for backflow prevention assembly testing shall be calibrated at least annually in accordance with the AWWA's Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M14), current addition, or The University of Southern California's Manual of Cross-Connection Control, current addition. The original calibration form must be submitted to the District within five (5) working days after calibration.