

TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11

**AMENDED ORDER ESTABLISHING RATES AND
CHARGES AND ADOPTING RULES AND POLICIES
REGARDING THE DISTRICT'S UTILITY SYSTEMS**

(June 5, 2019)

Under Section 49.212, Texas Water Code, the Board of Directors (the "*Board*") of Travis County Municipal Utility District No. 11 (the "*District*") is authorized to adopt and enforce all necessary charges, fees or rentals for providing District facilities or services, and

Under Section 54.205, Texas Water Code, the Board is authorized to adopt and enforce reasonable rules and regulations to: (i) secure and maintain safe, sanitary and adequate plumbing facilities as part of its sewer system; (ii) to preserve the sanitary condition of all water controlled by the District; (iii) to prevent waste or the unauthorized use of water; or (iv) to regulate privileges on any land or easement controlled by the District;

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11 AS FOLLOWS:

I. General Policies.

A. Definitions. For purposes of this Order, the following terms have the meanings indicated:

1. "*Board*" means the Board of Directors of the District.
2. "*BOD*" or "*Biochemical Oxygen Demand*" means the quantity of oxygen utilized in the biochemical oxidation of organic matter as determined by standard laboratory procedures for five days at 20° C. expressed as a concentration in milligrams per liter (mg/l).
3. "*Builder*" means a developer, contractor, or commercial builder or homebuilder in the District.
4. "*City*" means the City of Lakeway, Texas.
5. "*COD*" or "*Chemical Oxygen Demand*" means the measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant as determined by standard laboratory procedures as specified in Standard Methods expressed as milligrams per liter (MG/l).
6. "*Commercial property*" or "*commercial Connection*" means any property improved for a use other than a single-family or duplex residence, including a multi-family residence and/or apartment complex.
7. "*Commission*" or "*TCEQ*" means the Texas Commission on Environmental Quality, or its successor agency.

8. “Connection” means each residential unit occupied by a separate family, including separate apartments located within a single building, and each business unit occupied by a separate business, including separate establishments within a single building.

9. “Curtailed Period” means any period of time during which the District is subject to a curtailment of water pursuant to an order of the LCRA.

10. “District” means Travis County Municipal Utility District No. 11.

11. “District’s operator” means the contract manager of the utility operator for the District or another representative or employee of the District acting under the direction of the Board or the District’s representative.

12. “District’s representative” means the general manager of the District or another representative or employee of the District acting under the direction of the Board or the general manager.

13. “District’s Systems” means the District’s Water System, the District’s Wastewater System and the District’s drainage and water quality facilities.

14. “District’s Wastewater System” means the District’s wastewater collection, treatment and disposal system.

15. “District’s Water System” means the District’s water treatment and distribution system.

16. “Fee Unit Equivalent” or “FUE” means one single-family or duplex residential dwelling unit or, in the case of a commercial customer which is an apartment project, two apartment units within that project, or, in the case of a commercial customer other than apartment project, its equivalent under the following schedule:

<u>Water Meter Size</u>	<u>Fee Unit Equivalent</u>
5/8” simple	1
3/4” simple	1
1” simple	2.5
1 1/2” simple	5
2” simple	8
2” compound	8
2” turbine	10
3” compound	16
3” turbine	24
4” compound	25
4” turbine	42
6” compound	50
6” turbine	92
8” compound	80
8” turbine	160
10” compound	115
10” turbine	250
12” turbine	330

17. “Flushing water” means water that the District discharges from a fire hydrant or other connection in order to flush the District’s water system for water quality purposes.

18. “Grease Trap” means a receptacle, structure, or mechanical device used by a commercial customer to intercept, collect, separate, and restrict the passage of fat, oil, grease, organic, inorganic, liquid, semi-liquid, semi-solid, or solid waste from wastewater.

19. “Grinder Pump” means an on-site component that receives raw wastewater from a private wastewater service line, grinds the solids present in the raw wastewater to a slurry, and provides the motive force for transporting the raw wastewater to the terminus of the collection system. A Grinder Pump that is installed in wet well constructed as a part of the District’s Wastewater System, located in a District easement adjacent to the street, is a “District Grinder Pump”. A District Grinder Pump that includes two wet wells and two pumps is a “Duplex Grinder Pump”. Any additional Grinder Pump that is installed as a part of a homeowner’s internal plumbing due to specific lot topography or home design is a “Homeowner Grinder Pump”. Any Grinder Pump that serves a commercial project that includes a restaurant or other use that generates Wastewater other than normal, domestic wastewater is a “Commercial Grinder Pump”.

20. “Industrial Waste Regulations” means the regulations governing the discharge of Non-Domestic Waste attached as **Exhibit A**.

21. “Lakeway MUD” means Lakeway Municipal Utility District.

22. “LCRA” means the Lower Colorado River Authority.

23. “Managing District” means Travis County Municipal Utility District No. 12, in its capacity as managing district for certain water supply and treatment and wastewater treatment services that benefit the District, as well as Travis County Municipal Utility Districts No. 12 and 13.

24. “Non-Domestic Waste” means any wastewater or discharge other than Normal Wastewater, as defined in the Industrial Waste Regulations.

25. “PUA” means the West Travis County Public Utility Agency.

26. “Residential property” or “Residential connection” means a single-family residence located on a separately-metered, individual lot, and does not include a multi-family residence or apartment complex.

27. “Rules” means all rules and regulations adopted by the District under Section 54.205, Texas Water Code, including those set forth in this Order.

28. “TSS” or “Total Suspended Solids” means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid that is removable by laboratory filtering expressed in milligrams per liter.

29. “Uniform Plumbing Code” means the Uniform Plumbing Code, 2003 Edition, as published by the International Association of Plumbing and Mechanical Officials, as amended from time to time.

30. “Winter-averaging period” means the preceding December, January and February, unless a different time period is approved by the Board.

B. All Services Charged. At no time will the District render services without charge to any person, firm, corporation, organization or entity.

C. Other Utilities. Before installing underground cables or other facilities in the area of the District's Systems, representatives of utility companies must meet with the District's operator to file their construction plans and schedules and to review the engineering plans illustrating the location of the District's facilities.

D. Water Leaks; Duty to Repair; Adjustment Policy.

1. A customer's failure to repair a controllable leak within a reasonable period of time after notice from the District's operator to repair the leak will constitute a violation of the District's Rules. The time extended for any repair will not be less than five nor more than 30 days and will be determined by the District's operator based, among other things, on the type of leak and the applicability of any water use restrictions or curtailment.

2. A customer who has experienced a water leak and who has repaired the leak within a reasonable period of time may request a billing adjustment by submitting a written request, detailing the circumstances of the leak, to the District's operator. All requests must be accompanied by information, including invoices, confirming the existence of the leak and its timely repair. Upon receipt of a complete request, the District's operator will determine the customer's average historical water usage and may, provided that the customer has promptly repaired the leak, adjust the customer's water bill by reducing the charges for any water usage over the customer's average historical usage to the District's cost of water. The customer's average historical usage will be billed at the District's established rates under this Order. No adjustments will be granted if a customer has not acted diligently to identify and repair a leak, and no adjustment will be granted for a period longer than 30 days after the date of the customer's first utility bill that reflected abnormally high usage. Any leak adjustment that exceeds \$250 must be approved by the District's Board. No customer may receive more than one leak adjustment during any 12-month period.

II. Connections to the District's Systems.

A. Applications for Connections and Service Initiation.

1. Any party desiring to make a connection to the District's Systems must submit an application to the District's operator in the form approved by the Board. The applicant must, upon request, furnish the District's operator with evidence that the party who will actually install the tap and connecting line has comprehensive general liability insurance in the minimum amounts of \$300,000 bodily injury and \$500,000 property damage, with an underground rider and a completed operations rider.

2. The District's operator will review all applications for connections to the District's Systems. If the District's operator finds that the material to be used and the procedures and methods to be followed in laying the line and making the connection are equal to or better than the standards established by the Uniform Plumbing Code and are in compliance with all terms and conditions of this Order, the District's operator may approve the application and the proposed connection, subject to such terms or conditions as the District's operator deems necessary or convenient to accomplish the purpose and objectives of this Order.

3. Any Builder desiring to make a connection to the District's Systems must complete an application in the form attached as **Exhibit B-1**. Any party desiring to obtain service from the District must complete an application in the form attached as **Exhibit B-2** and must execute an Agreement Concerning District Grinder Pump System in the form attached as **Exhibit C**.

B. **Scheduling Meter and District Grinder Pump Installation; Risk of Loss.** An applicant must schedule any new water and wastewater utility connections by notifying the District's operator and paying all required District fees a minimum of 15 business days before the date the connection is desired to be made. An applicant must schedule its water meter installation with the District's operator a minimum of 15 business days in advance of the date the installation is required. All Grinder Pumps must be obtained from and installed by a contractor approved by the District. Installation of District Grinder Pumps must be scheduled through the District's operator a minimum of 15 business days in advance of the date the installation is required. The District will not assume the risk of loss of any District Grinder Pump or meter until such time as the residence or commercial property at which the District Grinder Pump and/or meter has been installed is occupied by a customer. If a Builder elects to have a District Grinder Pump or meter installed prior to the occupancy of the residence or commercial building on a property, the Builder will remain liable for any damage to or loss of the District Grinder Pump and/or meter, and will be required to pay for any necessary repair or replacement of either the District Grinder Pump or meter until such time as the residence or commercial building is occupied.

C. **Payment of Fees.** Any party desiring to make a connection to the District's Systems must pay the appropriate tap fee, contractual capacity charge, Grinder Pump fee, inspection fees and system usage and drainage fee to the District's operator at the time the application for the connection is made. No connection may be made until these fees are paid.

III. Fee Schedule.

A. **Service Initiation and Online Customer Account Profile Fee.** A party desiring to receive service from the District's systems must pay a **\$6** application fee to initiate service and establish an online customer account profile with the District's online billing system. This fee will be assessed on the invoice for the month in which the customer applies for service.

B. **System Usage and Drainage Fee; Contractual Connection Fees.** The District contracts with Lakeway MUD for wholesale water and wastewater capacity and services to serve the area of the District being developed as "Rough Hollow". Under the "Agreement for Wholesale Water and Wastewater Service Between Lakeway Municipal Utility District and Travis County Municipal Utility District No. 11", the District is required to pay certain capacity charges to Lakeway MUD in order to reserve capacity within the Lakeway MUD water and wastewater systems for service to Rough Hollow. In addition, the District contracts with the LCRA for intake capacity required to serve Rough Hollow, and is required to pay certain capacity charges to LCRA in order to reserve such capacity. The District also contracts with the Managing District for wholesale water and wastewater capacity and services to serve the area of the District being developed as "The Highlands". Under that contract, the District is required to pay certain contractual capacity charges to the Managing District in order to reserve capacity within the water and wastewater system that will serve areas of the District located within The Highlands, including contractual capacity charges payable to PUA under the terms of a Wholesale Water Services Agreement originally entered into between LCRA and Travis County Municipal Utility District No. 12, which Wholesale Water Services Agreement was assigned to the PUA pursuant to the Agreement Regarding Transfer of Operations of The West Travis County Water System from the Lower Colorado River Authority to the West Travis County Public Utility Agency dated to be effective March 19, 2012. Each of Lakeway MUD, LCRA, the Managing District and the PUA are governmental entities, and the

facilities and services being provided by each of them under the contracts described above are necessary in order for the District to obtain and provide water and wastewater services. In order to allow the District to recover its costs of reserving necessary capacity, the District has established the charges set forth in paragraph 2 of this Section, which charges do not exceed the District's actual costs.

1. System Usage and Drainage Fee. The District's system usage and drainage fee is **\$800** per Fee Unit Equivalent. Each customer connecting to the District's Systems must pay the applicable system usage and drainage fee required by this Order and no connection may be made until this fee is paid.

2. Contractual Connection Fees. The following contractual connection fees are established in order to fund the District's contractual obligations to its wholesale water and wastewater service providers, and no connection may be made until the required fees are paid:

- a. The Highlands subdivisions:
 - (1) Water Connections:
 - (a) Highlands Section 1-1 **\$4,120.00** per FUE
 Highlands Section 1-2
 Highlands Village
 - (b) All other sections covered **\$5,992** per FUE
 by plats approved by the
 City of Lakeway City
 Council after February 8, 2013
 - (2) Wastewater Connections: **\$3,380.00** per FUE
- b. Rough Hollow subdivisions:
 - (1) Water Connections: **\$1,881.25** per FUE
 - (a) Rough Hollow Section 7
 (amended plat of Lots 12 & 13)

 All other sections covered by
 plats approved by the City
 of Lakeway City Council
 between February 1, 2015
 September 19, 2018 **\$7,476** per FUE
 - (2) Wastewater Connections: **\$2,100** per FUE

C. Tap and Grinder Pump Installation and Inspection Fee Schedule.

1. The District's wastewater tap fees (including one inspection) are as follows:

<u>Meter Size</u>	<u>Tap Fee</u>
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5/8" to 3/4"	\$500
1"	\$750
1 1/2"	\$1,000
Larger than 1 1/2"	To be determined based upon installation, three times cost.

2. The District's water tap fees (including one inspection) are as follows:

<u>Meter Size</u>	<u>Tap Fee</u>
5/8" to 3/4"	\$750
1"	\$1,000
1 1/2"	\$1,250
Larger than 1 1/2"	To be determined based upon installation, three times cost.

3. The foregoing notwithstanding, no tap fee will be charged for a 5/8-inch or 3/4 inch residential water connection and associated residential wastewater connection made for a non-profit, tax exempt entity that has been created and exists for charitable purposes benefiting the Lakeway, Texas area and has been approved by the Board, however the customer will be required to pay all costs associated with the purchase and installation of the meter, including applicable inspection fees.

4. No tap fee will be charged for a dedicated irrigation-only water meter, as required under Article III, Section E; however the customer will be required to pay all costs associated with the purchase and installation of the meter, including applicable inspection fees.

5. If more than one inspection is required before a tap is approved by the District, the fee for each additional inspection will be **\$75** for commercial connections and **\$50** for residential connections.

6. The charge for each individual District Grinder Pump, including installation of the District Grinder Pump and control panel, up to 100 feet of electrical wiring from the control panel to the District Grinder Pump, and one inspection, will be **\$2,800**. The charge for each Duplex Grinder Pump, including installation of the Duplex Grinder Pump and control panel, up to 100 feet of electrical wiring from the control panel to the Duplex Grinder Pump, and one inspection will be **\$8,000**. If the control panel is located more than 100 feet from the Grinder Pump, an additional wiring fee of **\$100** will be assessed at the time of the installation. If a customer or Builder calls for an inspection, and the inspection fails or the customer or Builder is not ready for the inspection, the customer or Builder will be charged a reinspection fee of **\$275**, regardless of whether or not an inspection is performed. If any Grinder Pump wet well is required to be pumped out before it can be inspected, the builder or Customer will be required to pay all costs incurred for the pumping. Any reinspection fee and pumping charge will be required to be paid before any additional inspections will be scheduled.

7. The fee for the first inspection of each wet well constructed for a Grinder Pump and the tie-in to the wet well is **\$50**. The fee for any additional inspections is **\$50** for each inspection, which must be paid to the District's operator at the time the inspection is requested.

D. Plumbing Inspection Fees. Inspections of new residential and commercial plumbing construction are required as provided in The Plumbing License Law, Chapter 1301, *Texas Occupations Code*. The District will conduct a series of five inspections: at the time the service line is constructed, at the time of plumbing rough-in, for copper, at top-out, and upon completion of construction. In addition, an inspection of any new irrigation system, extension or modification of irrigation system, or water well that is installed will be required. The fee for these inspections, which will be performed by an independent plumbing inspector retained by the District, will be as follows:

- 1. Single-family and duplex residential: **\$300 per FUE**
- 2. Commercial and other uses: **To be determined** by the District's operator based upon the size and scope of the project

3. Irrigation System: An inspection will be performed on all new irrigation system plumbing installations at a cost of **\$50** per inspection. A separate meter is required for an irrigation system.

4. Water Well: An inspection will be performed on any water well installation at a cost of **\$50** per inspection.

The applicable inspection fees will be collected at the time of purchase of the water and wastewater tap for new building construction and at the time of installation of any new irrigation system improvements or well. If an inspection is failed, a fee of **\$50** will be assessed for each re-inspection that is required. If the property is not accessible for inspection at the time an inspection is scheduled, the inspection will be deemed to have been failed and a re-inspection fee will be assessed. The customer will be responsible for all building, pool and other inspections required by the City of Lakeway and for the charges for such inspections.

E. Cross Connection Inspection Fees. If any existing customer constructs additional plumbing improvements, a cross-connection inspection will be required. The fee for each cross-connection inspection will be **\$50**.

F. Charges for Reconnection of Service. In the event of any discontinuation of service, whether because of customer's delinquency or upon a customer's request, the customer will be required to pay all past-due amounts, plus the applicable reconnect fee, prior to service being reconnected. A reconnect fee will be charged if the customer is given notice of disconnection and all past-due amounts are not paid by the time and date specified on the notice of disconnection, regardless of whether or not service has been physically disconnected. Service will be reconnected on the same day if payment is made prior to 2:00 p.m. If payment is tendered after 2:00 p.m., the customer will be required to pay the after-hours reconnect fee in order to obtain same-day reconnection of service. The following fees will apply:

- 1. Water System
 - a. When meter not removed **\$50**
 - b. After-hours reconnect fee **\$75**
(when reconnection is made after 5:00 p.m. on a weekday or when request

is made after 2:00 p.m.)

- c. Weekend and holiday reconnect fee (when reconnection is made on a holiday or weekend) **\$100**
- d. When meter removed **\$100**

2. Wastewater System - Two times the cost to the District.

G. Additional Charges. Any non-routine charges incurred by the District in connection with any tap and/or inspection will be the responsibility of the applicant for such connection and will be payable to the District upon demand.

IV. Water and Wastewater Rates.

A. Monthly Water and Wastewater Rates for Rough Hollow:

- 1. Monthly Service Availability Charge: **\$32.00** per FUE
- 2. Water Commodity Charge (applicable except during Curtailment Periods, see Section E):
 - a. Basic Charge:
 - b. Up to 25,000 gallons **\$5.10** per 1,000 gallons
 - c. 25,001 to 50,000 gallons **\$6.00** per 1,000 gallons
 - d. 50,001 gallons and up **\$8.10** per 1,000 gallons
 - e. Pass-through of Lakeway MUD contract rate adjustment: **\$1.29** per 1,000 gallons
 - f. Total Water Commodity Charge:
 - (1) Up to 25,000 gallons **\$6.39** per 1,000 gallons
 - (2) 25,001 to 50,000 gallons **\$7.29** per 1,000 gallons
 - (3) 50,001 gallons and up **\$9.39** per 1,000 gallons
- 3. Wastewater Commodity Charge: **\$4.53** per 1,000 gallons

B. Monthly Water and Wastewater Rates for Highlands:

- 1. Monthly Service Availability Charge:
 - a. Basic Service Availability Charge: **\$22.57** per FUE
 - b. PUA Water Service Monthly Charge: **\$ 9.43** per FUE

c. Total Service Availability Charge: **\$32.00** per FUE

2. Water Commodity Charge (applicable except during Curtailment Periods, see Section E):

a. Up to 25,000 gallons **\$6.39** per 1,000 gallons

b. 25,001 to 50,000 gallons **\$7.29** per 1,000 gallons

c. 50,001 gallons and up **\$9.39** per 1,000 gallons

3. Wastewater Commodity Charge: **\$4.53** per 1,000 gallons

C. Fire Hydrant Meter Charges.

1. Monthly Basic Charge: **\$35.00**

2. Water Commodity Charge (applicable except during Curtailment Periods, see Section E):

a. Up to 25,000 gallons **\$6.39** per 1,000 gallons

b. 25,001 to 50,000 gallons **\$7.29** per 1,000 gallons

c. 50,001 gallons and up **\$9.39** per 1,000 gallons

If a contractor requires a fire hydrant meter at a time when no such meter is available through the District, the District's operator and District's manager may, in their discretion, authorize the contractor to purchase a fire hydrant meter for use in the District at the contractor's cost. If a contractor purchases a fire hydrant meter for use with approval of District's operator and District's manager, the deposit amount will be adjusted or waived provided that the contractor agrees to pay all applicable usage charges and to donate the fire hydrant to the District at the end of its construction project in the District.

D. Raw Water Irrigation Charge: With the prior approval of the District's operator, an incorporated, non-profit homeowners' association will be provided with raw water for irrigation purposes for a charge of **\$1.50** per 1,000 gallons. All raw irrigation water must be separately metered, through dedicated, irrigation-only water metering equipment approved by the District, and installed at the expense of the association. No initial security deposit will be charged to the association for metered raw irrigation water; however, in the event of any delinquency by the association in payment of any water bill from the District, service will be terminated and a security deposit equal to the association's peak 30-day usage will be required. The foregoing notwithstanding, no raw water irrigation purposes will be provided during any Curtailment Period.

E. Curtailment Rates. During any Curtailment Period, NO OUTSIDE WATERING WILL BE PERMITTED and the following Water Commodity Charge will apply:

1. Up to 15,000 gallons **\$6.39** per 1,000 gallons

2. 15,001 to 25,000 gallons **\$8.99** per 1,000 gallons

3.	25,001 to 35,000 gallons	\$10.99 per 1,000 gallons
4.	35,001 to 45,000 gallons	\$12.99 per 1,000 gallons
5.	45,001 and up	\$14.99 per 1,000 gallons

F. Flushing Water Charge: With the prior approval of the District’s operator, flushing water will be sold for the District’s cost, currently **\$151** per acre foot (\$0.4634 per 1,000 gallons). All flushing water that is sold must be separately metered, through metering equipment that is installed at the expense of the customer and approved by the District’s operator. All connections will be appropriately secured and/or locked to assure the flushing water is not used for purposes other than those approved by the Board. No initial security deposit will be charged for metered flushing water; however, in the event of any delinquency by the customer in payment of any water bill from the District, service will be terminated and a security deposit equal to the customer’s peak 30-day usage will be required before any additional flushing water will be provided to the customer.

G. Calculation of Wastewater Charges.

1. Bills for wastewater service to residential connections will be computed: (i) on the basis of the average amount of water used by the customer during the winter season, as determined by the average of the monthly readings of the customer’s water meter during the preceding winter-averaging period; or (ii) on the basis of the customer’s current monthly water bill, whichever is less; however, any customer who did not have an approved wastewater connection during the prior winter-averaging period will not be entitled to use the winter averaging method and will be billed on the basis of: (i) the customer’s current monthly water usage; or (ii) on the basis of 10,000 gallons of water usage per FUE per month (based on the conversion table contained in Article I), whichever is less.

2. Bills for wastewater service to commercial connections, including apartment complexes, will be computed: (i) based on the average of the monthly readings of the customer’s water meter during the winter-averaging period; or (ii) on the basis of the customer’s current monthly water bill, whichever is less; however, if a commercial customer did not have an approved wastewater connection during the prior winter averaging period, the customer’s monthly wastewater charges will, at the District’s option: (i) be calculated based upon the customer’s current monthly water usage; or (ii) be calculated by measuring actual sewage volume, on a basis acceptable to the District, at the expense of the customer.

3. No wastewater charges will be assessed for water utilized through a dedicated irrigation meter approved by the District.

H. Regulatory Assessments. A regulatory assessment of 1/2% of retail water and sewer charges will be added to each customer’s monthly billing. These assessments are remitted by the District to the Commission and used by the Commission in performing its regulatory duties and in providing technical assistance and training to utilities.

V. Security Deposits.

A. Security Deposits, Generally. A security deposit must be paid to the District’s operator by each customer other than a non-profit homeowners’ association in good standing with the District that is utilizing non-potable water for irrigation, as described in Article IV.E., above, prior to the District’s providing service to that customer. Security deposits are not transferable and will be held by the District

to assure the prompt payment of all bills for water and wastewater services to the customer. At its option, the District may apply all or any part of a customer's security deposit against any delinquent bill of the customer. Upon any discontinuation of service, whether because of the customer's delinquency or upon the customer's request, the security deposit will be applied against any amounts due to the District, including any disconnection fees or other charges. Any portion of the deposit remaining after deduction of amounts due to the District will be refunded to the customer. In no event will any security deposit bear interest for the benefit of the customer.

B. Customer Security Deposit. For customers who established service with the District prior to October 1, 2009, an initial security deposit of **\$100 per FUE** is required if the service address is occupied by the property owner ("Owner") and an initial security deposit of **\$150 per FUE** is required if the service address is occupied by a customer who is not the Owner ("Non-owner"). For customers who established or establish service on or after October 1, 2009, an initial security deposit of **\$150 per FUE** is required if the service address is occupied by the Owner and an initial security deposit of **\$300 per FUE** is required if the service address is occupied by a Non-owner. The customer will have the burden of proof to establish that it is an Owner, and a customer will be presumed to be a Non-owner unless: (a) the customer provides a copy of a recorded deed showing that the customer is the record owner of the property in question; or (b) the customer provides a copy of a property tax bill or property tax receipt showing that the customer is the owner of the property in question. In either case, the document provided by the customer will be verified by the District's operator through a check of the county property records.

C. Additional Customer Security Deposits. If a customer is given notice of disconnection due to a failure to make timely payment of the District's utility bills and fails to pay all past-due amounts by the time and date specified on the notice of disconnection, then, regardless of whether or not service is physically disconnected, the District will require an additional security deposit of **\$100 per FUE** for each disconnection, up to a maximum total deposit of **\$500 per FUE**. This additional deposit and any reconnection fees must be paid prior to reconnection of service. Customer security deposits must be in the form of cash, money order or other form of payment acceptable to the District's operator.

D. Builder Deposit. Each Builder must, in addition to the deposit required under Sections B and C, above, pay a security deposit of **\$3,000** to the District's operator prior to initiation of any service to property owned or being improved by that Builder. If a Builder or developer fails to pay any fees or charges coming due to the District in a timely manner, the fees and charges will be deducted from the deposit, and the Builder will be required (1) to make a payment to the District in order to restore the amount of the deposit to its original **\$3,000** level and (2) to deposit an additional **\$3,000** with the District's operator as a condition to the continuation of any existing service or the initiation of any additional service to the Builder. Each water and wastewater service connection must be inspected and approved by the District's operator prior to its being covered. If this procedure is not followed, the District's operator may require the Builder, at its sole cost, to uncover the service connection so that it can be inspected. Any cost to the District for additional inspections, work resulting from a connection being covered prior to inspection or damages caused by the Builder or its employees or contractors, or other costs incurred by the District that are attributable to the Builder will be deducted from the security deposit and the Builder will be required to pay any amount necessary to fully restore the deposit to its previous balance. The District's operator will not approve any additional connections for a Builder until the Builder's required security deposit has been established or reestablished at the full amount required by this Order. The security deposit will be refunded when the Builder completes its building program or development within the District and pays all sums due and owing to the District.

E. Fire Hydrant Security Deposit. Each Builder that requires the use of fire hydrant water for construction or other purposes must, in addition to all other security deposits required by this Order, pay

a fire hydrant security deposit of **\$1,200**. This deposit will be refunded upon return of the fire hydrant and payment of all District fees and charges incurred during the use of the fire hydrant and any costs incurred by the District due to damage to the fire hydrant meter. If any required sums are not paid, they will be deducted from the security deposit prior to any result being issued.

VI. Industrial Waste Regulations; Non-Domestic Waste Fees.

A. Prohibited Waste.

1. Non-Biodegradable Material. No waste material that is not biologically degradable, including mud and debris accumulated during construction, may be discharged into the District's Wastewater System.

2. Surface Runoff; Storm Water. No surface runoff water or storm water, including, downspouts or yard or area drain runoff may be discharged into the District's Wastewater System.

3. Swimming Pool Water. Swimming pool water may not be discharged into the District's Wastewater System.

4. Well Water. No well water may be discharged into the District's Wastewater System unless specifically approved in writing by the Board.

5. Non-Domestic Waste.

a. No Non-Domestic Waste may be discharged into the District's Wastewater System without the prior approval of the District's operator. The District's operator will review each application to discharge Non-Domestic Waste and make a recommendation to the Board as to approval or denial of the application. If an application is approved, the Board will establish rates and charges that cover, but are not limited to, the cost of waste treatment, taking into account the volume and character of the Non-Domestic Waste and all other waste treated, any special techniques of treatment or operation required for the Non-Domestic Waste, and any administrative expenses incurred by the District. These rates and charges must be at least sufficient to provide an equitable system of cost recovery that is sufficient to produce revenues, in proportion to the percentage of Non-Domestic Waste to be treated relative to the total waste load to be treated by the District, so as to provide for operation and maintenance of the treatment works, for the amortization of the District indebtedness for the cost of its waste collection and treatment system, and for any additional costs necessary to provide adequate waste treatment to meet the waste discharge requirements applicable to the District on a continuing basis.

b. If, in the opinion of the District's operator, pretreatment of any Non-Domestic Waste is necessary to prevent harm to the District's waste collection and treatment system or to prevent interference with the proper and efficient operation and maintenance of each system, pretreatment will be required as a condition to the District's receipt and treatment of the Non-Domestic Waste.

- c. If the District's engineer recommends against accepting the Non-Domestic Waste into the District's Wastewater System under any conditions, the District's operator will deny the application.

B. Regulations for Discharge of Industrial Waste. The District's regulations for discharge of industrial waste are attached as **Exhibit A** and incorporated into these Rules for all purposes. All discharges to the District's Wastewater System must comply with the terms of such regulations.

C. Application Fee. An applicant that proposes to discharge Non-Domestic Waste into the District's Wastewater System must pay an application fee of **\$250**. No customer may discharge Non-Domestic Waste into the District's Wastewater System unless the customer has received a permit from the District authorizing such discharge.

D. Permit Fee. Each customer who is issued a permit for disposal of Non-Domestic Waste must pay an annual permit fee of **\$500** to the District on or before January 1 of each year.

E. Non-Domestic Waste Surcharge:

1. Payment of Surcharge for Extra Strength Wastewater. In addition to compliance with all other requirements of this article, any person discharging extra strength wastewater to the District's Wastewater System must pay a monthly surcharge for the additional costs of handling and treatment of such extra strength wastewater, in addition to the District's standard sewer service charges.

2. Cost Factors. The cost factors for extra strength wastewater are based on the capital and operating cost of wastewater facilities to provide treatment for the reduction of excessive BOD, COD and TSS.

3. Computation of Surcharge. For extra strength wastewater having a COD concentration of 2.25 or more times that of the BOD concentration, the surcharge will be based on the COD category in lieu of the BOD category. Computations of surcharges will be based on the following formula:

$$S = V \times 8.34 (A [BOD - 200] + B [TSS - 200])$$

or

$$S = V \times 8.34 C [COD - 450] + B [TSS - 200]), \text{ where}$$

S: Surcharge in dollars that will appear on the customers' monthly bills.

V: Wastewater actually billed in millions of gallons during the billing period.

8.34: Pounds per gallon of water.

A: Unit charge in dollars per pound of BOD.

BOD: BOD strength in milligrams per liter (mg/l) by weight.

200: Normal BOD strength in milligrams per liter (mg/l) by weight.

B: Unit charge in dollars per pound for TSS.

TSS: SS concentration in milligrams per liter (mg/l) by weight.

200: Normal SS concentration in milligrams per liter (mg/l) by weight.

C: Unit charge in dollars per pound for COD.

COD: COD strength in milligrams per liter (mg/l) by weight.

450: Normal COD strength in milligrams per liter (mg/l) by weight.

If the strength or concentration for BOD, TSS or COD is less than the normal strength for that category, no surcharge will be applicable for that category. No credit will be given against the total surcharge if the strength or concentration of any category is less than normal.

4. Current Unit Rates. The unit charges in dollars per pound used to assess the individual surcharges are:

<u>Parameter</u>	<u>Unit Charge Dollars/Pound</u>
BOD	0.4867
COD	0.2255
TSS	0.1049

5. Adjustment of Rates. All flow rates, BOD, COD and TSS values used in determining the surcharge of Non-Domestic Waste customers will be reevaluated on a periodic basis as determined by the District's operator and adjusted to reflect any increase or decrease in wastewater treatment costs. If there is a major change in any customer's operation which causes changes in values, the values may be increased or decreased based on a study of changes or actual measurements. Every person discharging wastewater to the District's Wastewater System will be responsible for notifying the District's operator of major changes in its operation affecting the quantity or quality of Non-Domestic Waste discharged. In the absence of such notification, the surcharge applicable to such customer will be based on the data available to the District's operator at the time the surcharge is billed.

F. Prohibited Discharges. If the District determines that there has been a prohibited discharge under the District's Rules or this Order, the violator will be assessed and required to pay all reasonable expenses of the District incurred in connection with the violation, any testing of the waste associated with such violation, and any damage to the District's Wastewater System.

G. Grease Traps. All commercial properties that include a restaurant or other use that involves the on-premises preparation of food for resale, including a commercial kitchen, must have installed a Grease Trap of a size and capacity approved by the District. Any such Grease Trap must be operated and maintained in accordance with all applicable State, federal and local regulations and this Order. A commercial customer which owns or occupies property that is required to utilize a Grease Trap must: (1) cause the Grease Trap to be cleaned every two months, or when 50% of the height of the Grease Trap, as measured from the bottom of the Grease Trap to the invert of the outlet pipe, contains grease and solids; (2) completely remove all grease and other residue from the Grease Trap when the Grease Trap is cleaned; (3) cause all grease and other residue removed from the Grease Trap to be properly disposed of by a permitted liquid waste hauler and in accordance with federal, state and local regulations, (4) file a copy of the manifest confirming the cleaning and disposal with the District, and (5) retain the original manifest on file and make it available for inspection by the District for at least 12 months after the date of each cleaning. The District's operator may establish other requirements for Grease Traps as necessary to protect the District's Wastewater System.

VII. Grinder Pump Regulations; Unauthorized Discharge of Wastewater Prohibited.

A. **Unauthorized Discharge of Wastewater Prohibited.** No person or entity may discharge wastewater into the plumbing of any residence or building in the District before (a) a Grinder Pump has been installed to serve the residence or building; and (ii) the Grinder Pump and connection of the Grinder Pump to the District's Wastewater System has been inspected and approved. The discharge of wastewater into the plumbing of a residence or building or into a Grinder Pump wet well before the Grinder Pump has been installed and/or the connection inspected and approved or into the District's drainage system (including any storm sewer in the District) is strictly prohibited and will constitute a violation of these Rules under Article XVI. Any person or entity violating this provision of these Rules will be subject to a penalty of **\$5,000** for each violation, and the termination of water service to the customer or Builder and to the residence or business until all penalties provided by this Section and all related costs incurred by the District have been paid. The District's operator is authorized to immediately impose a penalty on the owner, Builder or other person or entity with control of the premises where the wastewater originated (the "*Responsible Party*") immediately upon observing or identifying any wastewater discharged other than into an approved wastewater service connection. Each day of violation will constitute a separate offense, and will be subject to an additional penalty. In addition to the penalty authorized above, a Responsible Party will be required to pay all costs of clean-up of the illegally discharged wastewater, as well as any fines or penalties imposed by any other governmental entity with jurisdiction, regardless of whether the penalty is imposed on the District or a third party. Any Builder who violates this provision will be subject to the withholding of taps and other District approvals until all penalties and all clean-up costs paid in full. Any penalty imposed under this Article may be appealed to the Board. Any such appeal must be submitted in writing to the District's operator within 15 days of the date of imposition of the penalty, and will be scheduled for consideration by the Board at the next regular Board meeting following the date the appeal is received.

B. **Grinder Pump Installation.** All Grinder Pumps must be obtained from and installed by the District's contractor. Installation must be scheduled through the District's operator minimum of 15 business days in advance of the date the installation is required. No modification or repair of any Grinder Pump or control panel may be made by the customer after installation. No third party may repair, modify or replace any Grinder Pump within the District without express District authorization to do so.

C. **District Grinder Pumps.** A District Grinder Pump will be required for each residential wastewater connection. Each District Grinder Pump and appurtenances must be installed in a wet well constructed by the District or its authorized contractor on the lot being served in a location adjacent to the street, in accordance with the schematic attached as **Exhibit D.** Each District Grinder Pump will be owned by the District and any repair or replacement will be performed by the District or its designated contractor.

D. **Homeowner Grinder Pumps.** If, due to specific home design or topography issues affecting a lot, a Homeowner Grinder Pump is required to serve any residence, this Homeowner Grinder Pump and its installation, maintenance, repair and replacement must comply with the specifications applicable to District Grinder Pumps, but any Homeowner Grinder Pump will be the a part of the customer's internal plumbing and will be the property of the customer. The installation of, and any repairs or replacements of, any Homeowner Grinder Pump must be made by a contractor approved by the District, and will be subject to inspection and approval by the District, but all such installations, repairs and replacement will be the sole responsibility of the customer and all work will be at the sole cost of the customer.

E. Commercial Grinder Pumps. Due to the additional demands placed on a Grinder Pump which handles commercial wastewater, the customer which is responsible for payment of the District's charges for wastewater service to a commercial property which utilizes a Commercial Grinder Pump will also be responsible for the costs of all repairs and replacements of the Commercial Grinder Pump. Each commercial property which is required to have a Grease Trap will be required to pump the grease trap every two months, or more frequently if required by the District's operator.

F. Tie-in to wet well. The installation of the residential wastewater service line tie-in to the District Grinder Pump wet well will be the responsibility of the customer. The installation must be in accordance with the specifications attached as **Exhibit E**. Each tie-in will be inspected by the District for compliance with the District's specifications at time the District Grinder Pump is installed. If the tie-in is not in compliance with the specifications, the tie-in will be required to be corrected and re-inspected before the District Grinder Pump will be installed and service is initiated. Any additional charges by the District due to non-compliance with the specifications will be the responsibility of the customer.

G. Grinder Pump Control Panel. Each customer must designate a permanent location on his or her residence for the installation of a control panel for the District Grinder Pump. The location must be on the outside of the residence and visible from the Customer's District Grinder Pump location at the street. A fuseable disconnect at the designated District Grinder Pump control panel location is required. No landscaping, fencing or other improvements which would obstruct the visibility of a control panel will be permitted. **In the event of a visual (warning light) or audible alarm at the control panel, the customer must immediately notify the District's operator.**

H. Customer Remote Grinder Pump Control Panel Monitor. If a remote grinder pump control panel monitor is required in addition to the standard District Grinder Pump control panel required by Subsection G, above, that remote grinder pump control panel monitor will be deemed a part of the customer's internal plumbing and all costs of the remote grinder pump monitor must be borne by the customer, including the cost of the initial installation and all costs of repair or replacement of the monitor. The District will not repair or replace any remote grinder pump monitor, and all repairs and maintenance must be handled by the customer's plumber or other qualified contractor.

VIII. Development Policies

A. Subdivision Plan Review, and Other Development Approval Related Fees. All plans for water, wastewater and drainage facilities constructed within or to serve the District will be subject to review and approval by the District. No construction may be commenced until such plans are approved. Applicants for approval of construction plans for water, wastewater or drainage facilities will be responsible for the payment of all legal, engineering and/or management fees and all plan review fees of Lakeway MUD or the City of Lakeway incurred by the District for review of such plans and inspection of the facilities during construction. No facilities will be accepted for operation and maintenance by the District unless all required District inspections have been conducted, the facilities have been approved by the District's operator, and all related fees have been paid.

B. Subdivision Construction Inspection

1. The District's subdivision construction inspection fees are as follows:
 - a. Construction cost between **\$0** and **\$100,000** (4.5% of total construction cost)

- b. Construction cost between **\$100,001** and **\$500,000** (2.75% of total construction cost)
- c. Construction cost between **\$500,001** and **\$1,000,000** (2.25% of total construction cost)
- d. Construction cost between **\$1,000,001** and **\$5,000,000** (1.75% of total construction cost)
- e. Construction cost between **\$5,000,001** and **\$10,000,000** (1.5% of total construction cost)

2. Materials testing will be performed by the District, at the cost of the developer. Copies of all test results will be provided to the developer.

3. No connections to the District Systems maybe made unless all applicable subdivision construction inspections have occurred and all related inspection fees and materials testing fees have been paid.

C. Development and Utility Construction Agreements. Applicants who desire to obtain a service commitment, a utility construction agreement and/or reimbursement agreement (a "*Reimbursement Contract*") or other type of development agreement with the District must pay all legal, engineering and/or management fees incurred by the District in negotiation of these agreements. No agreement will be executed by the District or become effective until these fees are paid.

D. Service Commitments. Because the District's water capacity and wastewater capacity are limited resources, the Board desires to adopt policies and procedures for allocating capacity, including approving written service commitments, that will further the purposes of the District, provide for the orderly development of the property within the District, assure the availability of service as needed, and protect the integrity of the District's Systems. Accordingly, all service commitments issued by the District will be subject to this Article in order to enable the District to plan for future needs; assure the ability of the District to provide service on a uniform, nondiscriminatory basis; and provide standard criteria for the evaluation, issuance and retention of service commitments.

1. All service commitments issued by the District will be subject to completion of all necessary facilities, payment of all applicable fees, and subject to all of the terms and conditions of and performance under all of the District's contracts and agreements pertaining to or affecting the District's water and wastewater services, including but not limited to those with Lakeway Municipal Utility District, the West Travis County Public Utility Agency, and Rough Hollow Development, Ltd., and to the policies and procedures of the District, including these Rules.

2. Any applicant requesting a service commitment from the District must submit a written application executed by the owners of the property for which the service commitment is being requested. The application must include the applicant's agreement to pay all fees incurred by the District in connection with the evaluation of the application and to grant all easements required by the District to serve the property in question without compensation. An escrow in the minimum amount of **\$1,000** will be required to assure the payment of all fees.

3. The applicant must also submit:

- a. 10 copies of a utility plan showing the property, the proposed utility facilities and sizing, any required easements, and all drainage patterns.
 - b. 10 copies of a preliminary engineering report, including a land use plan demonstrating the utility service requirements for the property, prepared and sealed by a professional engineer registered in the State of Texas.
 - c. Proof of ownership of the property, and proof of authority of the party signing the application.
4. The Board may approve a service commitment if:
- a. All application requirements have been satisfied;
 - b. Either (i) the District's water and/or wastewater capacity is or will be sufficient to serve the property or (ii) the applicant and the District have entered into an agreement that provides for the construction of facilities necessary to provide sufficient capacity to serve the property; and
 - c. It finds that the District's Systems are sufficient or will be sufficient to serve the proposed development without adversely impacting existing utility customers of the District.

5. No service commitment will be issued unless the applicant has paid, concurrently with the date of issuance of the service commitment, a non-refundable fee (the "Service Commitment Fee") equal to ten percent (10%) of all estimated District fees for the property, including the District's system usage and drainage fees, contractual connection fees, tap fees, grinder pump installation and inspection fees, and plumbing inspection fees (the "Estimated Fees"), as determined by the District's operator based on the District's then-current Order Establishing Rates and Charges and Adopting Rules and Policies Regarding the District's Utility Systems. The Service Commitment Fee will be applied against the Estimated Fees ("Rate Order").

6. In order to allow the District to accurately plan service capacity based on actual usage rather than speculative usage, a service commitment will expire and terminate:

- a. one year from the date of issuance unless the holder has, by that date, paid all the Estimated Fees for the property, as determined by the District's operator based on this Order, as amended to the date of the estimate and then in effect; and
- b. 18 months from the date of issuance unless the holder has, by that date, completed construction, made a connection to the District's Systems, paid all applicable District fees, including system usage and drainage fees, contractual connection fees, tap fees, grinder pump installation and inspection fees, plumbing inspection fees, security deposit and other applicable fees for the property, based on this Order, as amended to the date of the connection and then in effect (the "Actual Fees") and initiated water and wastewater services to the property.

7. If a service commitment terminates, the Service Commitment Fee will not be refunded, offset or credited against the Actual Fees, but will be retained as property of the District. The

balance of any Estimated Fees that has been paid will not be refunded, but will be applied as a credit against the Actual Fees at the time the property is developed and service initiated.

8. If full development of a tract that has been issued a service commitment results in the use of less service than that which has been committed, the remaining unused capacity will revert back to the District for redistribution by the District. The amount of service remaining after full development will be determined by the District's engineer, based on the water meter size and any subdivision plat, site plan and zoning approved for the property. Service commitments will be issued for specific tracts, and may not be transferred to any other property.

9. The Actual Fees applicable to a tract will be determined at the time utility service is initiated, based on the actual water meter size; any subdivision plat, site plan and zoning approved for the property; and this Order, as amended and then in effect. If the ultimate use of a tract that has been issued a service commitment requires a different amount of service than that upon which the Estimated Fees were based, the District's operator will make any adjustments that are necessary at the time a connection to the District's Systems is made, so that the Actual Fees will correspond to the size of meter installed and the service required to be provided. Any shortfall between the Estimated Fees and the Actual Fees must be paid before a service connection is made. Any excess of the Estimated Fees over the Actual Fees will be credited against the customer's future water and wastewater billings.

IX. Rendering and Form of Bills.

A. Rendering of Bills. Bills for service will be rendered monthly. Service initiated less than one week before the next billing cycle may be billed with the following month's bill. One bill will be rendered for each connection.

B. Information to be Included on the Bill. The customer's bill will show the total amount due for service and any surcharge, the due date of the bill, the total amount due as penalty for nonpayment within a designated period, and the local telephone number or toll free number where the District's operator can be reached. If the due date falls on a Saturday, Sunday or legal holiday on which banks are required to close in the State of Texas, the applicable period will be extended to the next business day.

C. Payment Obligation. If a customer does not receive a bill or bills, his obligation to make payment for services rendered is not diminished or released.

D. Overbilling and Underbilling. If billings for District services are found to differ from the District's rates for the services, or if the District fails to bill the customer for services, a billing adjustment will be calculated by the District. If the customer is due a refund, an adjustment will be made for the entire period of the overcharges. If the customer was undercharged, the District will backbill the customer for the amount of the service actually used by the customer. If the underbilling is **\$25** or more, the District will offer the customer a deferred payment plan option for the same length of time as that of the underbilling.

E. Prorated Charges. When a bill is issued for a period of less than one month, the basic charge will be prorated based on the period during which service was rendered.

F. Disputed Bills.

1. A customer may advise the District that a bill is in dispute by written notice to the District's operator. A dispute must be registered with the District prior to the date of proposed discontinuance in order for the customer to avoid discontinuance of service as provided by this Order.

2. Notwithstanding any other provision of this Order, a customer will not be required to pay the disputed portion of a bill that exceeds the amount of that customer's average monthly usage at current rates (an "Average Bill") pending the resolution of the dispute. For purposes of this section only, the customer's average monthly usage at current rates is the average of the customer's gross water and wastewater usage for the preceding 12-month period. If no previous usage history exists, consumption for purposes of calculating the average monthly usage will be estimated on the basis of usage levels of similar customers under similar conditions.

3. Notwithstanding any other provision section of this Order, a customer's service will not be discontinued for nonpayment of that portion of a bill under dispute that exceeds an Average Bill pending resolution of the dispute. The customer must timely pay any billings not disputed and an amount per billing period equivalent to an Average Bill.

G. Equipment Damage Charges. The District will charge the responsible customer for all labor, material, equipment, and other costs necessary to repair or replace equipment damaged due to equipment tampering or bypassing, service diversion, or the discharge of wastes in violation of the terms of this Order. The District may charge for all costs necessary to correct service diversion or unauthorized taps where there is no equipment damage, including incidents where service is reconnected without authority. An itemized bill of these charges will be provided to the customer.

H. Late Charges. A late charge of ten percent (10%) of the amount of the bill will be added on the Delinquency Date and this late fee will continue to be assessed each month while the delinquent amount remains unpaid.

I. District's Right to Sue. The District reserves the right to institute suit for the collection of any amounts due and unpaid, together with interest thereon at the maximum legal rate and reasonable attorneys' fees.

J. Dishonored Check Charge. The District reserves the right to charge a customer paying a bill with a dishonored or insufficient funds check an amount established from time to time by the District's operator, which amount will be based on the prevailing or usual charges made for dishonored checks and drafts by other vendors in the same general area as the District.

X. Protection of the District's Systems.

A. Damage Prohibited. It is unlawful for any person to tamper or interfere with; to obstruct access to; or, as the result of willful action, to injure, deface, or destroy any facilities that are a part of the District's Systems.

B. Meter Tampering; Unauthorized Use of Water. All water meters used to measure the water delivered to a District customer by the District are District property and meter tampering is strictly prohibited. For purposes of this section, "meter tampering" or any similar term means tampering with a water meter or other District equipment; damaging, destroying or altering a meter; bypassing a meter; reconnecting service without authorization to do so, whether the disconnection was due to non-payment or for any other reason; installing a lock or other device on a meter or otherwise impairing the ability of the District or its authorized representative to terminate service; any other instance of alteration,

modification, diversion or bypass, including physically disorienting a meter, attaching objects to a meter, including in order to divert service or to bypass the meter, inserting objects into the meter, or using other electrical or mechanical means to tamper with, bypass, or divert water service; failing to have a meter installed or covering or physically obstructing the location of the meter. Meter tampering or bypass or diversion of service is prohibited. Reconnecting service without authorization will be prosecuted as theft of service. Any party who tampers with a District meter or takes water from an unmetered or other unauthorized connection to the District's Systems will be subject to a penalty as provided in these Rules and each day during which such tampering or taking of water occurs will constitute a separate violation, and such party will also be liable for the costs of all water unmeasured or diverted as a result, together with all attorney's fees incurred by the District and costs of court. The District may offset a customer's deposit against the amount of any penalties or costs imposed as a result of a violation of this section and may further require that the deposit be replaced and any unpaid penalties and costs paid before service is reconnected.

C. Unmetered connections; Fire Hydrant Meter Requirement. No one may temporarily connect to the District's water system or take water through an unmetered connection to the District's water system. No one may withdraw water from the District's system through a fire hydrant unless it utilizes a fire hydrant meter obtained from and assigned to it by the District. The assigned fire hydrant meter must be attached directly to the fire hydrant and must be used when making a temporary water connection for construction, street cleaning, or other construction-related activities, unless the District agrees otherwise. In addition, directly downstream from the fire hydrant meter, the party to whom the meter has been issued must install a reduced pressure Backflow Prevention Device or a Code-approved air gap. A security deposit as required by these Rules must be paid to the District's representative at the time the fire hydrant meter is issued. A violation of this metering requirement or the Backflow Prevention Device requirement or the taking of water from a fire hydrant or any other unmetered connection will result in the offending party being subject to a fine as provided in these Rules. The District may deduct the amount of any fines imposed as a result of a violation of this requirement from any deposit previously made by the responsible party and may further require that the responsible party replenish the deposit by an amount equivalent to the total deducted.

D. Unlawful Discharges. It is unlawful for any person to deposit, throw, drain, discharge, or otherwise cause to be injected into any sewer, manhole, catch basin, flush tank, or other facility that is a part of the District's Systems any debris or foreign substance that would interfere with the proper and routine functioning of the District's Systems, to discharge well water into the District's Water System or District's Wastewater System, to discharge any waste into the District's drainage system, or to discharge any waste into the District's Wastewater System:

1. other than through an authorized sewer tap for which all connection fees, deposits and other charges have been paid; or
2. generated on premises other than those for which the sewer tap was originally made; or
3. generated at a building other than that for which the sewer tap was originally made, unless approved in advance by the District's operator; or
4. of a type different from that contemplated at the time the sewer tap was originally made, unless approved in advance by the District's operator.

E. Service Line Maintenance. Each customer is responsible for the maintenance of the sewer service line from the point of connection to the District's Systems to the buildings or premises served. All

sewer service lines must be maintained in such a manner as to prevent the infiltration of water or exfiltration of wastewater.

F. Water Wells. Water wells may not be connected to the District's Water System or the District's Wastewater System.

G. Protection of Drainage Systems. The District's drainage and water quality systems, including, without limitation, all drainage easements, channels, storm sewer facilities, ponds, and all other facilities owned, maintained or controlled by the District for the purpose of collecting, controlling, storing, managing or distributing storm and flood waters or run-off, will be protected from abuse, in order to assure the proper functioning of all such facilities for the benefit of all property owners and residents of the District. It is a violation of these Rules to place, deposit or discharge or cause to be placed, deposited or discharged any foreign materials or debris into the District's drainage systems which could interfere with the proper functioning thereof, including, but not limited to, motor oil, grass or tree clippings or construction debris. Prior to construction of any improvements within the District, proper erosion control must be installed. These devices must be maintained in place during construction and, upon completion of construction, all construction debris and rubbish must be removed from the construction site, and any damage to the District's easements or facilities must be repaired at the expense of the Builder or property owner constructing the improvements.

XI. Disconnection and Reconnection of Service

A. Notification of Alternative Payment Programs or Payment Assistance. If a customer advises the District's operator of his or her inability to pay his or her bill or need for assistance with his or her bill payment, the District's operator will inform the customer of all available deferred payment plans available from the District, such as deferred payment plans and of the eligibility requirements and procedures for applying for them. A deferred payment plan is any arrangement or agreement between the District and a customer under which an outstanding bill will be paid in installments that extend beyond the due date of the next bill. All deferred payment plans must be in writing. The District's operator may suspend the termination of services to customers for up to 30 days based upon the District's operator's determination that the customer is making a good faith effort to pay the District's account; however, extensions beyond 30 days must be approved by the Board.

B. Post-Bankruptcy Services. In the event of any District customer's bankruptcy, amounts due for pre-bankruptcy services will be posted to the customer's existing account and amounts due for post-bankruptcy services will be posted to a separate account. The customer will be required to provide the District with adequate assurance of payment for services rendered after the date of the bankruptcy filing, in the form of a security deposit satisfying the requirements of this Order. Any existing security deposit will be held by the District as security for sums due for pre-bankruptcy services and will not be credited towards the security deposit for post-bankruptcy services. If the customer fails to furnish the required security deposit for post-bankruptcy services, the District may discontinue service to the customer in accordance with the provisions of this Order.

XII. Termination of Service

A. Termination with Notice. District service may be terminated after proper notice for any of the following reasons:

1. within 30 days from the date of the issuance of a delinquent bill, the customer has neither (a) paid the delinquent bill and all other past-due bills from the District, nor (b) entered into a written deferred payment agreement and made all payments required under the plan;

2. the customer has defaulted in the obligations under any deferred payment agreement;

3. violation of the District's Rules pertaining to the use of service in a manner that interferes with the service of others or 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 deposit arrangements as required by Article V of this Order;
or

5. failure to repair a controllable leak, including a leak in a sprinkler system, within a reasonable time, which will in no event be less than five or more than 30 days, after having been given notice to repair the leak by the District's operator.

If a Builder fails to make timely payment of any bill due and owing to the District or fails to repair a controllable leak as required by subparagraph 5, above, the District may, after proper notice, terminate all water and wastewater services being provided by the District to that Builder.

B. Termination Without Notice. District service may be terminated without notice (a) due to existence of a known dangerous condition, (b) if service is connected without authority, or (c) in instances of tampering with or bypassing the District's equipment, or other instances of diversion, including a violation of Article VII of these Rules. If reasonable, given the nature of the hazardous condition, a written statement providing notice of and the reason for disconnection will be posted at the place of common entry or upon the front door of each affected structure as soon as possible after service has been disconnected.

C. Notice of Termination of Service. Proper notice of termination of service consists of a separate mailing by first-class mail, postage prepaid, at least 10 days prior to a stated date of disconnection, with the words "termination notice" or similar language prominently displayed on the notice. The information included in the notice will be provided in English and Spanish if necessary to adequately inform the customer. A statement notifying the customer that, if they are in need of assistance with payment of their bill, they may be eligible for alternative payment programs, such as deferred payment plans, and to contact the District operator for more information, will be attached to or included on the face of the termination notice. The notice will advise the customer of the basis for the District's decision to disconnect service and that he or she has the right to request a hearing on the matter by contacting the District's operator at least 48 hours before the stated date of disconnection. The District's operator's telephone number must appear on the notice together with information regarding appropriate times to contact a representative of the District's operator. If notice is mailed, the stated date of disconnection may not fall on a holiday or weekend, but will be the next working day after the 10th day. Payment at the District's authorized payment agency is considered payment to the District. The District will not issue a termination notice to the customer earlier than the first day a bill becomes delinquent, so that a reasonable length of time is allowed to ascertain receipt of payment by mail or at the District's authorized payment agency.

D. Customer Appeal Procedures.

1. Informal Hearing. Upon receipt of a customer's protest of the termination of service, the District's operator will schedule an informal hearing with the customer and his representative prior to disconnection. The presiding officer at the informal hearing will be an individual who did not participate in the initial decision to pursue disconnection of the customer's service. The customer will be allowed to question the District's billing representative at the informal hearing regarding the basis for the decision to terminate service and present any testimony or evidence regarding the termination of service or its basis. The presiding officer will render a decision on the matter and state reasons for the decision and the grounds upon which the decision is based.

2. Appeal. The customer may appeal the decision of the presiding officer to the Board. If the customer posts a bond in an amount sufficient to cover the cost determined by the presiding officer to be due, the District will not proceed with termination of the customer's service until a final decision is made by the Board.

E. Disconnection. If payment of all delinquent and past due amounts has not been made by 5:00 p.m. on the date specified by written notice to the customer, and no other arrangements for payment have been made, service will be disconnected. In order to reconnect service, the customer must pay all delinquent and past-due amounts, plus the applicable reconnect fee. The reconnect fee will be due regardless of whether or not service has been physically disconnected. If payment is tendered after 2:00 p.m. on the date of disconnection, the customer must pay the after-hours reconnect fee in order to obtain same-day reconnection of service. If a customer defaults under a payment plan entered into with the District, termination procedures will immediately be initiated.

F. Disconnection on Holidays or Weekends. Unless a dangerous condition exists or the customer requests disconnection, service will not be disconnected on a day, or on a day immediately preceding a day, when personnel of the District are not available to the public for the purpose of accepting payments and reconnecting service.

G. Disconnection for Ill and Disabled. The District will not discontinue service to a delinquent residential customer permanently residing in an individually-metered dwelling unit if the customer establishes that discontinuance of service will result in a person residing at the residence becoming seriously ill or more seriously ill. Each time a customer seeks to avoid termination of service under this section, the customer must have the attending physician (for purposes of this section, the term "*physician*" means any public health official, including medical doctors, doctors of osteopathy, nurse practitioners, registered nurses, and any other similar public health official) call or contact the District's operator within 15 days of issuance of the bill and a written statement must be received by the District's operator from the physician within 30 days of the issuance of the bill. Any customer who receives a waiver of disconnection under this section must enter into a deferred payment plan with the District and remain in compliance with the plan.

H. Reconnection of Services. If service is discontinued for any reason, reconnection of services will be established within 24 hours of payment of the past due bill in its entirety and any other outstanding charges, including all reconnection fees.

XIII. Continuity of Service.

A. Service Interruptions.

1. The District will make all reasonable efforts to prevent interruptions of service. When interruptions occur, the District will re-establish service within the shortest possible time.

2. The District will make reasonable provisions to meet emergencies resulting from failure of service, and will establish procedures to be followed in the event of an emergency in order to prevent or mitigate interruption or impairment of service.

3. In the event of a national emergency or local disaster resulting in disruption of service, the District may, in the public interest, interrupt service to other customers to provide necessary service to civil defense or other emergency service agencies on a temporary basis until normal service to these agencies can be restored.

B. Record of Interruption. Except for momentary interruptions due to automatic equipment operations, the District's operator will keep a complete record of all interruptions, both emergency and scheduled. This record will show the cause for interruptions, date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent recurrence.

XIV. Customer Service Agreement and Plumbing Regulations.

A. Authority. Under the requirements of the Chapter 341, Subchapter C of the Texas Health and Safety Code and 30 Texas Administrative Code § 290.46(i), the District is required to adopt rules to allow for proper enforcement of the requirements of the TCEQ.

B. Applicability. All customers receiving utility service from the District are subject to the requirements of this Article. The provisions of this Article constitute a service agreement between the District and each customer receiving utility services from the District. By requesting or accepting utility services from the District, each customer agrees to comply with the provisions of this Article.

C. Purpose. Each customer must agree to comply with this Article as a condition to receiving services from the District.

D. Plumbing Restrictions.

The following undesirable plumbing practices are prohibited:

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

2. No cross-connection between the public drinking 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.

3. No connection that allows water to be returned to the public drinking water supply is permitted.

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

5. No solder or flux that contains more than .2% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.

E. Service Conditions. The following are the terms for the provision of service between the District and each customer of the District:

1. The customer must comply with the provisions of this Order as long as the customer is receiving service from the District.

2. The customer must allow his property to be inspected for possible cross-connections and other undesirable plumbing practices as required by this Article. These inspections may be conducted by a representative of the District prior to initiating service and periodically thereafter. All inspections will be conducted during the District's normal business hours.

3. The District will notify a customer in writing of any cross-connection or other undesirable plumbing practice that has been identified during the initial inspection or the periodic reinspection.

4. The customer must immediately correct any undesirable plumbing practice on his premises.

5. The customer must, at his expense, properly install, test, and maintain any backflow prevention device required by the District. Copies of all testing and maintenance records must be provided to the District.

F. Enforcement. If a customer fails to comply with the terms of this Article, the District may assess fines in accordance with this Order, and must either terminate service and/or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this Article will be billed to the customer.

XV. Customer Service Inspections.

A. Authority. Title 30 Texas Administrative Code §290.46(j) requires the District to adopt rules providing for the conduct and certification of customer service inspections.

B. Inspections. The applicant for service or the customer must submit a completed customer service inspection certification to the District in the following instances:

1. before the District begins providing continuous and adequate service to new construction;

2. when the District has reason to believe that cross-connections or other unacceptable plumbing practices exist on any existing service; or

3. after any material improvement, correction or addition to any existing private plumbing facilities.

C. Certifications. The certification must be completed in the form attached as **Exhibit F**. A customer service inspection certification must be completed at the applicant's or customer's expense by:

1. a Plumbing Inspector and Water Supply Protection Specialist licensed by the Texas State Board of Plumbing Examiners and in good standing at the time of the inspection,

2. a Certified Waterworks Operator who has completed a training course, has passed an examination administered by the Commission or its designated agent, and holds an endorsement granted by the Commission or its designated agent, or

3. a Licensed Plumber, if the inspection and certification are for a single-family residential service.

D. Records. The District will maintain copies of completed customer service certifications for a minimum of ten years.

E. Unacceptable Plumbing Practices. If unacceptable plumbing practices are discovered, they must be promptly corrected by the customer or applicant for service to prevent contamination of the water supplied by the District. The existence of an unacceptable plumbing practice is sufficient grounds for immediate termination of service without notice in order to protect the health and safety of all District customers. Service will not be restored until the potential source of contamination has been eliminated or additional safeguards have been taken and a new customer service inspection certification is provided to the District.

F. Enforcement. If the customer fails to comply with the terms of this Article, the District may assess fines as provided in this Order and may terminate service. Any expenses associated with the enforcement of this Article will be billed to the customer.

XVI. Enforcement; Penalties.

A. Enforcement of Rules. Under Section 54.205 of the Texas Water Code, the provisions of this Order constitute rules that must be recognized by the courts as if they were penal ordinances of a city. This Order may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office is located.

B. Penalties.

1. Service will not be provided by the District until all requirements of this Order have been met.

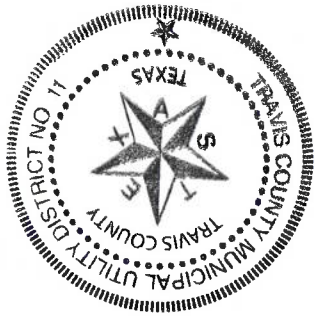
2. Violation of this Order will result in the offending party being subject to the payment of a fine in an amount per violation that does not exceed the jurisdiction of justice court, as provided by Section 27.031, Government Code. In addition, the offending party will be liable to the District for all costs incurred by the District in connection with any repairs or corrections necessitated by the violation and, if any violation results in a penalty being assessed against the District by any governmental entity or regulatory authority with jurisdiction, the offending party will be responsible for the full amount of such penalty, together with all costs incurred by the District in connection with the violation and penalty in question.

XVII. Filing. The Secretary of the Board is hereby directed to file a copy of this Order in the principal office of the District.

XVIII. Exhibits. The following exhibits are attached to this Order and incorporated herein by reference.

- Exhibit A - Industrial Waste Regulations
- Exhibit B-1 - Application for Connection
- Exhibit B-2 - Application for Service
- Exhibit C - Agreement Concerning District Grinder Pump System
- Exhibit D - District grinder pump, wet-well and appurtenances schematic
- Exhibit E - Residential wastewater service line tie-in specifications
- Exhibit F - Customer Service Inspection Certification

EFFECTIVE the 5th day of June, 2019.



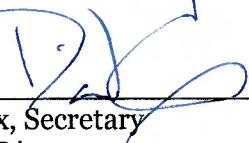
**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT
NO. 11**

By:



Michael De La Fuente
President, Board of Directors

ATTEST:



David Cox, Secretary
Board of Directors

EXHIBIT "A"

**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11
REGULATIONS FOR DISCHARGE OF INDUSTRIAL WASTE**

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Section:

- 2.01 Enforcement Procedures.

**ARTICLE I: REGULATIONS FOR DISCHARGE OF INDUSTRIAL
WASTE.**

**§ 1.01 DECLARATION OF POLICY; PURPOSES; INTERPRETATION;
APPLICABILITY.**

(A) **Policy.** It is the District's policy to promote the public health, safety, and welfare by:

(1) Implementing the General Pretreatment Regulations for New and Existing Sources of Pollution promulgated by EPA and set forth in Title 40, Code of Federal Regulations, Part 403, as amended;

(2) Establishing uniform regulations governing the disposal of wastewater containing industrial waste or other prohibited waste to the District's wastewater collection system, treatment and disposal systems (the "POTW");

(3) Establishing requirements to control pollutants that pass through or cause interference with treatment processes in the POTW or which may contaminate sewage sludge; and

(4) Ensuring the District's compliance with the NPDES permit issued to the District by the TCEQ.

(B) **Purposes.** This Order will be construed at all times so as to achieve the following objectives:

(1) To implement safe and environmentally sound methods for disposal of wastewater containing industrial waste or other prohibited waste to the POTW;

(2) To prevent the introduction of pollutants into the District's wastewater collection system and the POTW in concentrations or amounts that will damage or otherwise interfere with the operation of the POTW;

(3) To prevent the introduction of pollutants that will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

(4) To ensure that the quality of wastewater treatment plant sludge is maintained at a level that allows its use and disposal in compliance with applicable laws and regulations and maximize opportunities to reclaim wastewater and sludge from the POTW;

(5) To protect District and POTW personnel who may be affected by pollutants in wastewater and sludge in the course of their employment and to protect the general public;

(6) To implement appropriate fees for equitable distribution of the cost of operation, maintenance, and improvement of the POTW;

(7) To enable the District to comply with its NPDES permit conditions, sludge use and disposal requirements and other federal or state laws to which the POTW is subject;

(8) To prevent damage or interference with the operation and maintenance of the POTW.

(C) **Interpretation.** This Order will be liberally interpreted to achieve the policy and purposes stated above.

(D) **Applicability.** This Order will apply to the disposal of wastewater containing industrial waste or other prohibited waste by, through and into the POTW.

§ 1.02 DEFINITIONS.

(A) Unless a provision explicitly states otherwise, the following terms used in this Order will have the meaning ascribed to them below:

ACT or THE ACT means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY means the Regional Administrator of the United States Environmental Protection Agency.

APPROVED METHODS means the approved methods for pollutant sampling and analysis described in the latest revision of Title 40, Code of Federal Regulations, Part 136. If Title 40, Code of Federal Regulations, Part 136 does not contain sampling or analytical techniques for a particular pollutant, sampling and analysis for such pollutant must be performed in accordance with procedures approved by the United States Environmental Protection Agency.

AUTHORIZED REPRESENTATIVE means the person authorized to act on behalf of a person discharging wastewater to the POTW or their authorized designee; more particularly,:

- (1) In the case of a corporation, the president, vice president, secretary, manager or other corporate officer authorized to act on behalf of the corporation;
- (2) In the case of a partnership, a general partner;
- (3) In the case of a sole proprietorship, the proprietor thereof;
- (4) In the case of a federal, state or local government facility, the director or highest official appointed or designated to oversee the operations of the facility; or
- (5) The authorized designee of a person described above.

BIOCHEMICAL OXYGEN DEMAND or **BOD** means the quantity of oxygen utilized in the biochemical oxidation of organic matter as determined by standard laboratory procedures for five days at 20° C. expressed as a concentration in milligrams per liter (mg/l).

CATEGORICAL PRETREATMENT STANDARD or **CATEGORICAL STANDARD** means any regulation containing pollutant discharge limits promulgated by the United States Environmental Protection Agency in accordance with Sections 307(b) and (c) of the Act which apply to a specific category of persons discharging industrial waste to the POTW or sanitary sewer and which appear in Title 40, Code of Federal Regulations, Chapter I, Subchapter N, Parts 405-471.

CHEMICAL OXYGEN DEMAND or **COD** means the measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant as determined by standard laboratory procedures as specified in Standard Methods expressed as milligrams per liter (mg/l).

COMMUNUTED GARBAGE means garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers, with no particle greater than one-half inch in any dimension.

COMPOSITE SAMPLE means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

COOLING WATER means the water discharged from any system of condensation, such as air conditioning, cooling, and refrigeration systems.

DAILY AVERAGE LIMIT means a discharge limit based on the average of the analysis results of all samples taken from an industrial waste source over the course of the operating day.

DAY means one 24-hour calendar day unless otherwise specified.

DISTRICT means the Travis County Municipal Utility District No. 11.

DRAINAGE WATER means storm water; surface water; roof run-off water; drainage from downspouts; water from yard drains; water from fountains and ponds; water from lawn sprays, rainwater leaders, and areaways; overflows from cisterns and water tanks; swimming pool water; and swimming pool filter backwash water.

ENVIRONMENTAL PROTECTION AGENCY or **EPA** means the United States Environmental Protection Agency.

EXISTING SOURCE means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

EXTRA STRENGTH WASTEWATER means wastewater having a suspended solids (SS), chemical oxygen demand (COD), or biochemical oxygen demand (BOD) content in excess of that found in normal waste but which is otherwise acceptable for discharge to the POTW in accordance with the requirements of this Order.

GARBAGE means solid waste from domestic or commercial preparation, cooking, dispensing or manufacturing of food or from the handling, storage and sale of produce.

GENERAL MANAGER means the General Manager of the District or his authorized representative.

GRAB SAMPLE means a single sample taken from a waste stream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

GROUND WATER means subsurface and subsoil water; artesian well water; water from groundwater remediation sites; and subsurface leachates captured from municipal landfills.

HOLD-HAUL TANK means a storage tank installed to hold industrial waste that is prohibited from being discharged to the POTW, the contents of which must be hauled to a disposal site. A hold-haul tank shall not be connected to the sanitary sewer.

INDIRECT DISCHARGE means the introduction of pollutants into the POTW via the District's wastewater collection system from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.

INDUSTRIAL WASTE means any amount of liquid waste and waterborne liquid, gaseous and solid substances discharged or disposed of from any industrial, manufacturing, trade or commercial establishment including nonprofit organizations, governmental agencies or business activities. Such term shall not include sewage discharged from sanitary conveniences on the premises unless such sewage is commingled with wastewater containing industrial waste or other prohibited waste.

INTERFERENCE means a discharge which, alone or in conjunction with a discharge from other sources, inhibits or disrupts the POTW, its treatment processes or operations or the processing, use or disposal of sludge; and therefore is a cause of a the District's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with the terms of any of the following statutory provisions, or regulations or permits issued thereunder, or more stringent state or local regulations: Section 405 of the Act, the federal Solid Waste Disposal Act, including, without limitation, Title II thereof commonly referred to as the Resource Conservation and Recovery Act ("RCRA"), any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

MEDICAL WASTES means isolation wastes, infectious agents, human blood and blood by-products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MONTHLY AVERAGE LIMIT means a discharge limit based on the average of the analysis results of all samples taken during a calendar month using approved methods for both sampling and analysis.

MUNICIPAL USER means a political subdivision or municipal corporation that discharges wastewater to the POTW.

NEW SOURCE shall mean:

(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of the proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered;

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subdivision (2)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment;

(3) Construction of a new source as defined herein has commenced if the owner or operator has:

(a) Begun or caused to begin as part of a continuous onsite construction program any placement, assembly or installation of facilities or equipment;

(b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(c) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

NONCONTACT COOLING WATER means water used for cooling that does not come into contact with any raw material, intermediate product, waste product, or finished product.

NORMAL WASTEWATER means waste which, when analyzed, indicates that:

(1) The concentration of BOD in the waste will not exceed 200 milligrams per liter (mg/l) average over any 24 hour period or will not contribute BOD at a rate which would exceed 1,668 pounds of BOD per million gallons of wastewater per day;

(2) The concentration of suspended solids (SS) in the waste will not exceed 200 milligrams per liter (mg/l) average over any 24 hour period or will not contribute suspended solids at a rate which would exceed 1,668 pounds of suspended solids per million gallons of wastewater per day; or

(3) The concentration of COD in the waste will not exceed 450 milligrams per liter (mg/l) average over any 24 hour period or will not contribute COD at a rate that would exceed 3,735 pounds of COD per million gallons of wastewater per day.

OTHER WASTE means solid or viscous substances such as, but not limited to, ashes, cinders, sand, concrete, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, plastics, rubber, rubber products, wood, whole non-human blood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, carbide wastes, slops, chemical residues, paint residues, asbestos, bulk solids, grass clippings, or tree trimmings.

OWNER OR OCCUPANT means the person who owns real property or pays or is legally responsible for payment of water and/or wastewater charges made against a plot, parcel of land, building, office or other real property or premises, if connected to the water distribution system and/or the wastewater collection system maintained by the District, or who should pay or be legally responsible for such payment if so connected.

PASS THROUGH means a discharge that exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District's NPDES permit including an increase in the magnitude or duration of a violation.

PERSON means any individual, business entity, partnership, firm, company, sole proprietorship, corporation, association, trust, estate, governmental agency, political subdivision, or other legal entity or person or their legal representatives, agents, assigns or delegees.

pH means a measure of the acidity or alkalinity of a solution expressed in standard units.

POLLUTANT means a substance that alters the physical, thermal, chemical, radiological or biological quality or properties of water or that contaminates water to the extent that the water is rendered harmful to humans, animal life, vegetation or property or to the public health, safety or welfare or that impairs the usefulness or public enjoyment of the water for any lawful purpose including, but not limited to, dredged soil, solid waste, incinerator residue, swimming pool filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, appliances or manufactured goods, rock, sand, dirt, municipal, agricultural and industrial waste and certain characteristics of wastewater (e.g., pH, temperature, suspended solids, turbidity, color, BOD, COD, toxicity or odor).

POLLUTION means alteration of the physical, thermal, chemical, radiological, or biological quality of, or contamination of any water to the extent that the water is rendered harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to the public health, safety or welfare, or that impairs the usefulness of the water for any lawful or reasonable purpose.

PRETREATMENT means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of the properties of pollutants in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be

obtained by physical, chemical, or biological processes, by process changes, or by other means except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS means any substantive or procedural requirement related to pretreatment imposed on a person discharging wastewater to the POTW other than a pretreatment standard.

PRETREATMENT STANDARDS means prohibited discharge standards, categorical pretreatment standards and local limits.

PROHIBITED DISCHARGE STANDARDS or **PROHIBITED DISCHARGES** means those prohibitions against the discharge of certain substances contained in this Order.

PROHIBITED WASTE means any waste prohibited from discharge to the the POTW except in accordance with the provisions of this Order.

PUBLICLY OWNED TREATMENT WORKS or **POTW** means the "treatment works", as defined by Section 212 of the Act, that is owned or leased by the District. This definition includes, without limitation, any and all wastewater treatment plants, pipelines, facilities, equipment, devices, or systems used, alone or in combination, for the collection, conveyance, storage, transportation, treatment, re-cycling, disposal, or reclamation of wastewater, sewage or industrial waste.

SANITARY CONVENIENCE means any plumbing fixture (except for a food waste disposal unit) not required to have a sand and/or grease trap (interceptor) according to provisions of the Uniform Plumbing Code.

SANITARY SEWER means a pipe or conduit owned, controlled, or subject to the jurisdiction of the District, designed to collect and transport wastewater.

SEPTIC TANK WASTE means sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE means human excreta and gray water.

SEWER SYSTEM means all of the property involved in the operation of a sanitary sewer utility. It includes land, wastewater lines and appurtenances, pumping stations, treatment works, wastewater treatment plants, and general property.

SIGNIFICANT INDUSTRIAL USER or **SIU** means for purposes of this Order:

- (1) A person subject to categorical pretreatment standards; or
- (2) A person that either:

(a) Discharges an average of 25,000 gallons per day or more of process water to the POTW (excluding sewage from sanitary conveniences, noncontact cooling water and boiler blowdown wastewater);

(b) Contributes a process wastestream that makes up five per cent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the District on the basis that it has a reasonable potential for adversely affecting the operation of the POTW or sanitary sewer or for violating any pretreatment standard or requirement;

(3) Provided, however, that upon a finding that a person meeting the criteria in subdivision (2) above has no reasonable potential for adversely affecting the operation of the POTW or for violating any pretreatment standard or requirement, the District may at any time, on its own initiative or in response to a petition received from such person, and in accordance with the procedures in Title 40, Code of Federal Regulations, Section 403.8(f)(6), determine that such user should not be considered a significant industrial user.

SLUG LOAD or **SLUG** means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards established in this Order.

STANDARD INDUSTRIAL CLASSIFICATION means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORM SEWER means any sewer owned, controlled, or subject to the jurisdiction of the District designed to carry storm and surface water, street wash and drainage water.

STORM WATER means any flow occurring during or following any form of natural precipitation and resulting from such precipitation including snowmelt.

SURCHARGE means the additional sewerage service charge levied against any person for discharging extra strength wastewater into a sanitary sewer. This charge is intended to defray the added cost to the District of sampling, testing, transporting and treating extra strength wastewater. This charge shall be in addition to the usual monthly charge for wastewater service.

SUSPENDED SOLIDS or **SS** means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquid which is removable by laboratory filtering expressed in milligrams per liter.

TO DISCHARGE means to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, suffer, permit or suffer any of these acts or omissions.

TREATMENT PLANT UPSET means an inhibition, impairment, or disruption of a wastewater treatment plant, its treatment processes or operations, or its sludge processing, use or disposal which is a cause of or significantly contributes to:

- (1) A violation of any requirement of the treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation);
- (2) The prevention of sewage sludge use or disposal by the treatment plant in accordance with all applicable federal and state laws and regulations and this Order;
- (3) A decrease in the quality of the effluent being discharged from the treatment plant; or
- (4) A decrease in the performance of the treatment plant processes or operations.

USER or **INDUSTRIAL USER** means a source of indirect discharge.

WASTE means one or more pollutants.

WASTEWATER means all liquids and waterborne waste, drainage water and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are discharged to the POTW.

WASTEWATER DISCHARGE PERMIT means a permit issued by the General Manager authorizing the discharge of wastewater to the POTW in accordance with the terms and conditions of said wastewater discharge permit and this Order.

WASTEWATER TREATMENT PLANT means any arrangement of devices or structures used for treating wastewater; that portion of the POTW designed to provide treatment of wastewater.

WATERCOURSE means any natural or artificial channel for the passage of water.

(B) The meaning of all terms used in this Order that are not defined above will be as defined in Title 40, Code of Federal Regulations.

§ 1.03 PROHIBITED DISCHARGES AND LIMITATIONS.

(A) **General prohibitions.** Except as otherwise provided in this Order, no person shall discharge or cause, suffer or permit to be discharged to the District's wastewater collection system any pollutants that:

- (1) Cause a treatment plant upset in the POTW;
- (2) Cause pass through or otherwise cause or contribute to pollution of any watercourse;
- (3) Cause interference with the operation of the District's wastewater collection system or the POTW;
- (4) Cause the POTW to be in violation of its National Pollutant Discharge Elimination System (NPDES) Permit;

- (5) Cause damage to the POTW or any portion of the wastewater collection system of the District;
- (6) Cause a hazard to life or property;
- (7) Cause ambient air quality of the District's wastewater collection system or the POTW to exceed standards established by federal, state or local law;
- (8) Violate any term or condition of a wastewater discharge permit issued by the District under this Order;
- (9) Cause or constitute a public nuisance or imminent endangerment to the public health, safety or welfare;
- (10) Cause the presence of pollutants in the POTW or in treatment plant sludge in excess of the limits established for same in applicable federal, state and local rules and guidelines.

The foregoing general prohibitions shall apply to all persons discharging to the District's wastewater collection system whether or not such person is subject to categorical treatment standards or any other national, state or local pretreatment standards or requirements.

(B) *Specific prohibitions.* In addition to the general prohibitions set out above, no person shall discharge, or cause, suffer, or permit to be discharged to the District's wastewater collection system or the POTW any of the following pollutants:

- (1) Other waste, as defined in this Order;
- (2) Flammable or explosive liquids, solids, or gases, and similar substances that may create a fire or explosive hazard in the collection system or the POTW including, without limitation, pollutants with a closed cup flashpoint of less than 140° F. (60° C.) utilizing the test methods specified in 40 C.F.R. § 261.21, as amended;
- (3) Pollutants regulated pursuant to any categorical pretreatment standard promulgated by EPA in a concentration or amount in excess of the limit specified in such standard;
- (4) Any wastewater having a temperature of 120° F. (48.9° C.) or higher, or at a temperature that will inhibit biological activity in the POTW resulting in interference or increase the temperature of the influent to the treatment plant to 104° F. (40° C.) or higher;
- (5) Garbage other than comminuted garbage;
- (6) Noxious or malodorous liquids, gases, solids, or other substances in wastewater which, either singly or by interaction with other materials, are sufficient to create a public nuisance or hazard to life or prevent entry into sewers for maintenance or repair;

(7) Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW or the District's collection system in a quantity or concentration capable of causing danger to life, health or safety;

(8) Any fats, oils, greases or similar materials in excess of a daily average limit of 200 milligrams per liter (mg/l) using approved methods for fats, oils and greases;

(9) Substances having a pH value lower than 6.0 or higher than 11.5, or any acid, alkali or other substance that damages, by corrosion or otherwise, any part of the POTW or the District's collection system;

(10) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;

(11) Any waste trucked or hauled from its point of origin that contains a pollutant prohibited by this Order unless otherwise specifically approved by the General Manager based upon criteria and procedures set out in this Order;

(12) Any material removed from a pretreatment facility or private sewage facility except at discharge points designated by the General Manager;

(13) Any of the following pollutants in solution or suspension in concentrations exceeding the following prescribed limits:

Pollutant	Monthly Average Limits in mg/l
Arsenic, Total (T)	0.2
Cadmium (T)	0.5
Chromium (T)	2.5
Copper (T)	1.9
Cyanide (T)	1.0
Fluoride (T)	65
Lead (T)	0.4
Manganese (T)	6.1
Mercury (T)	0.002
Nickel (T)	1.6
Silver (T)	1.0
Total Toxic Organics*	2.0
Zinc (T)	2.3

* The Total Toxic Organics (TTO) limit applies to the sum of the concentrations of toxic organics listed in Table II of Appendix D, Title 40, Code of Federal Regulations, Part 122.

(14) Phenols or other substances in such concentrations as to produce odor or taste in the waters receiving wastewater treatment plant effluent where such receiving waters are used as drinking water;

- (15) Wastewater containing radioactive materials in concentrations greater than allowable under current regulations of the Texas Department of Health or other agency of competent jurisdiction;
- (16) Solids or viscous pollutants in quantities or concentrations capable of causing obstruction to the flow in the POTW or any portion of the collection system thereby resulting in interference;
- (17) Any pollutant including, without limitation, oxygen demanding pollutants (BOD and the like) discharged to the District's wastewater collection system or the POTW at a flow rate and/or pollutant concentration capable of causing interference or which are otherwise not amenable to treatment;
- (18) Any pollutant that imparts color that cannot be removed by the treatment process including, without limitation, dye water, vegetable tanning solutions or whole blood, which consequently imparts color to the treatment plant effluent;
- (19) Medical wastes except in accordance with the terms and conditions of a wastewater discharge permit issued under this Order;
- (20) Any sludges, screenings or other residues from the pretreatment of industrial waste or other prohibited waste unless otherwise specifically authorized by the General Manager in accordance with the criteria and the procedures set forth in this Order;
- (21) Any pollutants in wastewater that, alone or in conjunction with other sources of wastewater, cause the POTW effluent to fail a toxicity test;
- (22) Wastes containing detergents, surface active agents, or other substances that may cause excessive foaming in the District's wastewater collection system or the POTW effluent;
- (23) Wastewater causing a single reading over ten per cent of the Lower Explosive Limit (LEL) of an explosion hazard meter;
- (24) Antifreeze or coolant solutions used in vehicles or motorized equipment;
- (25) A discharge at a flow rate or quantity that exceeds the carrying capacity of that part of the collection system through which it flows;
- (26) Drainage water; and
- (27) Drainage water or ground water that has become contaminated by one or more pollutants prohibited by this Order unless all of the following conditions are met:
- (a) An assessment has been made by the General Manager of the characteristics, volume and concentrations of the pollutants involved; and
- (b) A determination has been made by the General Manager that discharge to the POTW is an appropriate disposal method; and

(c) A determination has been made by the General Manager that discharge of the pollutant(s) in question will not cause harm to the POTW or to employees or other persons or property; and

(d) Pretreatment of the polluted water by the discharger to the discharge standards required in this Order for the pollutant(s) in question; and

(e) Application by the person proposing the discharge for a Wastewater Discharge Permit from the General Manager conforming in all respects to the requirements of this Order; and

(f) Issuance of a Wastewater Discharge Permit by the General Manager in accordance with the provisions of this Order setting forth the conditions to which the proposed discharge is subject.

(C) **Affirmative defenses.** Pursuant to Title 40, Code of Federal Regulations, Section 403.5(a)(2), a person discharging wastewater containing prohibited waste to the District's POTW shall have the following affirmative defenses to the general prohibitions and specific prohibitions set forth above:

(1) **Upset.** An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the following requirements are met:

(a) **Upset defined.** For purposes of this subdivision, the term "upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the person discharging wastewater to the POTW provided, however, that the term shall not include noncompliance with the general and specific prohibitions set forth above to the extent caused by operational error, improperly designed treatment facilities, lack of preventive maintenance or careless or improper operation.

(b) **Demonstration of upset.** A person desiring to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:

1. An upset occurred and the person can identify the cause(s) of the upset;
2. The facility was at the time of the upset being operated in a prudent and workmanlike manner and in compliance with applicable and generally accepted operation and maintenance procedures; and
3. The person verbally reported the following information to the District Manager within 24 hours of becoming aware of the upset and followed such verbal report with a complete written report of same within five days:
 - a. A description of the indirect discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance;

(c) **Burden of proof regarding defense.** In any enforcement proceeding, the person seeking to establish the affirmative defense of upset shall have the burden of proof.

(d) **Applicability of defense.** The affirmative defense of upset shall be available only in an enforcement action brought for noncompliance with categorical pretreatment standards and shall not apply in any other context.

(e) **Control of discharge pending resolution of upset.** A person whose pretreatment system is affected by upset shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. (By way of example and not of limitation, this requirement shall apply in situations where the primary source of power of the treatment facility is reduced, lost, or fails).

(2) **Compliance with prohibited discharge standards.** A person discharging wastewater containing prohibited waste to the POTW shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions or specific prohibitions set forth above if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(a) A local limit exists for each pollutant discharged and the person was in compliance with each limit directly prior to, and during, the pass through or interference; or

(b) No local limit exists but the discharge did not change substantially in nature or constituents from the person's prior discharge when the District was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge disposal requirements.

(3) **Bypass.** A person discharging wastewater containing prohibited waste to the POTW may cause, suffer or permit to occur a bypass meeting the conditions set forth in this subdivision and such bypass shall not constitute a violation of the general or specific prohibitions set forth above.

(a) **Bypass defined.** The term "bypass" shall mean the intentional diversion of untreated or partially treated wastestreams from any portion of the wastewater treatment system of a person discharging wastewater containing prohibited waste to the POTW.

(b) **Conditions for allowable maintenance related bypass.** A person discharging wastewater containing prohibited waste to the POTW may allow bypass to occur which does not cause pretreatment standards or requirements to be violated but only if such bypass is for

essential maintenance to assure efficient operation; such a bypass is not subject to the further conditions and limitations of this subdivision set forth below;

(c) **Prior notice of anticipated bypass.** If the person knows in advance of the need for a bypass, the person shall submit notice of same to the General Manager at least ten days prior to the date of the anticipated bypass, if possible;

(d) **Notice regarding unanticipated bypass.** The person shall submit verbal notice to the General Manager of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written report of the bypass shall be made within 48 hours which shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the requirement of a written report on a case-by-case basis if a complete verbal report has been received within 24 hours;

(e) **General prohibition of bypass; exceptions.** Bypass is prohibited and the General Manager may take enforcement action against a person causing or allowing a bypass unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; as used herein, the term "severe property damage" shall mean substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. "Severe property damage" does not include economic loss caused by production delays;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The person submits the notices required under subdivision (c) and (d) above.

(D) **Dilution.** No person shall ever increase the use of process water, or in any way dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment requirement or standard.

(E) **Improper processing or storage.** No person shall process or store prohibited waste in such manner as to cause, suffer, permit or result in a discharge of such prohibited waste to the POTW.

§ 1.04 PRETREATMENT REQUIREMENTS AND PROCEDURES.

(A) **Pretreatment required.** Any person generating wastewater containing waste prohibited from discharge to the POTW who desires to discharge the same must pretreat or otherwise dispose of the prohibited waste so as to make the wastewater actually discharged conform in all respects to the discharge standards, limits, requirements and conditions established in this Order.

(B) **Pretreatment facilities required.** Any person discharging wastewater containing prohibited waste to the POTW, whether directly or indirectly, must install, operate, and maintain, at its sole expense, all necessary wastewater treatment facilities specified by this Order to treat such prohibited wastes so that the effluent discharged by such person will comply at all times with applicable categorical pretreatment standards, local limits, and all other rules, standards and limitations set forth in this Order.

(C) **General pretreatment requirements.** All pretreatment facilities must comply with the following general requirements:

(1) **Permit required.** No person shall commence a discharge of wastewater containing prohibited waste from a pretreatment facility to the POTW without first having secured a wastewater discharge permit from the General Manager in accordance with the provisions of this Order.

(2) **Discharge to comply with permit.** The discharge from a pretreatment facility must comply at all times with the terms, conditions and limitations set forth in the wastewater discharge permit issued by the General Manager in accordance with the provisions of this Order.

(3) **Approval of plans, pretreatment processes.** Any person desiring to discharge wastewater containing prohibited waste to the POTW, and who is required by this Order to pretreat such waste prior to such discharge, must submit to the General Manager for review and approval, prior to such discharge or the commencement of construction of pretreatment facilities or the utilization or modification of any pretreatment facility, method, process or technology, complete plans and specifications for the pretreatment system and a description of the proposed pretreatment method, process or technology to be utilized, including, without limitation, any products, chemicals, agents or devices to be utilized for pretreatment provided, however, that the approval of such plans and specifications by the General Manager shall not relieve such person of the continuing obligation to install, operate, maintain and, if necessary, modify the pretreatment system so that the discharge is in compliance at all times with the requirements of this Order, and applicable federal, state and local law.

(4) **Inspection and approval of pretreatment facilities.** No person may commence any discharge of wastewater to the POTW from or through a pretreatment facility unless and until the pretreatment facility has been inspected and approved by the General Manager.

(5) **Testing of pretreatment facilities and products.** The General Manager may test or require testing of pretreatment facilities, agents, products or devices prior to any discharge to the POTW from or through the pretreatment facility.

(6) Installation requirements. Pretreatment facilities shall be of a design, size and construction approved by the District Manager. In addition, the pretreatment facilities shall be installed and connected in a manner approved by the District Manager.

(7) Additional pretreatment conditions authorized. In order to protect the POTW, the General Manager is hereby authorized to require any person discharging to District's collection system to comply with any or all of the following conditions by inclusion of same in the wastewater discharge permit issued under this Order:

(a) Wastestream controls. In addition to compliance with other standards, requirements and procedures in this Order, the General Manager may require any person discharging to the POTW to:

1. Restrict or equalize the rate of flow of the discharge;
2. Designate that certain wastewater be discharged only into specific sewers;
3. Relocate and/or consolidate points of discharge;
4. Separate domestic sewage wastestreams from industrial wastestreams; and
5. Implement such other and further wastestream control, flow control or other conditions and limitations on the wastestream as the General Manager shall deem reasonable and necessary to protect the POTW, to determine the compliance of the person discharging with this Order or other applicable law, or otherwise to implement the purposes and intent of this Order;

(b) Flammable gas detection. The General Manager is authorized to require any person discharging wastewater with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter;

(c) Accidental discharge/slug control plans. Every person discharging wastewater containing industrial waste or other prohibited waste to the POTW shall provide protection from the accidental discharge of prohibited waste. Prior to the connection of wastewater service, the General Manager may require a person proposing to discharge wastewater to the District's wastewater collection system to develop and implement an accidental discharge/slug control plan. At least every two years, the General Manager shall evaluate whether each of the significant industrial users discharging wastewater to the District's wastewater collection system needs to prepare such a plan. Each such plan will include, at a minimum, the following:

1. A description of discharge practices including non-routine batch discharges;
2. A description of stored chemicals;
3. Procedures for immediately notifying the General Manager of any accidental or slug discharge in violation of any prohibition contained in this Order, any wastewater discharge permit issued hereunder, or any other pretreatment requirement or standard;

4. Procedures to prevent adverse impact from any accidental or slug discharge which may include, without limitation:

- a. Inspection and maintenance of storage areas;
- b. Handling and transfer of materials;
- c. Loading and unloading operations;
- d. Control of plant site runoff;
- e. Worker training;
- f. Construction of containment structures or equipment;
- g. Measures for containing toxic organic pollutants;
- h. Measures and equipment for emergency response;
- i. Measures for detecting a spill; and
- j. Such other and further procedures or requirements as the General Manager shall deem necessary to protect the POTW from accidental discharges and/or slug loads;

(8) **Mass limitations.** The General Manager may impose mass limitations on pollutant discharges where, in the judgment of the General Manager, limitation of the mass of pollutants discharged is necessary for protection of the POTW and/or to prevent the dilution of pollutants to meet the pollutant concentration limits specified in this Order.

(9) **Dilution prohibited.** Unless expressly authorized by an applicable pretreatment standard or requirement, no person shall increase the use of process water or in any other manner attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation or pretreatment standard specified in this Order.

(10) **Permit standards generally.** The General Manager is hereby authorized to establish in wastewater discharge permits issued under this Order more stringent pretreatment standards, requirements, and conditions than those set forth in this Order or in Title 40, Code of Federal Regulations, Part 403, where the General Manager determines that such standards, requirements or conditions are necessary to protect the the POTW, or to implement the general purposes and intent of this Order.

(11) **Use of enzymes, agents or devices.** Use of enzymes, chemicals or other agents or devices for the purpose of causing oil, grease and/or solids to pass through the pretreatment facility is prohibited.

(12) **Wastes and residues removed from pretreatment facilities.** Storage, handling and transportation of wastes and residues removed from pretreatment facilities shall be

performed in accordance with all federal, state and local laws, ordinances and regulations applicable to the type or class of waste removed from the pretreatment facility.

(D) **Industry specific pretreatment requirements, exemptions.** The following additional pretreatment requirements and exemptions shall apply to the specific activities and industries described below:

(1) **Commercial food preparation.** Any person engaged in commercial food preparation including, without limitation, food processors, bakeries, restaurants, schools, hospitals, retirement homes, grocery stores or other commercial food preparation operations shall construct, operate, and maintain a pretreatment system in accordance with the requirements of this Order.

(2) **Vehicle wash facilities.** Any person engaging in the commercial washing of motorized vehicles, whether utilizing automated equipment or handwashing, discharging or proposing to discharge to the District's wastewater collection system shall discharge through a pretreatment facility of a design, size and construction approved by the General Manager. The vehicle wash area shall be protected so that rain water does not enter the sanitary sewer.

(3) **Minor vehicle maintenance areas.** Areas where minor vehicle repairs such as engine tuneup, air conditioning repair, electrical repair, front end alignments, exhaust system replacement and repair, suspension system replacement and repair and brake system repair are performed may discharge floor wash water to the District's wastewater collection system through a pretreatment facility of a design, size and construction approved by the General Manager.

(4) **Major vehicle maintenance areas and fluid change areas.** Areas where major vehicle repairs such as engine dismantling, transmission repairs, hydraulic system repairs, differential repair and/or rebuilding of any of the above parts or fluid changing are performed shall not have a floor drain or other device where wastewater may discharge to the District's wastewater collection system unless a pretreatment system or process is provided that consistently produces an effluent that is in compliance with the standards established in this Order. If a pretreatment system or process meeting the requirements of this Order is not provided, all drainage from such areas shall discharge into a hold-haul tank of a design, size and construction approved by the General Manager and the contents thereof shall be disposed of according to applicable law. If a pretreatment system or process meeting the foregoing requirements is not provided, such major vehicle maintenance and fluid change areas shall be physically separated from any area that drains to the District's wastewater collection system.

(5) **Steam cleaning and chemical cleaning facilities.** Drainage from steam cleaning and/or chemical cleaning facilities shall not be discharged to the sanitary sewer unless a pretreatment facility or process is provided that consistently produces an effluent in compliance with this Order.

(6) **Pretreatment system maintenance documentation.** Any person with a pretreatment system shall make the most recent waste hauler's manifest available for inspection upon request by the General Manager or District industrial waste inspector.

(E) **National pretreatment standards.** The categorical pretreatment standards in Title 40, Code of Federal Regulations, Chapter I, Subchapter N, Parts 405-471 are hereby incorporated and shall apply to categorical users as follows:

(1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits in accordance with Title 40, Code of Federal Regulations, Section 403.6(e);

(2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit using the combined wastestream formula set out in Title 40, Code of Federal Regulations, Section 403.6(e);

(3) A person subject to a categorical pretreatment standard may obtain a variance from such categorical standard if the person can prove, pursuant to the procedural and substantive provisions in Title 40, Code of Federal Regulations, Section 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(4) A person subject to a categorical pretreatment standard may obtain a net gross adjustment to a categorical standard in accordance with Title 40, Code of Federal Regulations, Section 403.15 only after consultation and agreement regarding the adjustment between the General Manager.

§ 1.05 SPECIAL PROCEDURES RELATING TO PROHIBITED WASTE.

The following special procedures are hereby established and shall apply to any person discharging prohibited waste to the District's wastewater collection system:

(A) **Wastewater discharge permits.** The following requirements and procedures shall apply to any person discharging or proposing to discharge prohibited waste to the District's wastewater collection system:

(1) **Wastewater discharge permit required.** It shall be unlawful for any person to deposit or discharge prohibited waste to the POTW without first having made application and obtained a wastewater discharge permit and complied with all applicable provisions of this Order.

(2) **Form of application.** Each application for a wastewater discharge permit hereunder shall be made in writing and filed with the General Manager.

(3) **Information requirements.** An application for a wastewater discharge permit under this Section shall include, at a minimum, the following information:

(a) Name, title, address, and telephone number of the applicant;

(b) Description of the activities, facilities, and processes conducted on the premises for which a wastewater discharge permit is sought;

(c) The nature and characteristics of the proposed discharge;

(d) A complete list of all raw materials and chemicals used or stored at the facility sought to be permitted which are or could, either accidentally or intentionally, be discharged to the POTW;

(e) Each product produced by type, amount, process and rate of production;

(f) Type and amount of raw materials processed, including the daily average and daily maximum;

(g) A copy of the site plans, floor plans, mechanical and plumbing plans with sufficient detail to show all sewers, floor drains, pretreatment facilities and appurtenances by size, location and elevation and all points of origin;

(h) Time and duration of the discharge; and

(i) Such other and further information deemed necessary by the General Manager to evaluate the wastewater discharge permit application, to determine whether the facilities of the applicant and proposed discharge will be in compliance with this Order, or otherwise to fulfill the purposes and intent of this Order.

(4) *Certification of signatory.* All applications for a wastewater discharge permit hereunder shall contain the following certification and be signed by a duly authorized representative of the applicant:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of legal action, fine and rejection of this application."

(5) *Identity of applicant.* An application for issuance of a wastewater discharge permit shall be filed by the owner, occupant, or manager of premises for which a wastewater discharge permit is sought, and in whose name water service from the District is established. If the owner, occupant, or manager is a business entity other than a natural person (that is, corporation, partnership, association, etc.), the application shall be made in the name of such entity.

(6) *Identity of signatory.* If an application for issuance of a wastewater discharge permit under this Order is made by a natural person, such person shall sign the application. If an application for issuance of a wastewater discharge permit is made on behalf of a legal entity

other than a natural person, the application shall be made in the name of such entity and shall be signed by a principal, authorized corporate officer, ranking elected official or other duly authorized representative of the applicant entity.

(7) ***Application fees.*** An application for a wastewater discharge permit or an application for transfer of an existing wastewater discharge permit shall be accompanied by the nonrefundable application and permit fee established from time to time by the District Board of Directors.

(8) ***Transfer of existing permit.*** At least 90 days before a transfer of ownership, occupancy or management of premises currently permitted under this Order, such new owner, occupant or manager shall apply for transfer of such wastewater discharge permit to such new owner, occupant or manager and approval thereof by the General Manager shall be subject to the following conditions:

(a) The new owner, occupant, or manager shall submit a written application for transfer thereof on a form provided for this purpose by the General Manager satisfying all information requirements for new applications for wastewater discharge permits hereunder;

(b) Such application for transfer must indicate no material change in equipment, facilities or processes on the permitted premises;

(c) Such application for transfer must indicate no material change in the character, quantity, rate of flow or other characteristics of the industrial waste discharge;

(d) The discharge from the permitted premises must be in compliance with the requirements of this Order at the time of such transfer.

(9) ***Multiple use buildings.*** For multiple use buildings (such as shopping centers, medical service buildings, and the like) having one water meter issued to the same person, one permit shall be issued to the person in whose name the water bill is issued provided the application conforms to the requirements and procedures set forth in this Order. The quality and volume of the discharge from a multiple use building shall be monitored by the District and the applicant shall be responsible for the discharge and be billed accordingly.

(B) ***Exemptions to permit requirement.*** Without prejudice to the application of any other requirement of this Order, the following premises shall be exempt from the permit requirement set forth in division (A) above:

- (1) Single family residences;
- (2) Residential duplexes;
- (3) Other users discharging only sewage;
- (4) Funeral parlors.

(C) *Issuance, denial and revocation of permits; procedures and conditions.* The General Manager is hereby authorized to issue wastewater discharge permits in accordance with the standards, procedures and conditions set forth below:

(1) *Approval standards.* The General Manager shall approve the issuance of a wastewater discharge permit or an application for transfer or renewal thereof only after the General Manager determines that:

- (a) The application is complete and accurate and meets all requirements of this Order;
- (b) Installation, inspection and approval by the General Manager of all facilities required under this Order has been completed; and
- (c) The proposed discharge will comply in all respects with the requirements of this Order.

(2) *Denial of application.* The General Manager may disapprove an application for a wastewater discharge permit or for transfer or renewal thereof that is false, incomplete, inaccurate, filed by a person or in a manner other than that prescribed in this Order or which otherwise fails to comply with the requirements and procedures of this Order.

(3) *Required permit conditions for significant industrial users.* For significant industrial users and other industrial users designated as such by the General Manager under the standards set forth in Title 40, Code of Federal Regulations, Section 403.3(4), as amended, a wastewater discharge permit issued under this Order shall include, at a minimum, the following terms, conditions and limitations:

(a) A statement identifying the permittee, the premises from which the permitted discharge will be emitted, and the nature, characteristics, conditions and limitations applicable to the permitted discharge;

(b) A statement describing the duration of the wastewater discharge permit which shall in no event exceed one year;

(c) A statement that the wastewater discharge permit is nontransferable without prior notification and approval of the District Manager and a requirement for furnishing the new owner, operator or manager of the permitted premises with a copy of the permit;

(d) Effluent limitations applicable to the permittee based on applicable standards set forth in federal, state and local law and this Order;

(e) Pretreatment, self-monitoring, sampling, reporting, notification and recordkeeping requirements applicable to the applicant which shall include an identification of pollutants to be monitored, sampling location(s), sampling frequency, and sample type based on federal, state and local law;

(f) A statement of applicable civil, criminal, and administrative penalties for violation of applicable pretreatment standards, other requirements hereof and any applicable

compliance schedule provided that such schedule may not extend the time for compliance beyond that required by applicable federal or state law or this Order.

(4) ***Additional permit conditions authorized for significant industrial users.*** Where the General Manager determines the same to be necessary to protect the POTW or further the purposes of this Order, wastewater discharge permits issued to significant industrial users may contain, without limitation, the following additional conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(b) Limits on the instantaneous daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties;

(c) Requirements for the installation of pretreatment and monitoring technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW or the District's collection system;

(d) Requirements for development and implementation of spill control plans including management practices necessary to adequately prevent accidental, unanticipated or routine discharges;

(e) Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(f) A statement of the unit charge or schedule of charges and fees for the management and treatment of wastewater discharged to the POTW;

(g) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(h) A statement that compliance with the wastewater discharge permit and/or this Order does not relieve the permittee of responsibility for compliance with all applicable federal, state and local pretreatment standards including those which become effective during the term of the permit;

(i) A statement that the wastewater discharge permit is subject to modification for good cause as determined by the General Manager in accordance with this Order;

(j) A statement that the permitted facilities, pretreatment and equipment and any source of wastewater or prohibited waste and all records pertinent thereto shall be subject to inspection by the General Manager or his authorized representative at any time upon presentation of his credentials in accordance with this Order.

(5) ***Required permit conditions for other industrial users.*** For other industrial users not classified as significant industrial users under this Order, a wastewater discharge permit issued under this Order shall contain, at a minimum, the terms and conditions set forth in

subdivisions (C)(3)(a), (b), (c), and (f) above. A wastewater discharge permit issued under this subdivision may include those conditions listed in subdivisions (C)(3) and (4) above where the General Manager shall determine the inclusion of same to be necessary for the protection of the POTW or the District's collection system or the proper implementation of this Order.

(6) *Authorization to establish additional permit conditions.* Any wastewater discharge permit issued under this Order may include such additional or more stringent conditions deemed by the General Manager to be necessary to:

- (a) Prevent pass through or interference;
- (b) Protect the water quality of the waters receiving the treatment plant effluent;
- (c) Protect the health and safety of employees and the public;
- (d) Facilitate proper sludge management and disposal;
- (e) Protect against damage to the POTW or sanitary sewer;
- (f) Provide for self-monitoring, reporting and recordkeeping by persons discharging wastewater containing industrial waste or other prohibited waste to the POTW via the District's wastewater collection system;
- (g) Provide for access by the General Manager to permitted facilities to inspect, sample, and conduct enforcement activities under this Order;
- (h) Minimize the expense of the wastewater treatment processes;
- (i) Ensure compliance with applicable NPDES permits;
- (j) Protect ambient air quality;
- (k) Otherwise to implement fully the purpose and intent of this Order and all federal pretreatment standards and regulations.

(8) *Modification of permit.* The General Manager is hereby authorized to modify, upon application by the holder or on his own motion, a wastewater discharge permit issued under this Order for good cause which shall include, without limitation, the following:

- (a) To incorporate any new or revised federal, state, or local pretreatment standards or requirements including amendments to this Order;
- (b) To address significant alterations or additions to the permittee's operation, processes or wastewater volumes or character of discharge since the time of issuance or last amendment of the permit;

(c) Any change in the District's wastewater collection system or the POTW that requires either a temporary or permanent reduction or elimination of the discharge previously authorized;

(d) Information indicating that the permitted discharge poses a threat to the POTW, District's wastewater collection system, receiving waters, treatment plant or field personnel or the public;

(e) Violations of any terms or conditions of the permit that, in the judgment of the General Manager, require modification of the permit to correct, abate or prevent a recurrence thereof;

(f) Misrepresentation or failure to disclose fully all relevant facts in the wastewater discharge permit application or in any required report;

(g) Revision of or the grant of a variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

(h) To correct typographical, clerical or other ministerial errors in the permit;

(i) To reflect a transfer of the premises for which the permit was obtained to a new owner, occupant or manager.

(9) *Voiding previous permits.* The General Manager is authorized to void and terminate a wastewater discharge permit previously issued for the following reasons:

(a) Abandonment of the permitted premises;

(b) Vacancy or other nonuse of the permitted facilities for a consecutive period of 90 days or more;

(c) Cessation of operations for which a wastewater discharge permit is required under this Order;

(d) Transfer of the permitted operations to a new owner, occupant or manager;

(e) Issuance of a new or modified permit under this Order.

(10) *Revocation of permit.* The General Manager is hereby authorized to revoke a wastewater discharge permit issued under this Order for any one or more of the following reasons:

(a) Misrepresentation or failure to disclose all relevant facts in the wastewater discharge permit application;

(b) Violation of the provisions of this Order, any pretreatment standard or requirement or the terms of any wastewater discharge permit issued hereunder;

- (c) Failure to notify the General Manager of significant changes to the character or volumes of wastewater discharged prior to the changed discharge;
- (d) Filing false, misleading, incomplete or inaccurate self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusal to allow the General Manager or his authorized representative(s) access to the permitted premises or facilities or to records or reports appertaining thereto as required by this Order;
- (g) Failure to comply with applicable effluent limitations established under this Order;
- (h) Failure to pay applicable wastewater charges, surcharges for treatment and handling of extra strength wastes, or fines, penalties or other charges established under this Order;
- (i) Failure to comply with compliance orders or schedules established by the General Manager hereunder;
- (j) Failure to complete a wastewater survey if required by the General Manager hereunder;
- (k) Failure to provide advance notice of the transfer of permitted facilities as required hereunder;
- (l) Failure to comply with applicable administrative rules or orders established by the General Manager to implement the purposes and intent of this Order.

The initiation of proceedings for revocation of a permit shall not prevent the General Manager from initiating other proceedings for civil and/or criminal enforcement of this Order.

(11) *Proceedings for revocation.* The General Manager may revoke a wastewater discharge permit in accordance with the following procedure:

- (a) The General Manager shall issue to the permittee an order to show cause setting forth the time and place for the revocation hearing in accordance with the procedures in this Order for issuance of orders to show cause;
- (b) The General Manager shall conduct an informal hearing at which time the General Manager will inform the permittee of the grounds for the proposed revocation and allow the permittee the opportunity to respond to same;
- (c) The informal hearing conducted under this part is not required to be conducted in accordance with formal rules of evidence and the General Manager may establish rules for the conduct of such hearings;

(d) The General Manager shall forward written notice to the permittee of a decision to revoke a wastewater discharge permit hereunder together with a statement of the permittee's right to appeal such decision;

(e) The failure of the permittee to appear at the time and place indicated for the revocation hearing shall not prevent the General Manager from proceeding to revoke a permit hereunder.

(D) Required structures.

(1) ***Authority to require installations.*** The General Manager is hereby authorized to require any person discharging or proposing to discharge wastewater containing prohibited waste to the District's wastewater collection system (and therefore to the POTW) to install, operate and maintain in safe and proper operating order, at the sole expense of such person, pretreatment, sampling, monitoring, flow equalization, flow metering or other equipment of a size, type, character and specification as the General Manager shall determine appropriate for the discharge, operations, and facilities of such person.

(2) ***Sampling port and control manhole.*** Any person discharging wastewater containing prohibited waste to the POTW via the District's wastewater collection system or proposing such discharge shall install, operate and maintain, at the sole expense of the person discharging or proposing such discharge, a suitable sampling port or control manhole in accordance with the following requirements:

(a) The sampling port or control manhole shall be located at a place approved by the General Manager at or near the property line;

(b) The sampling port or control manhole shall intersect the common building drain line connected to the District's wastewater collection system;

(c) If the property has more than one drain line connected to the District's wastewater collection system, a sampling port or control manhole must be constructed on each drain line;

(d) Plans for such sampling port and/or manhole shall be submitted to the General Manager for review and approval prior to commencement of construction thereof;

(e) Such sampling port and/or manhole shall be maintained at all times in a safe and proper operating condition in accordance with the manufacturer's specifications; and

(f) Such sampling port and/or manhole shall be accessible at all times to the General Manager for inspection, sampling, monitoring of flows and any other purposes relating to the implementation and enforcement of this Order.

(3) ***Flow equalization tanks.*** In order to prevent pass through, interference, overloading of the collection system, treatment plant upset, inadequate treatment, or damage to the District's wastewater collection system or the POTW, the General Manager may require a flow equalization tank of a design, size and construction approved by the General Manager.

(4) **Operation and maintenance.** The person discharging wastewater containing prohibited waste shall operate and maintain all required pretreatment, sampling, monitoring, flow equalization or flow metering equipment required under this Order at their sole expense in accordance with the manufacturer's specifications and the requirements of this Order.

(5) **Monitoring installations by regulatory agencies.** As a condition for connection and discharge to the POTW, the District, the State and EPA shall have the right to install and maintain on premises emitting a discharge of wastewater containing industrial waste or other prohibited waste such equipment, devices and personnel as are deemed necessary to conduct sampling, metering or other monitoring of such person's facilities, operations, or discharge.

(6) **Special monitoring and recording devices for pretreatment facilities.** The General Manager is hereby authorized to require any person required by this Order to use pretreatment facilities prior to discharging to the POTW via the District's wastewater collection system to install such monitoring and recording devices as the General Manager shall determine necessary to monitor the following parameters:

- (a) pH;
- (b) Dissolved oxygen (DO);
- (c) Total carbon (TC);
- (d) Oxidation reduction potential (ORP);
- (e) Temperature;
- (f) Conductivity;
- (g) Specific ions;
- (h) Flow;
- (i) Total organic carbon (TOC);
- (j) Lower explosive limit (LEL);
- (k) Sulfides;

(l) Such other and further parameters as the General Manager shall determine necessary to monitor such discharge of prohibited waste to the POTW via the District's wastewater collection system.

(E) **Measurement of flow.** The volume of wastewater discharged to the POTW via the District's wastewater collection system shall be determined using one of the following processes as approved by the General Manager:

- (1) The actual metered flow of water measured through the District's water meter; or

(2) The wastewater average which is the average of the actual metered flow of water through the District's water meter for the December, January and February billing periods; or

(3) A wastewater flow meter of a design, size and construction approved by the General Manager, and installed by the customer at the customer's expense in each of the customer's house laterals in a manner and at a location approved by the General Manager.

(4) Notwithstanding the foregoing, the General Manager shall have authority to require the measurement of flow at each wastewater tap of the person discharging wastewater to the POTW via the District's wastewater system.

(F) ***Determination of character and concentration of pollutants.*** The wastewater discharged or deposited to the POTW via the District's wastewater system by persons classified as significant industrial users shall be subject to inspection and sampling on at least an annual basis and more frequently if the General Manager determines that more frequent inspections and sampling are necessary to protect the POTW or the District's wastewater collection system. The wastewater discharged or deposited to the POTW by persons not classified as significant industrial users shall be subject to periodic inspection and sampling as often as may be deemed necessary by the General Manager. Samples shall be collected in such manner as to be representative of the character and concentration of the wastewater under operational conditions. The laboratory methods used in the examination of the samples shall be those set forth in the approved methods. The sampling schedule or program for determining the character and concentration of wastewater shall be determined by the General Manager. Should the person discharging wastewater containing prohibited waste to the POTW desire that a determination of the quality of such wastewater be made at some time other than that scheduled by the General Manager, such special determination may be made by the General Manager at the expense of such person.

(G) Self-monitoring and reporting requirements.

(1) ***Persons subject to categorical pretreatment standards.*** Persons engaged in industries that have national pretreatment requirements promulgated by EPA shall follow the self-monitoring and reporting requirements published in the Federal Register. To the extent permitted by the terms of a wastewater discharge permit issued under this Order, persons engaged in any other industry that discharges wastes to the POTW via the District's wastewater collection system that is regulated by this Order may, at the option of the General Manager, take periodic samples, analyze the samples for the presence and/or quantity of pollutants listed in this Order and report the results to the General Manager. The frequency and methods of sampling and analysis shall be consistent with the approved methods described in this Order. Self-monitoring and reporting shall not replace nor supersede sampling and testing by the District. In the event of a conflict, the District's sampling and analysis shall control for all purposes under this Order.

(2) ***Baseline monitoring reports required from existing categorical users.*** Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR § 403.6(a)(4), whichever is later, existing categorical users currently discharging or scheduled to discharge to the POTW via

the District's wastewater collection system, shall be required to submit to the General Manager a report which contains the information listed in this section.

(3) **Baseline monitoring reports required from new source categorical users.** At least 90 days prior to commencement of their discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the General Manager a report which contains the information required in this section together with a report concerning the method of pretreatment it intends to use to meet applicable pretreatment standards.

(4) **Required information.** Existing or new source categorical users described in this section are required to submit the following information:

(a) **Identifying information.** The name and address of the facility including the name of the owner, operator, or manager of the facility.

(b) **Environmental permits.** A list of all environmental control permits held by or for the facility.

(c) **Description of operations.** A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) conducted by such industrial user including, without limitation, a schematic process diagram which indicates points of discharge to the District's wastewater collection system from the regulated processes.

(d) **Flow data.** Information showing the measured average daily and maximum daily flow in gallons per day from regulated process streams and other wastestreams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR §403.6(e).

(e) **Measurement of pollutants.** Each categorical user described in this section shall also:

1. Identify the categorical pretreatment standards applicable to each regulated process; and

2. Submit the results of a sampling and analysis representative of daily operations performed in accordance with approved techniques set out in 40 CFR Part 136 identifying the nature and concentration (and/or mass, where required by the standard) of regulated pollutants in the discharge from each regulated process including without limitation instantaneous, daily maximum, and long term average or mass where required by the General Manager.

(f) **Certification.** A statement reviewed by the industrial user's authorized representative signed and certified by a qualified professional in accordance with 40 C.F.R. §403.6(a)(2) indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(g) **Compliance schedule.** If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards; the shortest schedule by which

the industrial user will provide such additional pretreatment and/or operations and maintenance. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set by the General Manager for the achievement of compliance.

(h) ***Compliance schedule progress report.*** The compliance schedule described above shall include progress increments or benchmarks in the form of dates for commencement and completion of major events leading to construction and operation of additional pretreatment facilities required for the user to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary and final plans, executing contracts, commencement and completion of major component construction, testing commencement of operation, etc.) provided, however, that no increment mentioned above shall exceed nine months with such progress reports to be provided no later than 14 days following each date in the schedule and the date of final compliance and including a statement as to whether each progress increment was complied with, the reason for delay, if any, and steps taken to return to the established schedule.

(i) ***Report on compliance with categorical pretreatment standard deadline.*** Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW via the District's wastewater collection system, any industrial user subject to such pretreatment standards or requirements shall submit to the General Manager a report signed and certified in accordance with the requirements of this Order by the authorized representative of the industrial user containing the information required under subdivision (c) above. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c), such report shall contain a reasonable determination of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production (or other measure of operation).

(5) Periodic reports required from significant industrial users and other users.

(a) Any significant industrial user subject to a pretreatment standard shall submit to the General Manager, at a frequency determined by the General Manager, but in no case less than twice per calendar year, a written report, signed and certified by the authorized representative of such user indicating the nature and concentration of pollutants in the discharge that are limited by such pretreatment standards, the measured or estimated averaged and maximum daily flows for the reporting period and such other and further information as the General Manager shall require.

(b) The General Manager shall have authority to require all other persons generating waste that is discharged, deposited or otherwise received for treatment at the POTW to provide to the General Manager appropriate reports concerning the nature and concentration of pollutants in the discharge, the origin of the waste, and such other and further information as the General Manager shall deem necessary to identify and process such waste, to protect the POTW or otherwise to implement the purposes and intent of this Order.

(6) **Representative samples required.** All wastewater samples reflected in periodic reports filed with the General Manager hereunder shall be representative of a person's discharge. Toward this end, wastewater monitoring and flow measurement facilities shall be properly operated and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for a person to claim that sample results are not representative of its discharge.

(7) **Reports of additional samples taken.** If a person subject to the reporting requirements in this section monitors any pollutant more frequently than required by the General Manager using the approved methods described herein, the results of this monitoring shall be included in the periodic reports to the General Manager required hereunder.

(8) **Report of changed conditions.** Any person discharging wastewater to the POTW is required to notify the General Manager of any planned significant changes to its operations or wastewater treatment system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change is implemented or in accordance with the terms of its wastewater discharge permit or the following standards and procedures, whichever are more stringent:

(a) **Information required.** The General Manager may require that any person discharging wastewater to the POTW via the District's wastewater system to submit such information as the General Manager deems reasonably necessary to evaluate a changed condition in the operations or wastewater treatment system of such person including, without limitation, the submission of a wastewater discharge permit application under this Order.

(b) **Action on changed conditions.** Based on the change proposed, the General Manager may issue a wastewater discharge permit or modify an existing wastewater discharge permit under this Order.

(c) **Prerequisite to implementation of significant change.** No person shall implement a planned significant change until the General Manager has responded to the industrial user's notice required under this section.

(d) **Significant change defined.** For the purpose of this section, flow increases of ten percent or greater and/or the discharge of any previously unreported pollutants shall be deemed a significant change.

(9) **Immediate report of problem discharge.** In the case of any problem discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load that may cause potential problems for the District's wastewater collection system or the POTW, including any violation of the prohibited discharge standards established under this Order, the person discharging same shall notify the General Manager immediately by telephone in accordance with the following requirements and procedures:

(a) **Information required.** The notification to the General Manager required under this section shall include, at a minimum, the location of the discharge, type of waste,

concentration and volume, if known, treatability of waste, toxic effects to humans, if any, and corrective actions taken by the person responsible for such discharge.

(b) ***Followup written report required.*** Within five days following the occurrence of such discharge, the person responsible for such discharge shall, unless waived by the General Manager in writing, submit a detailed written report describing the nature and causes of the discharge and the measures to be taken by the person to prevent similar future occurrences, provided, however, that such notification shall not relieve such person of any loss, expense, damage or other liability which may be incurred as a result of damage to the POTW or the District's wastewater collection system, natural resources, or any other damage to persons or property; nor shall such notification relieve the person of any fines, civil penalties, or other liability imposed by this Order or other applicable law.

(c) ***Consequences of failure to notify.*** Each failure to notify of a potential problem discharge hereunder shall constitute a separate violation of this Order.

(d) ***Instruction of notice procedures.*** Each person discharging wastewater containing prohibited waste shall instruct all employees who either may suffer or cause a problem discharge to occur or be responsible for reporting same of the obligation and proper procedures for notification of a problem discharge hereunder and shall permanently post written notice of such procedures on a bulletin board or other prominent place.

(10) ***Further reports required.*** All persons discharging wastewater containing prohibited waste to the POTW via the District's wastewater collection system shall provide such further reports and information to the General Manager as the General Manager, shall deem necessary to monitor and evaluate the particular discharge of such person as determined on a case by case basis.

(11) ***Self reporting of violations.*** If sampling performed by a person discharging wastewater containing prohibited waste to the POTW indicates a violation of this Order, such person must notify the General Manager within 24 hours of becoming aware of the violation.

(12) ***Repeat sampling required.*** A person discharging wastewater containing prohibited waste in violation of this Order shall repeat such sampling and analysis and submit the results of the repeat analysis to the General Manager within 30 calendar days after becoming aware of the violation provided, however, such person is not required to resample if the District performs monitoring at the person's site at least once per month or if the District performs sampling between the person's initial sampling and when such person receives the results of this sampling.

(13) ***Sampling and analytical requirements.*** All sampling techniques and pollutant analyses used for compilation of data required to be submitted as part of a wastewater discharge permit application or report required under this Order shall be performed in accordance with the techniques prescribed in Title 40, Code of Federal Regulations, Part 136 unless otherwise specified in an applicable categorical pretreatment standard.

(14) **Non-standard analyses.** If Title 40, Code of Federal Regulations, Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(15) **Required sample collection techniques.** Except as otherwise set forth herein, a person discharging wastewater containing industrial waste or other prohibited waste must collect wastewater samplings using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible in the judgment of the General Manager, the General Manager may authorize the use of time proportional sampling or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.

(16) **Grab sampling requirements.** Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(17) **Determination of non-compliance.** The General Manager may utilize grab samples to determine noncompliance with pretreatment standards.

(18) **Postmark date for mailed reports.** Written reports mailed postage prepaid via the U.S. Postal Service will be deemed to have been submitted on the date postmarked.

(19) **Unmailed submittals.** For reports not mailed via the U.S. Postal Service, the date of receipt of the report shall be deemed the date of submittal.

(H) **Hazardous waste notification required.** Any person who commences the discharge of hazardous waste shall notify the General Manager, the Director of the EPA Regional Waste Management Division, and state hazardous waste authorities having jurisdiction in writing of any discharge to the POTW via the District's wastewater collection system of any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 in accordance with the following standards and procedures:

(1) **Required information.** The notification required under the previous subpart shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number and the type of discharge (continuous, batch or more). If the person discharges more than 100 kilograms of such waste per calendar month to the POTW via the District's wastewater collection system, the notification shall also contain the following information to the extent such information is known and readily available to such person;

(a) An identification of the hazardous constituents contained in the wastes;

(b) An estimation of the mass and concentration of such constituents in the wastestream discharge during that calendar month; and

(c) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

(2) **Deadline for notifications.** All notifications required under this section shall be made no later than 180 days after the discharge commences provided, however, that any notification under this section need be made only once for each hazardous waste discharged.

(3) **Pollutants previously reported.** The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements set forth in this Order.

(4) **Quantitative exemption.** Dischargers are exempt from the reporting requirements of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharges of more than 15 kilograms of non-acute hazardous wastes in a calendar month or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) requires a one-time notification satisfying the information requirements set forth above. Subsequent months during which the person discharges more than such quantities of any hazardous wastes do not require additional notification.

(5) **New or additional hazardous wastes.** In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the person must notify the General Manager, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of any such substance within 90 days of the effective date of such regulations.

(6) **Volume reduction plan.** In the case of any notification made under this section, the person shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated.

(1) **Retention of records.**

(1) **Retention of records.** A person discharging wastewater containing prohibited waste to the POTW via the District's wastewater collection system shall retain and make available for inspection and copying by the General Manager all records and information required to be made, retained or reported under this Order.

(2) **Retention period.** Unless required to be retained for a longer period under federal or state law, records required to be retained hereunder shall be retained for a period of not less than three years from the date of creation thereof.

(3) **Extension of retention period.** The records retention period set forth herein shall be automatically extended for the duration of any litigation concerning compliance with this Order or where the person has been ordered to retain records for a longer period under the enforcement provisions of this Order.

(4) **Failure to retain a violation.** Failure to retain records as required by this section shall constitute a violation of this Order.

§ 1.06 MONITORING FOR SURCHARGE AND REMOVAL CREDIT DETERMINATIONS.

(A) **Payment of surcharge for extra strength wastewater.** In addition to compliance with all other requirements of this Order, any person discharging extra strength wastewater to the POTW via the District's wastewater collection system shall pay a monthly surcharge for the additional costs of handling and treatment of such extra strength wastewater in addition to the usual monthly sewer service charges.

(B) **Cost factors.** The cost factors for extra strength wastewater are based on the capital and operating cost of wastewater facilities to provide treatment for the reduction of excessive BOD, COD and suspended solids.

(C) **Computation of surcharge.** For extra strength wastewater having a COD concentration of 2.25 or more times that of the BOD concentration, the surcharge will be based on the COD category in lieu of the BOD category. Computations of surcharges shall be based on the following formula:

$$S = V \times 8.34 (A [BOD - 200] + B [SS - 200])$$

or

$$S = V \times 8.34 (C [COD - 450] + B [SS - 200])$$

S: Surcharge in dollars that will appear on the customers monthly bills.

V: Wastewater actually billed in millions of gallons during the billing period.

8.34: Pounds per gallon of water.

A: Unit charge in dollars per pound of BOD.

BOD: BOD strength in milligrams per liter (mg/l) by weight.

200: Normal BOD strength in milligrams per liter (mg/l) by weight.

B: Unit charge in dollars per pound for SS.

SS: Suspended solids (SS) concentration in milligrams per liter (mg/l) by weight.

200: Normal SS concentration in milligrams per liter (mg/l) by weight.

C: Unit charge in dollars per pound for COD.

COD: COD strength in milligrams per liter (mg/l) by weight.

450: Normal COD strength in milligrams per liter (mg/l) by weight.

If the strength or concentration for BOD, SS or COD is less than the normal strength for that category, then there shall be no surcharge for that category, nor shall there be credit given for the total surcharge if the strength or concentration is less than the normal.

(C) *Adjustment of rates.* All flow rates, BOD, COD, and SS values used in determination of the surcharge of wastewater customers shall be reevaluated on a periodic basis as determined by the General Manager, and shall be adjusted to reflect any increase or decrease in wastewater treatment costs. However, if there is a major change in the operation to cause changes in value, the values may be increased or decreased based on a study of changes or actual measurements. Every person discharging wastewater to the POTW shall be responsible for notifying the General Manager of major changes in its operation affecting the quantity or quality of extra strength wastewater discharged. In the absence of such notification, the surcharge applicable to such person shall be based on the data available to the General Manager at the time the surcharge is billed.

§ 1. 07 CONFIDENTIAL INFORMATION.

Information and data pertaining to an industrial user or other person subject to this Order obtained from reports, surveys, wastewater discharges, permit applications, wastewater discharge permits, monitoring programs, and from inspection, sampling and enforcement activities shall be available to the public in accordance with the laws of the State of Texas subject to the following:

(A) Such information shall be withheld from disclosure if the industrial user or the person subject to this Order makes a specific and timely request in writing and demonstrates to the satisfaction of the General Manager and the District's General Counsel that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable law;

(B) When timely requested and demonstrated that such information should be held confidential, the portions of the information that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon request to governmental agencies for uses related to the NPDES or pretreatment and monitoring program and in enforcement proceedings involving the person furnishing the information;

(C) Wastewater constituents and characteristics and other "effluent data" as defined by 40 C.F.R. § 2.302 will not be recognized as confidential information and will be made available to the public without restriction.

§ 1. 08 APPEAL PROCEDURE.

(A) *Right of appeal.* Any person aggrieved by a decision, interpretation or ruling under this Order shall have the right to appeal the same to the General Manager in accordance with the procedure set forth herein.

(B) ***Perfection of appeal.*** Such appeal shall be perfected by directing written request for same to the General Manager within 30 days of the issuance of such decision, interpretation, or ruling providing therein the following information:

- (1) The name and address of the person making the appeal;
- (2) The facts giving rise to the particular ruling or refusal to make a ruling;
- (3) The ruling or refusal to make a ruling appealed from;
- (4) The reasons why such ruling should be set aside or, if the ruling was refused, the reasons why such ruling should be made.

(C) ***Required copies.*** The person making the appeal shall forward copies of such appeal to the District's General Counsel concurrent with the filing of same with the General Manager.

(D) ***Informal hearing by the General Manager.*** Within 30 days of the filing of such appeal with the General Manager, the General Manager shall conduct an informal hearing of the matter on notice to the party appealing and allow such person to appear and present the facts and its position with respect to the decision, ruling or interpretation appealed from. The General Manager shall also consider the facts and position of the District Engineer in relation to the matter appealed from. Such hearing shall be informal rather than adjudicatory and the rules of evidence shall not apply.

(E) ***Ruling by General Manager.*** The General Manager shall consider the facts and statement of position made by the person appealing and render a written decision thereon within 30 days from the date of the informal hearing.

(F) ***Decision of General Manager final.*** The decision of the General Manager with regard to the matter appealed from shall be final.

(G) ***Procedures for hearing.*** The General Manager may establish rules for conduct of the informal hearing provided that such rules shall not require the application of adjudicatory techniques or formal rules of evidence.

(H) ***No stay of enforcement actions.*** The filing of an appeal shall not stay an enforcement action pending the resolution of the appeal.

(I) ***No waivers or variance.*** In passing upon the appeal, the General Manager may not waive or grant a variance to any provision of this Order but shall only address the correctness of the decision, interpretation or ruling appealed from and the application thereof to the party appealing.

§ 1.09 COMPLIANCE NO EXEMPTION FROM STATE PROVISIONS.

Compliance with this Order does not supersede or exempt or excuse a person from complying with the provisions of the Texas Water Code or the requirements of any applicable waste discharge permit, order, rule, or regulation issued by the Texas Natural Resource Conservation Commission or its successor agency.

ARTICLE II: ENFORCEMENT PROCEDURES.

§ 2.01 ENFORCEMENT.

(A) ***Enforcement authority.*** The General Manager of the District and the District's General Counsel, and each of them, are hereby authorized to enforce the provisions of this Order by any one or more of the enforcement mechanisms set forth in this Order.

(B) ***Inspection and enforcement a governmental function.*** The inspectors, agents or representatives of the District charged with enforcement of this Order shall be deemed to be performing a governmental function for the benefit of the general public and neither the General Manager, the General Counsel nor the individual inspector, agent, or representative of the District engaged in inspection or enforcement activities under this Order shall ever be held liable for any loss or damage, whether real or asserted, caused or alleged to have been caused as a result of the performance of such governmental function.

(C) ***Right of entry.*** As a condition of the District providing wastewater service, directly or indirectly, to property, whether within or outside its corporate boundaries, and as a condition for issuance of every wastewater discharge permit under this Order, any authorized officer, employee, agent or contractor of the District may enter, inspect, sample, monitor or conduct enforcement activities with respect to any part of the sewer system servicing such premises, shall have a right to enter without delay to, upon, or through any premises to gain access to a source of industrial waste or other prohibited waste or discharge, and without limitation, may inspect any pretreatment, sampling, or monitoring equipment or method of pretreatment or monitoring or records pertinent thereto, required under this Order, and/or the Industrial Waste Order, ordinance, rules or regulations of any governmental entity with whom the District may have an interlocal agreement for the provision of wholesale wastewater and/or industrial waste services. This right of entry shall extend to public streets, easements, and private property within which any portion of the sewer system servicing such premises may be located.

(D) ***Arrangement for access.*** The person discharging or proposing to discharge wastewater to the POTW via the District's wastewater collection system shall make all necessary arrangements, at its sole expense, to remove without delay security barriers or other obstacles to access by the General Manager.

(E) ***Obstruction of access, unreasonable delays prohibited.*** Obstruction or unreasonable delay in allowing access by the General Manager to premises discharging to the POTW shall constitute a violation of this Order and the conditions applicable to receipt of wastewater service from the District.

(F) **Administrative search warrants.** If the General Manager or his designee have been refused access to a building, structure, or property or any pretreatment facilities or other portion of the wastewater system discharging to the POTW and if the General Manager or his designee have demonstrated probable cause to believe that a violation of this Order, a wastewater discharge permit, or other order issued hereunder exists or that there is a need to inspect to verify compliance with this Order or any permit or other District Order, or to protect the overall health, safety, and welfare of the community, then the General Manager or his designee are hereby authorized to make application for issuance of an administrative search and/or seizure warrant describing therein the specific location subject to search and the property or items subject to seizure. Such warrant shall be served and executed by the General Manager at reasonable hours in the company of a uniformed police officer. In the event of an emergency affecting public health and safety, such inspection shall be made without the necessity of a warrant.

(G) **Criminal Enforcement.** To the degree that a violation of this Order constitutes a violation of state law, the General Manager is authorized to file an appropriate affidavit or complaint with the appropriate agency to initiate a criminal investigation of such violation.

(H) **Civil Penalties.** To the degree allowed by the laws of the State of Texas, the General Manager may impose an appropriate civil penalty for violation of this Order up to \$1,000 per day in accordance with the requirements and procedures of state law.

(I) **Remedies cumulative.** All remedies authorized under this Order are cumulative of all others provided by law. Accordingly, the filing of a criminal action shall not preclude the pursuit of a civil or administrative action for violation of this Order nor shall the filing of a civil action preclude the pursuit of any other action or remedy, administrative or criminal.

(J) **Persons responsible.** A person is responsible for a violation of this Order if:

- (1) The person commits or assists in the commission of a violation; or
- (2) The person is the owner, occupant, or manager of the property or facilities determined to be the source of a discharge of waste made in violation of this Order.

(K) **Tenant responsibility.** Where an owner of property leases or rents the same to any person as tenant or lessee, the owner or tenant or both may be held responsible for noncompliance with the provisions of this Order.

(L) **Expenses, loss or damage.** Any person violating the provisions of this Order shall be liable to the District for all expenses, loss, or damage incurred by the District by reason of such violation.

(M) **Civil actions.** The General Manager is hereby authorized to enforce this Order by civil court actions in accordance with the procedures therefor provided by state or federal law, including, without limitation, actions for injunction, damages, declaratory relief or other remedies that the General Manager shall deem appropriate to pursue.

(N) **Administrative enforcement.** In addition to any other actions or remedies authorized in this Order, the General Manager is hereby authorized to enforce this Order through

the exercise of any one or more of the following administrative actions and, unless otherwise expressly set forth herein, the selection or use of one such action or remedy by the General Manager shall not be construed to limit the authority of the General Manager to pursue any other enforcement action or remedy nor require the pursuit of a particular action or remedy as a condition precedent to the use of any other such action or remedy:

(1) **Notice of violation (NOV).** Whenever the General Manager determines that any person has violated or is violating this Order, the conditions of any wastewater discharge permit or order issued under this Order, or any other pretreatment requirement, the General Manager may, but shall not be required, to serve upon said person a written notice of violation describing the violation and the actions required to correct the same. Such notice of violation shall inform the recipient that, within 14 calendar days of receipt thereof, the person receiving same shall provide to the General Manager an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific actions for correction of the violation, provided, however that:

(a) Submission of the proposed corrective plan shall in no form or manner relieve the user of criminal or civil liability for violations of this Order whether before or after receipt of the notice of violation; and

(b) Nothing in this subpart shall be construed to limit the authority of the General Manager to pursue any other enforcement action or remedy, including, without limitation, such emergency actions the General Manager determines to be necessary, without first issuing a notice of violation.

(2) **Assurances of voluntary compliance.** The General Manager is hereby authorized to enter into assurances of voluntary compliance, consent orders or similar documents establishing an agreement for voluntary compliance with any person responsible for a violation of this Order. Such documents shall describe the violation determined to exist, the specific actions agreed to be taken by the person to correct the noncompliance and the time period for completion of the corrective actions specified. The assurance of voluntary compliance, consent order or similar document evidencing the intent of the responsible person to ameliorate voluntarily the described violations of this Order shall be signed and dated by the person responsible for compliance and shall be judicially enforceable provided, however, that in the event of noncompliance with an assurance of voluntary compliance, consent order or similar document, the General Manager may pursue any procedure available under this Order or otherwise to enforce compliance. An assurance of voluntary compliance, consent order or similar document shall not include terms limiting or restricting the actions or remedies available for violations of this Order or the terms of such instrument.

(3) **Show cause hearing.** The Order may order any person responsible for a violation of this Order, the conditions of a wastewater discharge permit, or any other pretreatment standard or requirement, to appear before the General Manager and show cause why a proposed enforcement action should not be taken. Notice shall be served on the person responsible for a violation specifying the time and place for the meeting, the nature of the violation and enforcement action proposed, the reasons for such action, and a request that the person show cause why the proposed enforcement action should not be taken. Notice of the show cause

hearing shall be served in person or by certified mail, return receipt requested, at least three calendar days prior to such hearing. Such notice may be served upon any employee, agent or other authorized representative of the person responsible for the violation. Whether or not the person appears as ordered, immediate enforcement action may be pursued following the noticed hearing date provided, however, a show cause hearing shall not be a prerequisite for taking any other action against such person and provided, further, that the issuance of a show cause notice shall not prevent the General Manager from pursuing emergency actions if the General Manager determines such actions are required to prevent pass through or other damage or interference with the District's wastewater collection system or the POTW.

(4) **Compliance orders.** When the General Manager determines that a person has violated or continues to violate the provisions of this Order or the conditions of a wastewater discharge permit or other order issued hereunder or any other pretreatment standard or requirement, the General Manager may issue an order to the person responsible for the discharge directing that such person cure such noncompliance within the time period and in the manner specified in the compliance order. If such person does not comply within the time specified in the compliance order, the General Manager may discontinue and disconnect water and/or wastewater service to the noncomplying premises unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. The compliance order may also contain such other and further requirements as the General Manager shall deem necessary to protect the District's wastewater collection system or the POTW including, without limitation, additional self-monitoring, reporting and waste management practices designed to minimize the amount of pollutants discharged to the POTW via the District's wastewater collection system. A compliance order issued hereunder may not extend a deadline for compliance established for a federal pretreatment standard or requirement established by federal law or by EPA order, regulation or otherwise. A compliance order issued hereunder likewise shall not release such noncomplying person of liability for any violation including, without limitation, any continuing violation. Issuance of a compliance order hereunder shall not be a prerequisite to taking any other action against such person.

(5) **Cease and desist orders.** When the General Manager determines that a person is violating this Order, the conditions of such person's wastewater discharge permit or other order issued hereunder, or that past violations committed by such person are likely to recur, the General Manager may issue an order directing the person to cease and desist immediately all such violations and directing the person to:

(a) Immediately comply with all requirements of this Order, the conditions of a wastewater discharge permit or other order issued hereunder;

(b) Take such remedial or preventive action as may be needed to address properly a present, continuing or threatened violation including, without limitation, the halting of operations and/or termination of the wastewater discharge to the District's wastewater collection system and the POTW through disconnection or otherwise.

(c) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the noncomplying person hereunder.

(6) **Emergency suspensions.** Notwithstanding any other provision hereof, if the General Manager determines that an actual or threatened discharge reasonably appears to present an imminent danger to the health, safety, and welfare of persons or property, or presents an imminent danger of pass-through or other threat to the environment, or otherwise threatens to interfere with the operation of the District's wastewater collection system or the POTW, the General Manager, upon verbal or written notice to the person responsible for such discharge, may immediately suspend water and or wastewater service to the discharging premises and initiate emergency measures to halt or prevent such discharge by disconnection from the District's wastewater system or otherwise. Any person notified of the suspension of its discharge shall immediately cease such discharge or eliminate its contribution to the wastestream. If the person responsible for the discharge fails to comply immediately with the emergency suspension order, the General Manager may immediately undertake all necessary measures to prevent or minimize damage to the District's wastewater collection system or the POTW, to the environment, or to persons or property including, without limitation, immediate severance of sewer connection(s). Unless further proceedings for termination of the discharge have been initiated, the General Manager may allow recommencement of the discharge when the responsible person has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed. Permission to recommence the discharge shall not constitute a waiver of the District's right to pursue criminal or civil penalties or other relief hereunder. Prior to recommencement of the suspended discharge, the person responsible for the discharge shall submit for the approval of the General Manager a detailed report describing the causes of the harmful discharge and the measures implemented to prevent the future recurrence of the conditions causing such imminent endangerment. Nothing herein shall be construed to require a hearing prior to an emergency suspension under this part.

(7) **Termination of discharge.** In the event the General Manager determines that a person has violated the provisions of this Order, the conditions of its wastewater discharge permit or other order(s) issued hereunder, the General Manager may:

(a) Order such person to terminate its discharge to the District's wastewater collection system; and

(b) Enforce termination of the discharge by severance of the sewer connection(s).

Except in the case of an emergency affecting public health and safety, termination of discharge and severance of the wastewater connection to the District's wastewater collection system shall be made only after satisfaction of the procedures for a show cause hearing in accordance with the procedures set out above.

(8) **Termination of water supply.** In the event the General Manager determines that a person has violated this Order, the conditions of its wastewater discharge permit, or other order(s) issued hereunder, the General Manager may, in addition to any other remedies available under this Order, issue an order terminating water service to the noncomplying person's premises. Except in the case of emergency, termination of water supply hereunder shall be made only after satisfaction of the procedures for a show cause hearing set forth above.

(9) **Publication of noncompliant users list.** The General Manager shall publish annually in a newspaper of general circulation in the District a list of the industrial users that, during the previous 12 months, the General Manager determined to be in significant noncompliance with applicable pretreatment standards and requirements of this Order. For purposes of this part, "significant noncompliance" shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) A discharge violation that the General Manager believes has caused, alone or in combination with other discharges, interference or pass-through;

(d) A discharge of pollutants that has caused imminent endangerment to the public or to the environment, or that otherwise has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or otherwise attaining final compliance;

(f) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance;

(h) Any other violation(s) which the General Manager determines has or will adversely affect the operation or implementation of the local pretreatment program.



(512)246-1400 Office
 (512) 246-1900 Fax
 TRAVIS COUNTY MUD #11

MAIL TO:
 Crossroads Utility Services
 2601 Forest Creek Drive
 Round Rock TX 78665-1232

TAP AND FEE APPLICATION
 For Water/Wastewater Service

Date of Application: _____

Applicant: _____

Billing Address: _____

Telephone: _____

Applicant's Plumber: _____ Plumber's Telephone: _____

Application is for (please circle all that apply): Water Sewer Fire Hydrant

Meter Size: _____

ALL FEES ARE PAYABLE TO THE DISTRICT

Please supply the following information:

	Address	Zip Code	Lot	Blk	Sect.	*Sq. Ft.	District Use Only
							Folio #
1.	_____	_____	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____	_____	_____

* Excludes Carports and Garages

An approved water tap inspection starts the billing. Applicant will receive a bill UNTIL WE RECEIVE A COPY OF CUSTOMER SERVICE INSPECTION CERTIFICATE FROM BUILDER OR PLUMBER, we can then transfer to next owner.

I, the Applicant agree to comply with the following: All plumbing inspections will be performed by the District's approved plumbing inspector. McCOMIS inspections 512-301-7801

(It is the Builder's responsibility to call before starting construction. Please contact us for the inspector's current contact information.)

The owner's cut-off valve & meter box with lid shall be in place at the time of meter installation for complete inspection. I will notify Crossroads Utility Services in writing 24 hours in advance to request the final inspection and install my meter by faxing in my request to (512) 246-1900.

 Applicant Signature

FOR OFFICE USE ONLY

Date Received: _____ Check #: _____ Amount: \$ _____

Water Tap Fee: \$ _____ Sewer Tap Fee: \$ _____ Inspection Fee: \$ _____

Grinder Pump \$ _____ Grinder Pump Insp \$ _____ Usage & Drainage \$ _____

Water Connection: \$ _____ Sewer Connection \$ _____ Irrigation Inspection :\$ _____

Exhibit C

**Service Agreement Concerning
Grinder Pump Sewer System for Customer**

This Agreement concerning Grinder Pump Sewer System for Customer Service is entered into by and between Travis County Municipal Utility District No. 11 (the "District") and

_____ ("Customer") for sanitary sewer service to the property located
at _____ ("Property").

RECITALS

WHEREAS, the District owns, operates and maintains a centralized sanitary sewer system from which Customer desires to obtain sewer service; and

WHEREAS, the elevation and/or slope of the Property in relation to the location of the District's sanitary sewer system requires Customer's installation of a pressure sewer system commonly known as a grinder pump system ("Grinder Pump") in order to transport Customer's sewage to the District's sanitary sewer system; and

WHEREAS, the District's sanitary sewer system is regulated by the rules and regulations of the Texas Commission on Environmental Quality ("Commission"); and

WHEREAS, the rules and regulations of the Commission require that the District only allow the use of a Grinder Pump by a Customer under terms and conditions set forth in a service agreement; and

WHEREAS, Customer desires to connect to the District's sanitary sewer system to receive sewer service from the District;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the District and Customer agree as follows:

1. As a condition to initiation and continuation of sanitary sewer service to Customer by the District:
 - a. **Grinder Pump Installation.** All Grinder Pumps within the District must be obtained from and installed by the District's contractor. Installation must be scheduled through the District's representative, Crossroads Utility Services, at 512-246-1400 a minimum of fifteen (15) business days in advance of the date the installation is required. No modification or repair of any Grinder Pump or control panel may be made by the Customer after installation. Any repair or replacement must be performed by an approved District contractor.
 - b. **District Grinder Pumps.** A Grinder Pump, which will be installed in a wet well on the lot located in a District easement adjacent to the street ("District Grinder Pump"), will be required for each residential wastewater connection. The District Grinder Pump will be owned by the District and any repair or replacement will be performed by the District or its designated contractor.
 - c. **Homeowner Grinder Pumps.** If, due to specific home design or topography issues affecting a lot, an additional grinder pump is required to serve any residence, this additional grinder pump ("Homeowner Grinder Pump") and its installation, maintenance, repair and replacement must comply with the specifications applicable to District grinder pumps, but any Homeowner Grinder Pump will be the property of the Customer. The installation of, and any repairs or replacements of, any Homeowner Grinder Pump must be made by a contractor approved by the District, and will be

subject to inspection and approval by the District, but will be the sole responsibility of and all work will be at the sole cost of the Customer.

- d. Tie-In to Wet Well. The installation of the residential wastewater service line tie-in to the District Grinder Pump wet well will be the responsibility of the Customer. Each tie-in will be inspected by the District for compliance with the District's specifications at the time the District Grinder Pump is installed. If the tie-in is not in compliance with the specifications, the tie-in will be required to be corrected and re-inspected before the District Grinder Pump is installed. Any additional charges by the District due to non-compliance with the specifications will be the responsibility of the Customer. The construction of the wet well required for the Grinder Pump and the installation of the residential wastewater service line tie-in to the wet well will be the responsibility of the Customer. The wet well construction and installation of the tie-in must be in accordance with the schematic and specifications approved by the District. Both the wet well and tie-in must be located in a District easement adjacent to the street. Each wet well and tie-in will be inspected by the District for compliance with the District's specifications at the time the Grinder Pump is installed. If the wet well and/or tie-in are not in compliance with the attached schematic and specifications, the non-compliance will be required to be corrected and re-inspected before the Grinder Pump is installed. The Customer will be required to pay any additional charges incurred by the District due to any non-compliance.
 - e. District Grinder Pump Control Panel. Each customer must designate a permanent location on his or her residence for the installation of a control panel for the District Grinder Pump. The location must be on the outside of the residence and visible from the street. A fusible disconnect at the designated District Grinder Pump control panel location is required. No landscaping, fencing or other improvements which would obstruct the visibility of a control panel will be permitted.
2. The District and Customer agree that, although the Homeowner Grinder Pump is owned by Customer, the Homeowner Grinder Pump and its operation and maintenance will comply with all regulations of the District and will be subject to periodic inspection by the District, in accordance with the Rules of the Texas Commission on Environmental Quality.
 3. Customer acknowledges and agrees that failure of Customer to pay all costs associated with the operation and maintenance of the Grinder Pumps serving the Customer as set forth in the District's Rate Order and Rules and Regulations or failure of Customer to allow the District and its representatives to enter Customer's property for the purposes of inspection and verification of compliance with this Agreement will be grounds for the District's disconnection of water and wastewater service to the Property.
 4. This Agreement shall be performable in Travis County, Texas, which county shall be the exclusive place for venue for any disputes arising under this Agreement.
 5. Any amendments to this Agreement must be in writing and signed by both the District and the Customer.
 6. This Agreement is not assignable by Customer. Upon termination of service of the Property, any new customer desiring to receive water and/or wastewater service from the District, shall be required to execute their own service agreement.
 7. In the event of a visual (warning light) or audible alarm at the control panel, the Customer agrees to immediately notify the District's representative, Crossroads Utility Services, at (512) 246-1400.

ENTERED INTO this the _____ day of _____, 20____.

DISTRICT:

TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11

By: _____
Crossroads Utility Services, L.L.C.
The District's Representative

CUSTOMER:

By: _____

Printed Name: _____

Rough Hollow Installation Inspection & Start-Up Request

Address: _____ Project: _____
 Company: _____ Name: _____
 Contact # _____ Requested Date of Completion: _____

Please answer the following questions by checking "yes" or "no" in the boxes provided.

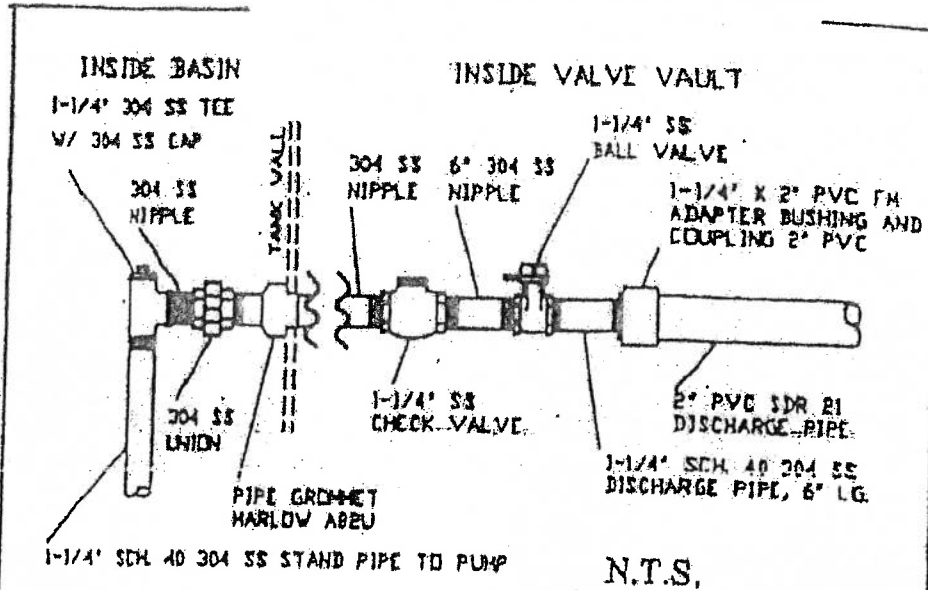
- | | | |
|--|-----|----|
| 1. Ballast installed as indicated in the installation manual? | Yes | No |
| 2. Tank installed above finished grade (12" extension max)? | Yes | No |
| 3. All miscellaneous debris removed from inlet pipe and tank before start-up? (TANK MUST BE CLEAN) | Yes | No |
| 4. Center of inlet pipe a minimum of 30" from bottom of tank? | Yes | No |
| 5. Inlet grommet installed correctly using a hole saw? | Yes | No |
| 6. 1/2" discharge piping from tank to tap (1/2" max)? | Yes | No |
| 7. Control panel mounted 48" above finished grade? | Yes | No |
| 8. Dedicated 30-AMP breaker (LABELED) feeding the control panel? | Yes | No |
| 9. Factory cord grip connector installed properly? | Yes | No |
| 10. 3/4" (min) conduit installed per electrical code from panel to tank? | Yes | No |
| 11. Conduit penetrations on bottom of control panel only? | Yes | No |
| 12. All residential / main valves located (uncovered) before start-up? | Yes | No |
| 13. Water available for testing grinder pump unit? | Yes | No |

- If you answered "no" to any of the above questions please make the needed corrections before submitting the request.
- Once Environmental Improvements, Inc has received the request a representative will contact you to make an appointment for the Inspection & Start-Up. The inspection will be completed within the next 2 business days.
- At the time of inspection a representative from the builder must be present.
- A failed inspection will result in a second inspection once corrections have been made and a new request form has been submitted. No to any of the above questions will result in a failed inspection.
- **A REINSPECTION FEE OF \$450.00 WILL BE INVOICED TO THE RESPONSIBLE PARTY.**

By signing below I acknowledge that I understand the terms and conditions of this formal request form. Please contact Environmental Improvements, Inc with any questions or concerns at (800) 374-7008.

Sign: _____ Date: _____

PLEASE FAX ALL REQUEST FORMS TO (512) 295-4028

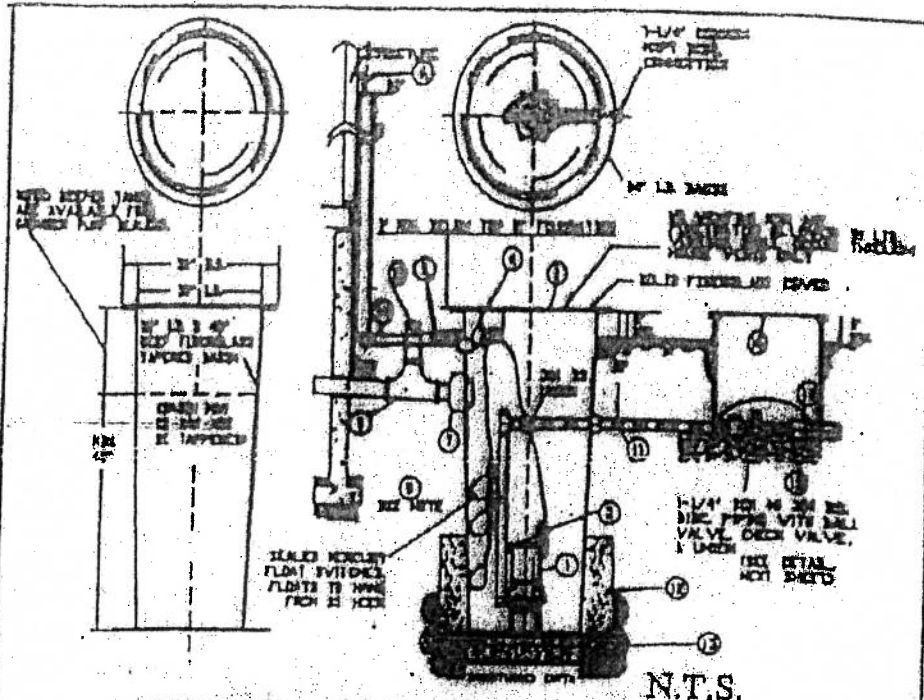


DISCHARGE PIPING - AT GRINDER PUMP

ALL DISCHARGE PIPING, FITTINGS AND HARDWARE TO BE SCH 40 304 STAINLESS STEEL

- 10 DISCHARGE OUTLET - 1 1/4" MALE PIPE THREAD w/ 1 1/4" x 2" PVC ADAPTER BUSHING.
- 11 GRINDER PUMP DISCHARGE LINE WITH GROMMET - 1 1/4" SCH 40 304 SS NOMINAL PIPE SIZE.
- 12 CONCRETE ANCHOR FOR L.S. IS 4 CUBIC PLUS 400 BLK. (4 CUBIC PER FOOT OF ACCESSWAY. EXAMPLE: 1/2" ACCESSWAY - 900-1200-2100 IN. (14 CUBIC) SLEEVE OVER INLET LINE IS REQUIRED IF ANCHOR IS POURED TO A LEVEL ABOVE THE INLET. (REQUIRED IN FLOOD PLAIN AS DESIGNATED BY BUILDING INSPECTOR)
- 13 BEDDING MATERIAL - 4" MINIMUM ROUNDED AGGREGATE OPEN GRAVEL
- 14 FINISHED GRADE - GRADE LINE TO BE 6" BELOW TOP OF ACCESSWAY AND SLOPE AWAY FROM ACCESSWAY OPENING.
- 15 4" COMBINATION POP-UP RELIEF VALVE / CLEAN-OUT SET IN 4" PVC ADAPTER. POP-UP RELIEF VALVE SHALL BE 3" ABOVE GROUND AND 3" BELOW TOP OF TANK.
- 16 CAST IRON VALVE BOX, 5 1/2" DIA. x 3 1/2" H. w/ 'LAKEMAN' CAST IN LID.

REVISIONS	DATE ISSUED 01-03	SCALE: N.T.S.	<p>WASTEWATER SYSTEM STANDARDS</p> <p>TYPICAL GRINDER PUMP INSTALLATION (SHEET 2 OF 2)</p> <p>CONSTRUCTION STANDARDS AND DETAILS NO. WW-18</p>
REVISED 09-13-03			



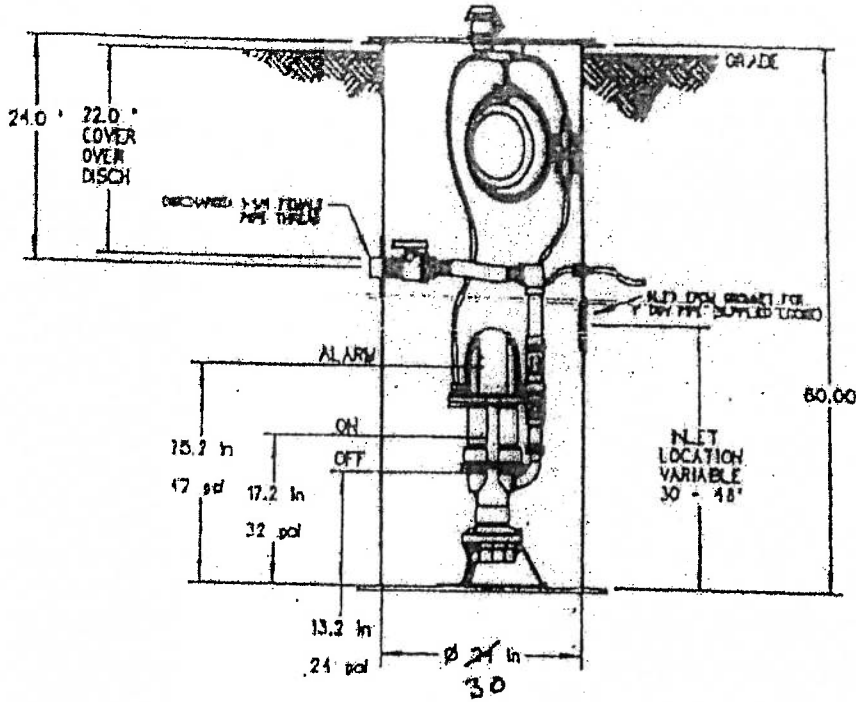
REQUIRED GRINDER PUMP INSTALLATION

1. STANDARD 1/2 HP. MARLOW PUMP, MODEL NO. 1500808, SIMILAR GRINDER PUMP, OR MIBL APPROVED EQUIV. SOME AREAS REQUIRE A HIGHER-HEAD PUMP (EXAMPLED 1-ONE P.T.A.)
2. ACCESSWAY, COVER, AND PUMP TANK TO BE FIBERGLASS REINFORCED POLYESTER (FRP)
3. LIFTING EYES FOR LIFTING COMPLETE GRINDER PUMP.
4. ELECTRICAL ENTRY - BUSHINGS FOR LEADS FROM GRINDER PUMP AND FLUATS TO THE CONTROL PANEL OTHER AS BACK SEAL FLEXIBLE CLAY BOTH DIPS BY 1/2\"/>

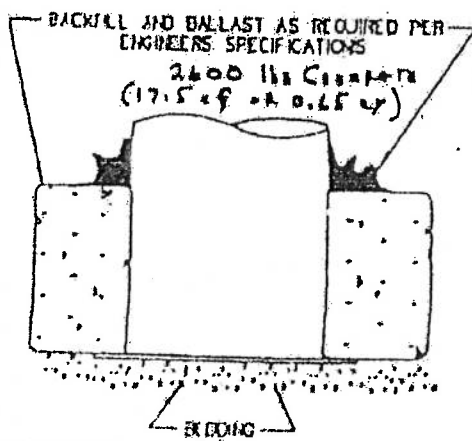
ADDITIONAL REQUIREMENTS, SEE PAGE 2 OF 2

REVISIONS REVISED BY-13-043 DATE ISSUED DRAWN BY-13-043	WASTEWATER SYSTEM STANDARDS TYPICAL GRINDER PUMP INSTALLATION (SHEET 1 OF 2) CONSTRUCTION STANDARDS AND DETAILS NO. WWS-18
--	---

GC-2400
3060



TANK BASE DETAIL



Pump, mechanical connections, and electrical connections to be supplied and installed by others in the future. This Contract includes the wetwell and lid, concrete anchoring, backfill, lateral assembly w/box, corporation stop, and tapping sleeve.

SON	P.J.D	3-24-01	C	1/1K
DR BY	CHK'D	DATE	ISSUE	SCALE

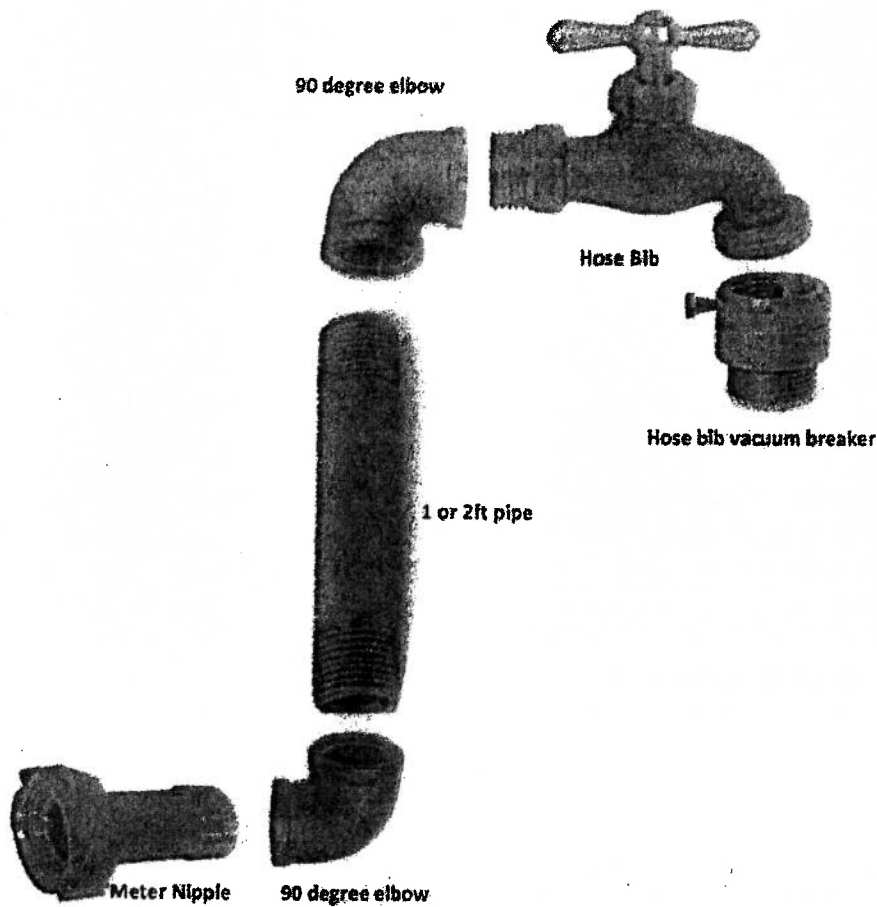
Gatorgrinder

GATORGRINDER STATION
60"

LM000173

Construction Meter Hookup

****DOES NOT HAVE TO BE BRASS MAY BE PVC****



****CONSTRUCTION HOOK UP MUST BE STUBBED IN TO METER BOX AND MUST HAVE METER NIPPLE.****

**Travis County Municipal Utility District #11
Water/Wastewater Service Application**

Return to: **Travis County Municipal Utility District #11**

C/O Crossroads Utility Services
2601 Forest Creek Drive
Round Rock, Texas 78665-1232

OFFICE: (512) 246-1400
FAX: (512) 246-1900

Work Order #: _____

Today's Date: _____

Applicant's Name: _____ Date to Begin Service: _____

Service Address: _____ Property Owner's Name: _____

Billing Address: _____ Property Owner's Address: _____

Applicant's Phone No. _____ Property Owner's Number: _____

Applicant is: Owner Tenant Other _____

Applicant's Driver's License: _____ Applicant's Employer: _____

Applicant's Social Security No.: _____ Work Phone: _____

The undersigned hereby makes application to **Travis County Municipal Utility District #11** for water and wastewater services. We/I understand and agree that we/I will be responsible for all water and wastewater services provided to the property described in this application until such time as service to the property is disconnected in accordance with the District's Rules and Regulations regarding utility services. We/I agree to comply with the District's Rules and Regulations and to pay for all utility services rendered to the property in a timely manner and understand that a violation of the Rules and Regulations may result in a penalty and/or termination of utility services to my/our property. We/I represent that the information above is true and correct.

Signed: _____

House Bill 859 requires "government-operated" Utilities to notify customers of their right to confidentiality. You have the right to request confidentiality of your personal information contained in our records. "Personal information" as defined by the statute means an individual's address, telephone number, or social security number.

Accept

Decline

Signed: _____

For District Use Only

Date to begin service: _____

Test and maintenance report.

Security Deposit: _____

Service inspection certification.

Application Fee: _____

Transfer document (builder to owner).

****PLEASE COMPLETE, SIGN, AND RETURN WITH THE SECURITY DEPOSIT AND AN APPLICATION FEE****

*****PLEASE SIGN AND RETURN THIS COPY*****

Travis County Municipal Utility District #11

Customer Service Agreement

I. PURPOSE

Travis County Municipal Utility District #11 (the "Water System") is responsible for protecting the drinking water supply from contamination or pollution that could result from improper plumbing practices. The purpose of this Customer Service Agreement (the "Agreement") is to notify each customer of the plumbing restrictions that are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this Agreement before the Travis County Municipal Utility District #11 will begin service. In addition, when service to an existing connection has been suspended or terminated, the Water System will not re-establish service unless it has a signed copy of this Agreement.

II. PLUMBING RESTRICTIONS

The following unacceptable plumbing practices are prohibited by State regulations.

- A. 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 public water system by an air-gap or an appropriate backflow prevention device.
- B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
- C. No connection that allows water to be returned to the public water supply is permitted.
- D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection that provides water for human use.
- E. No solder or flux that 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.

III. CUSTOMER SERVICE AGREEMENT

The following are the terms of the Customer Service Agreement between the Travis County Municipal Utility District #11 and _____ (the "Customer").

- A. The Water System will maintain a copy of this Agreement as long as the Customer and/or the premises is connected to the Water System.
- B. The Customer shall allow his property to be inspected for possible cross-connections and other unacceptable plumbing practices. These inspections shall be conducted by the Water System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other unacceptable plumbing practices exist; or after any major changes to the private plumbing facilities. The inspections shall be conducted during the Water System's normal business hours.
- C. The Water System shall notify the Customer in writing of any cross-connection or other unacceptable plumbing practice that has been identified during the initial inspection or the periodic reinspection.
- D. The Customer shall immediately correct any unacceptable plumbing on his premises.
- E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Water System. Copies of all testing and maintenance shall be provided to the Water System.

IV. ENFORCEMENT

If the Customer fails to comply with the terms of the Customer Service Agreement, the Water System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this Agreement shall be billed to the customer.

By: _____
Customer's Signature

Printed Name: _____

Date: _____

**EXHIBIT C
AGREEMENT CONCERNING
DISTRICT GRINDER PUMP SYSTEM**

This Agreement Concerning District Grinder Pump System is entered into between **Travis County Municipal Utility District No. 11** (the "*District*") and _____ (the "*Customer*") in connection with the Customer's application for sanitary sewer service to the property located at _____ (the "*Property*").

RECITALS

WHEREAS, the District owns, operates and maintains a centralized sanitary sewer system from which Customer desires to obtain sewer service to the Property; and

WHEREAS, the topography of the Property in relation to the location of the District's sanitary sewer system requires the installation of a pressure sewer system commonly known as a grinder pump system ("*Grinder Pump*") in order to transport Customer's sewage to the District's sanitary sewer system; and

WHEREAS, the District's sanitary sewer system is regulated by the rules and regulations of the Texas Commission on Environmental Quality (the "*Commission*"); and

WHEREAS, the rules and regulations of the Commission require that the District only allow the use of a Grinder Pump by a Customer under terms and conditions set forth in a service agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the District and the Customer agree as follows:

1. As a condition to initiation and continuation of sanitary sewer service to Customer by the District:
 - a. Grinder Pump Installation. All Grinder Pumps within the District must be obtained from and installed by the District's contractor. Installation must be scheduled through the District's operator, Crossroads Utility Services, L.L.C., at (512) 246-1400 a minimum of 15 business days in advance of the date the installation is required. No modification or repair of any Grinder Pump or control panel may be made by the Customer after installation. Any repair or replacement must be performed by an approved District contractor.
 - b. District Grinder Pumps. A Grinder Pump, which will be installed in a wet well on the lot located in a District easement adjacent to the street ("*District Grinder Pump*"), will be required for each residential wastewater connection. The District Grinder Pump and appurtenances must be installed in accordance with the schematic attached as **Exhibit D**. This District Grinder Pump will be owned by

the District and any repair or replacement will be performed by the District or its designated contractor.

- c. Homeowner Grinder Pumps. If, due to specific home design or topography issues affecting a lot, an additional grinder pump is required to serve any residence, this additional grinder pump ("Homeowner Grinder Pump") and its installation, maintenance, repair and replacement must comply with the specifications applicable to District grinder pumps, but any Homeowner Grinder Pump will be the property of the Customer. The installation of, and any repairs or replacements of, any Homeowner Grinder Pump must be made by a contractor approved by the District, and will be subject to inspection and approval by the District, but will be the sole responsibility of and all work will be at the sole cost of the Customer.
- d. Tie-In to Wet Well. The installation of the residential wastewater service line tie-in to the District Grinder Pump wet well will be the responsibility of the Customer. The installation must be in accordance with the specifications attached as **Exhibit E**. Each tie-in will be inspected by the District for compliance with the District's specifications at time the District Grinder Pump is installed. If the tie-in is not in compliance with the specifications, the tie-in will be required to be corrected and re-inspected before the District Grinder Pump is installed. Any additional charges by the District due to non-compliance with the specifications will be the responsibility of the Customer. The construction of the wet well required for the Grinder Pump and the installation of the residential wastewater service line tie-in to the wet well will be the responsibility of the Customer. The wet well construction and installation of the tie-in must be in accordance with the schematic and specifications approved by the District. Both the wet well and tie-in must be located in a District easement adjacent to the street. Each wet well and tie-in will be inspected by the District for compliance with the District's specifications at time the Grinder Pump is installed. If the well and/or tie-in are not in compliance with the attached schematic and specifications, the non-compliance will be required to be corrected and re-inspected before the Grinder Pump is installed. The Customer will be required to pay any additional charges incurred by the District due to any non-compliance.
- e. District Grinder Pump Control Panel. Each customer must designate a permanent location on his or her residence for the installation of a control panel for the District Grinder Pump. The location must be on the outside of the residence and visible from the street. A fuseable disconnect at the designated District Grinder Pump control panel location is required. No landscaping, fencing or other improvements which would obstruct the visibility of a control panel will be permitted.
- f. Remote Grinder Pump Control Panel Monitor. If a remote Grinder Pump control panel monitor is required in addition to the standard District Grinder Pump control panel required by Subsection e, above, that remote grinder pump control panel monitor will be deemed a part of the customer's internal plumbing and all costs of the remote grinder pump monitor must be borne by the customer, including the cost of the initial installation and all costs of repair or replacement of the monitor. The District will not repair or replace any remote grinder pump monitor, and all repairs and maintenance must be handled by the customer's plumber or other qualified contractor.

2. The District and Customer agree that, although the Homeowner Grinder Pump is owned by Customer, the Homeowner Grinder Pump and its operation and maintenance will comply with all regulations of the District and will be subject to periodic inspection by the District, in accordance with the Rules of the Texas Commission on Environmental Quality.

3. The Customer acknowledges and agrees that failure of Customer to pay all costs associated with the operation and maintenance of the Grinder Pumps serving the Customer as set forth in the District's Rate Order and Rules and Regulations or any failure of Customer to allow the District and its representatives to enter Customer's property for purposes of inspection and verification of compliance with this Agreement will be grounds for the District's disconnection of water and wastewater service to the Property.

4. In the event of a visual (warning light) or audible alarm at the control panel, the Customer agrees to immediately notify the District's operator, Crossroads Utility Services, L.L.C., at (512) 246-1400.

5. This Agreement will be performable in Travis County, Texas, which will be the exclusive venue for any disputes arising under this Agreement.

6. Any amendments to this Agreement must be in writing and signed by both the District and the Customer.

7. This Agreement is not assignable by Customer. Upon termination of service of the Property, any new customer desiring to receive water and/or wastewater service from the District will be required to execute a new service agreement prior to initiation of service to the Customer.

ENTERED INTO this the _____ day of _____, 20____.

DISTRICT:

TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO.
11

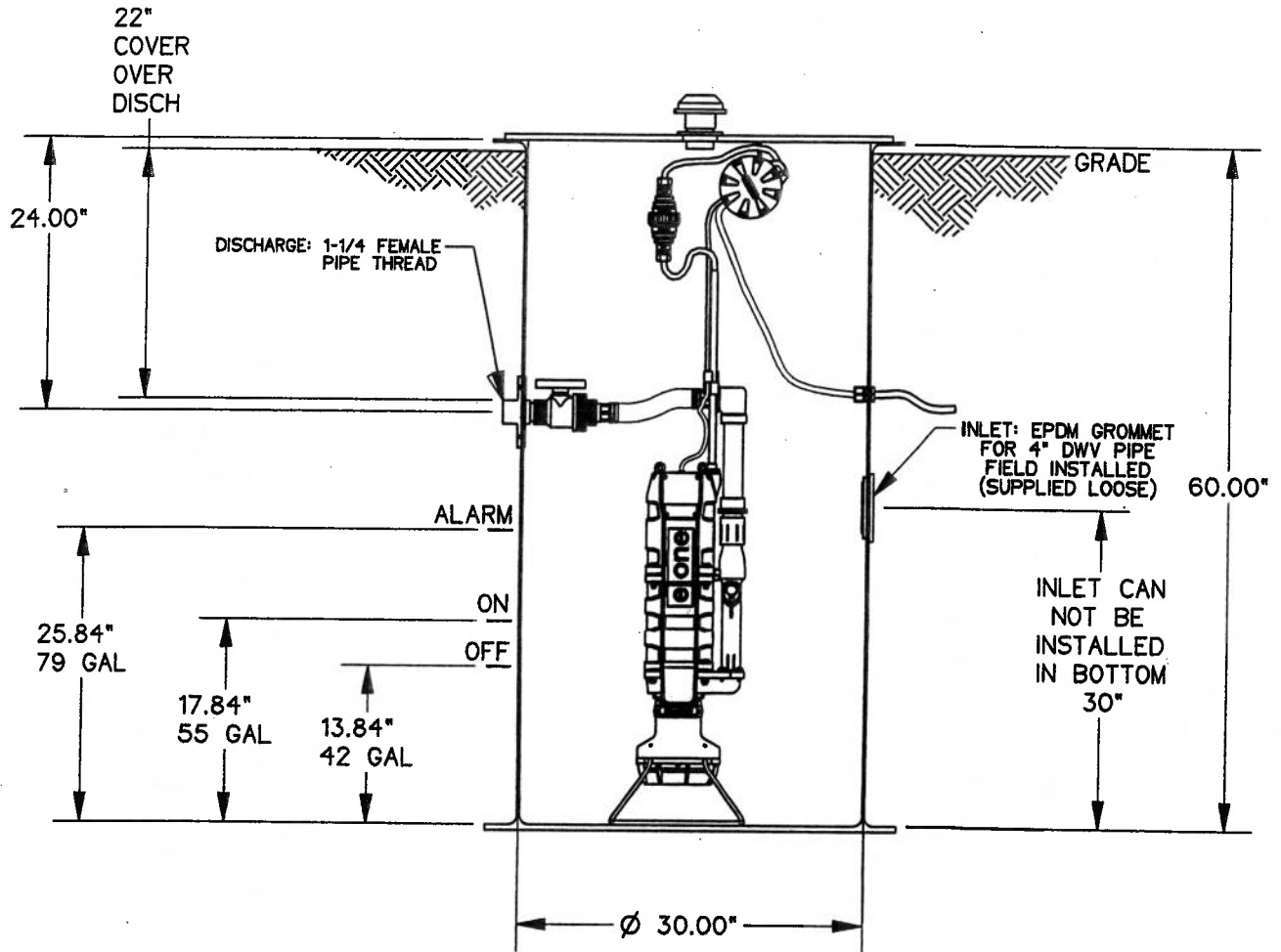
By: Crossroads Utility Services, L.L.C., Authorized Agent

By: _____
Name: _____
Its: _____

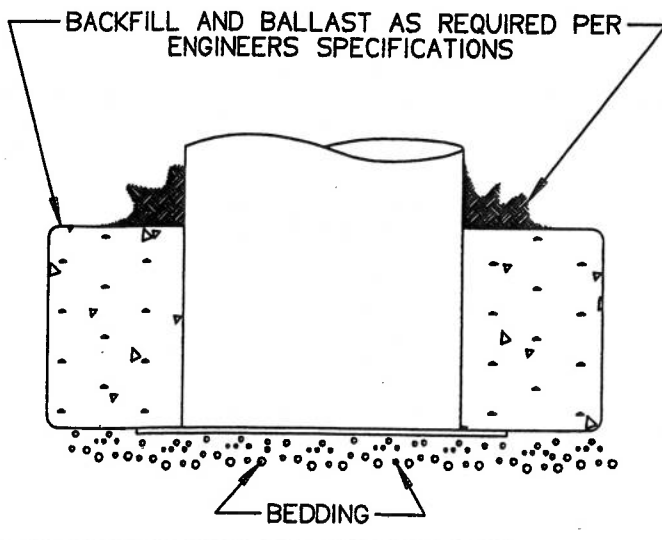
CUSTOMER:

By: _____
Printed Name: _____

G SERIES 30 X 60



TANK BASE DETAIL



SGS		05/05/10	1	
DR BY	CHK'D	DATE	ISSUE	SCALE

Gatorgrinder

EXTREME G SERIES,
30 X 60

ESD 10-0091

E/One Sentry™

Alarm Panel — Protect Package

Description

The E/One Sentry panels are custom designed for use with Environment One grinder pump stations. They can be configured to meet the needs of your application, from basic alarm indication to advanced warning of pending service requirements.

E/One Sentry panels are supplied with audible and visual high level alarms. They are easily installed in accordance with relevant national and local codes. Standard panels are approved by UL, CSA, CE and NSF to ensure high quality and safety.

The panel features a corrosion-proof, NEMA 4X-rated, thermoplastic enclosure. A padlock is provided to prevent unauthorized entry (safety front).



Features

Includes all features of the basic configuration of the E/One Sentry panel, including circuit breakers, 240 or 120 VAC service, terminal blocks and ground lugs, audible alarm with manual silence, manual run feature and run indicator, redundant "Start" function with high level alarm, safety front, conformal-coated board, overload protection, as well as:

Trouble indication that shuts down the pump temporarily in the event of an unacceptable operating condition, including:

- Brownout conditions with the electrical power supply
- System over-pressure condition such as with a closed valve
- Run-dry operation of the pump

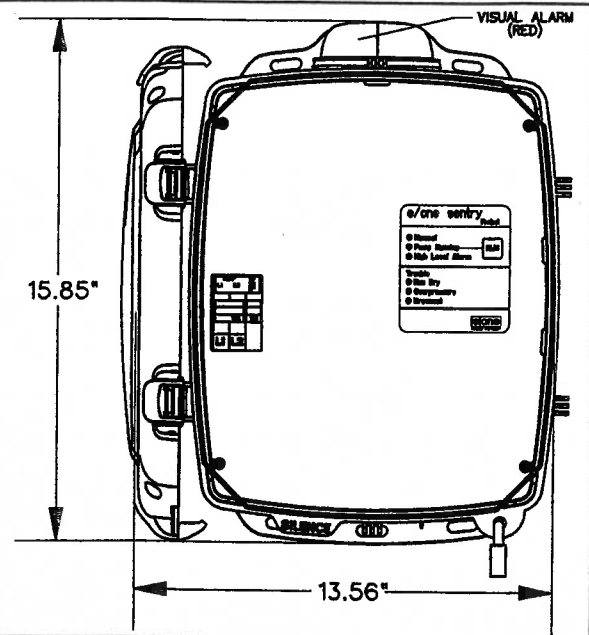
Inner cover (dead front)

Contact group — dry, powered and Remote Sentry

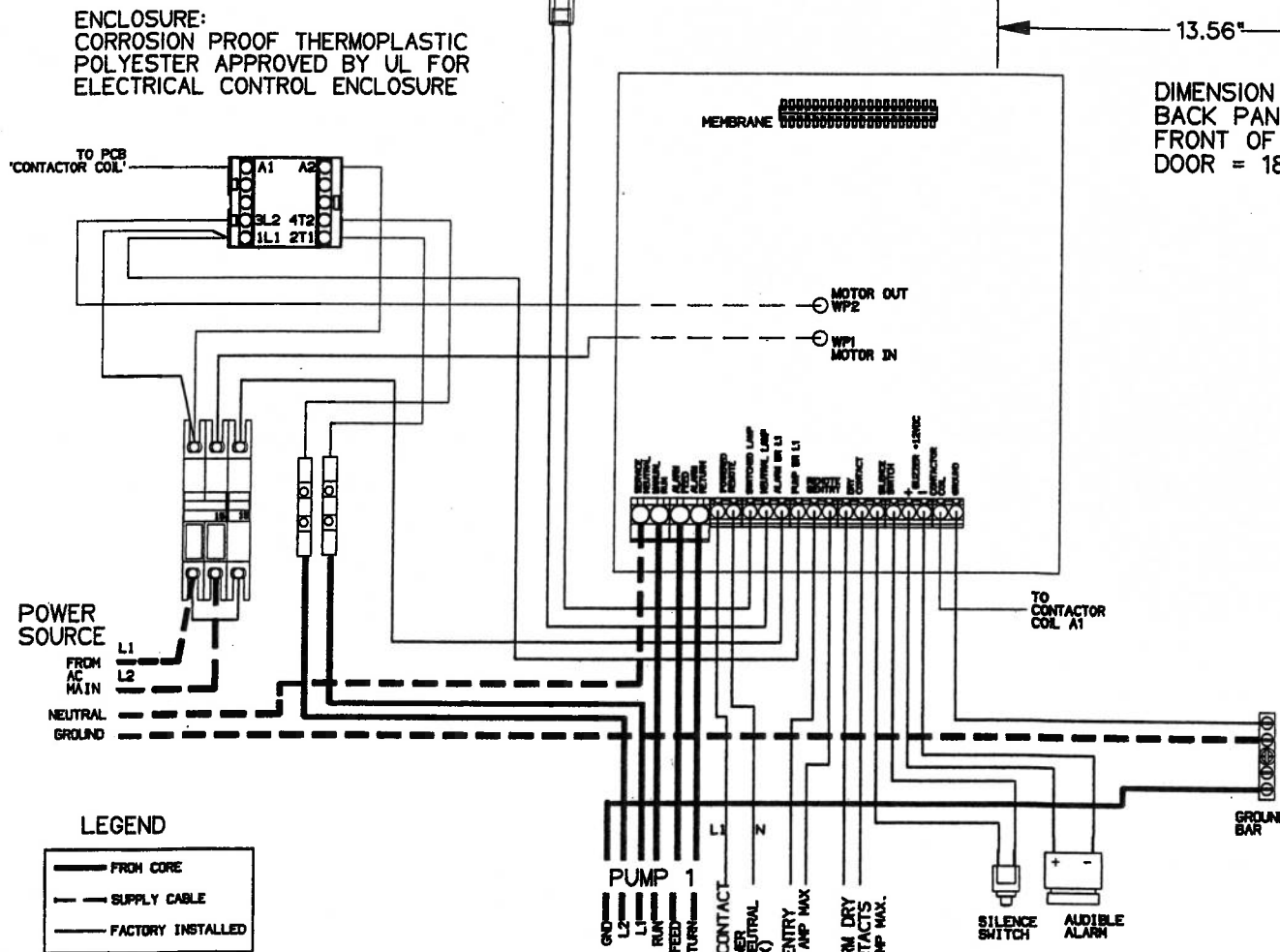
Please consult factory for special applications.

SENTRY PROTECT SIMPLEX

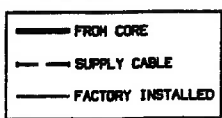
- REDUNDANT RUN (HIGH LEVEL)
- EXTERNAL VISUAL & AUDIBLE ALARM
- REMOTE SENTRY DRY CONTACTS FOR
OPTIONAL POWER LOSS HIGH LEVEL
ALARM (POWER LOSS ALARM FOR WIRELESS)
- MANUAL ALARM SILENCE
- MANUAL RUN
- STATUS LED'S: NORMAL, PUMP RUNNING, HIGH LEVEL
- TROUBLE LED'S: RUN DRY, OVERPRESSURE, BROWNOUT
- POWERED AND DRY CONTACTS
- CONFORMAL COATED CIRCUIT BOARD (BOTH SIDES)
- PADLOCK
- DEAD FRONT
- NEMA 4X ENCLOSURE ASSEMBLY



DIMENSION FROM
BACK PANEL TO
FRONT OF OPEN
DOOR = 18.02"



LEGEND



OLD / NEW WIRE COLOR MAP			
PIN	FUNCTION	2000S	EXTREME
1	MANUAL RUN	RED	BROWN
2	L1	BLACK	RED
3	L2	WHITE	BLACK
4	GND	GREEN	GRN/YEL
5	ALARM FEED	ORANGE	YELLOW
6	ALARM RETURN	BLUE	BLUE

CONTROL CABLE:
TYPE TC: DIRECT BURIAL, 12AWG,
SIX CONDUCTOR

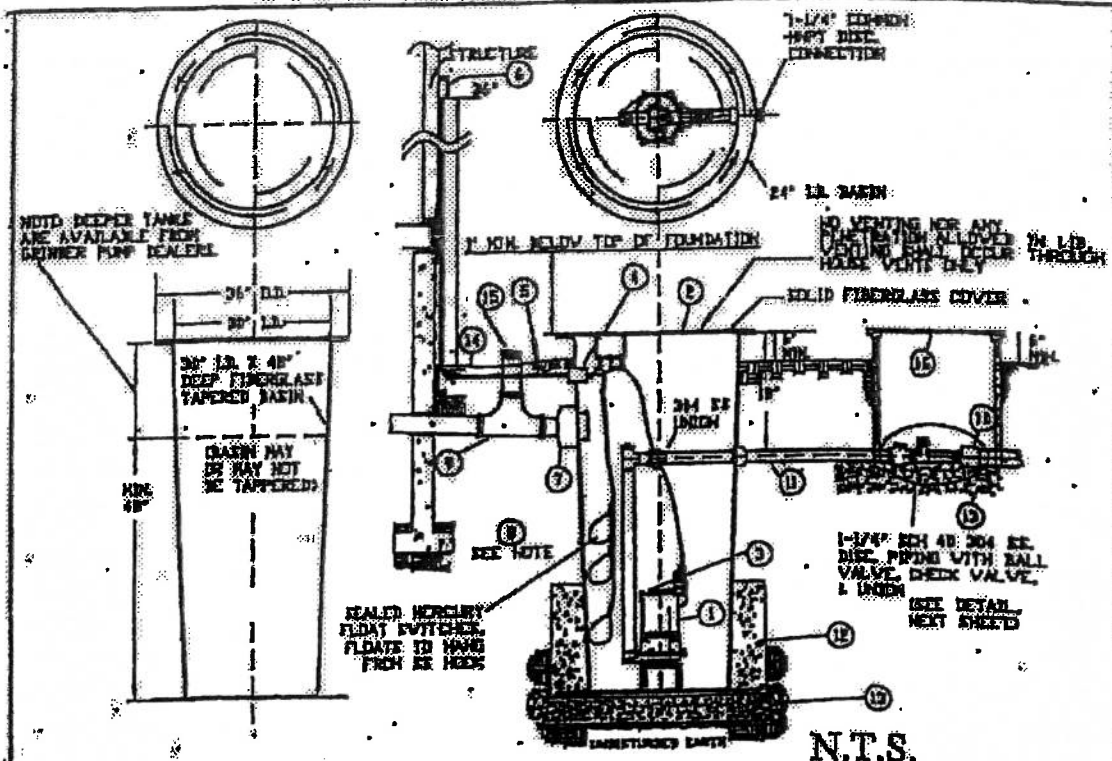


CTT	10/23/07	SGS	A	01/11/08
DR BY	DATE	CHK'D	ISSUE	DATE



SENTRY SIMPLEX PROTECT PANEL, 240V
60Hz DOUBLE POLE POWER

NA0075P03

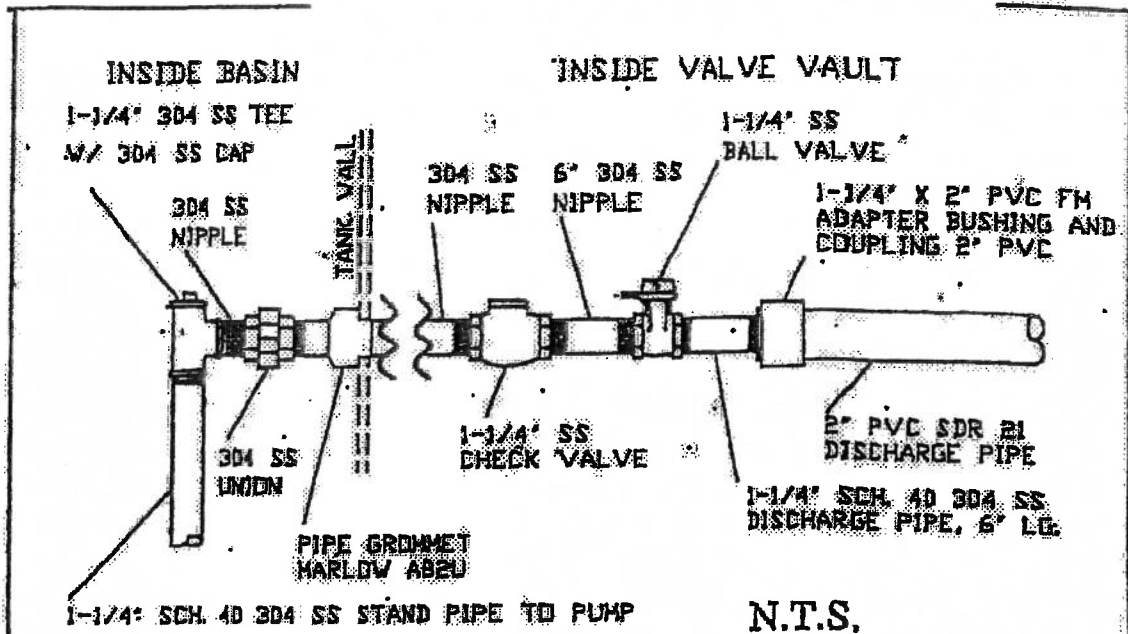


REQUIRED GRINDER PUMP INSTALLATION :

1. STANDARD 2 HP. HARLOW PUMP, MODEL NO. 1000000, SIMPLEX GRINDER PUMP, OR MULD APPROVED EQUAL. SOME AREAS REQUIRE A HIGHER-HEAD PUMP (EXAMPLE E-DNE P.D).
2. ACCESSWAY, COVER, AND PUMP TANK TO BE FIBERGLASS REINFORCED POLYESTER (FRP)
3. LIFTING EYES- FOR LIFTING COMPLETE GRINDER PUMP.
4. ELECTRICAL ENTRY BUSHINGS FOR LEADS FROM GRINDER PUMP AND FLOATS TO THE CONTROL PANEL WITH G-DOCK SEAL FLEXIBLE CLAY BOTH ENDS OF 1 1/2" CONDUIT.
5. GRINDER PUMP AND ALARM LEADS - CIRCUIT TO BE RUN IN ACCORDANCE WITH APPLICABLE ELECTRICAL CODES. ALL POWER AND FLOAT LEADS MUST BE 1 1/2-INCH MINIMUM CONDUITS.
6. RAINPROOF OEMA 3RD CONTROL PANEL - WITH CIRCUIT BREAKERS OR DISCONNECT SWITCH AND HIGH WATER ALARM FLASHING BECN MOUNTED ON EXTERIOR OF PANEL.
A NEMA 3R DISCONNECT PANEL LOCATED ADJACENT TO THE CONTROL PANEL SHALL ALSO BE PROVIDED.
NOTE: PUMP POWER AND CONTROL POWER ARE ON SEPARATE SUPPLY BREAKERS.
7. TANK INLET - 4" PIPE BRNET CHARLOW ABOVE; TANK OUTLET CHARLOW ABOVE
8. TANK VENT - TANK MUST BE VENTED THRU THE HOUSE SERVICE LINE.
9. GRAVITY SERVICE LINE - 4" DRAIN WASTE VENT W/ COMBINATION POP-UP RELIEF VALVE ON DUAL SWEEP CLEAN OUT. IF GREATER THAN 12" BELOW GRADE, THEN 2 CLEAN-OUT SWEEPS ARE REQUIRED.

ADDITIONAL REQUIREMENTS, SEE PAGE 2 OF 2.

REVISIONS REVISED 09-15-83 DATE ISSUED 10-83 SCALE: N.T.S.	WASTEWATER SYSTEM STANDARDS
	TYPICAL GRINDER PUMP INSTALLATION · (SHEET 1 OF 2)
	CONSTRUCTION STANDARDS AND DETAILS NO. WW-18



DISCHARGE PIPING — AT GRINDER PUMP

ALL DISCHARGE PIPING, FITTINGS AND HARDWARE TO BE SCH. 40 304 STAINLESS STEEL

10. DISCHARGE OUTLET - 1 1/4" MALE PIPE THREAD w/ 1 1/4" x 2" PVC ADAPTER BUSHING.
11. GRINDER PUMP DISCHARGE LINE WITH GROMMET - 1 1/4" SCH 40 304 SS NOMINAL PIPE SIZE.
12. CONCRETE ANCHOR 900 LBS. (6 CUBIC FT) PLUS 600 LBS. (4 CUBIC FT) PER FOOT OF ACCESSWAY. EXAMPLE: 1/2" ACCESSWAY - 900+1200=2100 LBS. (14 CUBIC FT) SLEEVE OVER INLET LINE IS REQUIRED IF ANCHOR IS POURED TO A LEVEL ABOVE THE INLET. (REQUIRED IN FLOOD PLAIN AS DESIGNATED BY BUILDING INSPECTOR)
13. BEDDING MATERIAL - 6" MINIMUM ROUNDED AGGREGATE (PEA GRAVEL)
14. FINISHED GRADE - GRADE LINE TO BE 6" BELOW TOP OF ACCESSWAY AND SLOPE AWAY FROM ACCESSWAY DRENCH.
15. 4" COMBINATION POP-UP RELIEF VALVE / CLEAN-OUT SET IN 4" PVC ADAPTER. POP-UP RELIEF VALVE SHALL BE 3" ABOVE GROUND AND 3" BELOW TOP OF TANK.
16. EAST JORDAN IRON WORKS VALVE BOX, STD. BOX # 548P24 w/ "LAKEWAY" CAST IN LID.

REVISIONS REVISED 09-13-03 DATE ISSUED: 01-03 SCALE: N.T.S.	LAKEWAY MUNICIPAL UTILITY DISTRICT LAKEWAY, TEXAS	
	WASTEWATER SYSTEM STANDARDS	
	TYPICAL GRINDER PUMP INSTALLATION (SHEET 2 OF 2)	
	CONSTRUCTION STANDARDS AND DETAILS NO. WW-1B	

GRINDER PUMP INSTALLATION REQUEST

PROJECT: _____

ADDRESS: _____

COMPANY: _____

CONTACT # _____

GATE CODE: _____

NUMBER OF PUMPS AT THIS LOCATION: _____

PLEASE ANSWER THE FOLLOWING QUESTIONS BY MARKING AN "X" IN THE BOX PROVIDED.

1. Tank has been backfilled and is installed above finished grade? (12" EXT. MAX)
2. Tank is completely empty and free from all debris? (NO LIQUID)
3. Center of inlet pipe is 30" (min) from the bottom of the tank?
4. Inlet grommet is installed correctly using a hole saw?
5. Discharge piping is 1.25" from the tank to the tap?
6. 1" electrical bulkhead fitting installed on the FRP tank per electric code?
7. 1" electrical conduit installed from the tank to the panel? (NO PRESSURE FITTINGS)
8. A pull string is provided through the conduit from the tank to the panel?
9. The control panel is mounted 40" to 60" above finished grade?
10. All conduit penetrations are on the bottom of the control panel only?
11. Dedicated 30 AMP circuit feeding the control panel? (LABELED)
12. Verified that the voltage at the control panel is between 216V and 264V?
13. All residential / main valves are located and accessible?
14. Water is available for testing the operation of the grinder pump?

YES	NO

****** IF ANY LIQUID IS FOUND IN THE GRINDER PUMP TANK AT THE TIME OF THE PUMP INSTALLATION, THE INSTALLATION WILL BE RESCHEDULED FOR THE FOLLOWING WEDNESDAY. IF THE TANK IS OVERFLOWING THE DISTRICT'S REPRESENTATIVE WILL BE NOTIFIED IMMEDIATELY. ALL FEES ASSOCIATED WITH THE SEWAGE REMOVAL WILL BE BACKCHARGED TO THE BUILDER.**

PLEASE READ CAREFULLY

- * If you answered "no" to any of the questions above please make the necessary corrections before submitting this request.
- * Once Environmental Improvements, Inc has received the request form the installation will be scheduled for the following Wednesday. (REQUEST FORMS MUST BE RECEIVED BY 12:00pm TUESDAY)
- * Installations will start at 7:00am on Wednesday. **BE PREPARED.**
- * If the installation cannot be completed for reasons covered in questions 1-14 the installation will be rescheduled. Once the corrections have been made a new request form must be submitted.
- * **A RETURN TRIP FEE OF \$200.00 WILL BE BACKCHARGED TO THE BUILDER.**

By entering my electronic signature below, I affirm that I have read and agree to the terms, conditions, and policies in this application. Contact Environmental Improvements, Inc. with any questions. (512) 295-3733

PRINT: _____ SIGN: _____ DATE: _____

§290.47(d) Appendix D. Customer Service Inspection Certification.

Figure: 30 TAC §290.47(d)

Customer Service Inspection Certificate

Name of PWS _____ PWS I.D.# _____

Location of Service _____

Reason for Inspection:	
New construction.....	<input type="checkbox"/>
Existing service where contaminant hazards are suspected	<input type="checkbox"/>
Major renovation or expansion of distribution facilities	<input type="checkbox"/>

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

Compliance	Non-compliance		
<input type="checkbox"/>	<input type="checkbox"/>	1.	No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with Commission regulations.
<input type="checkbox"/>	<input type="checkbox"/>	2.	No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention assembly tester.
<input type="checkbox"/>	<input type="checkbox"/>	3.	No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.
<input type="checkbox"/>	<input type="checkbox"/>	4.	No pipe or pipe fitting which contains more than 8.0% lead exists in private water distribution facilities installed on or after July 1, 1988.
<input type="checkbox"/>	<input type="checkbox"/>	5.	No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.

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

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

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

Remarks:

Signature of Inspector

Registration Number

Title

Type of Registration

Date