



**PUBLIC SERVICE BOARD MEETING  
AGENDA ITEM  
REGULAR MEETING**

**Wednesday, January 13, 2021**

**SUBJECT**

Consider and adopt the Water, Wastewater, and Reclaimed Water Annual Budget for Fiscal Year 2021-2022

**BACKGROUND**

Review and adopt the Water, Wastewater, and Reclaimed Water Annual Budget for Fiscal Year 2021-2022.

**STRATEGIC OBJECTIVES SUPPORTED**

Strengthen Financial Viability

**EVALUATION PROCESS**

A budget workshop was held on November 30, 2020, to review the Water, Wastewater and Reclaimed Water Operating and Capital Improvement budget, proposed fee adjustments, and proposed additions and revisions to Rules and Regulations No. 1, No. 5, No. 6, No. 7 and No. 11.

**FINANCIAL IMPLICATIONS**

The Rules and Regulations and budget approval will set the rate adjustments for the Water, Sewer and Reclaimed Water Utility services and set forth the Operating and Capital budgets.

**PROPOSED ACTION REQUESTED**

Adopt the Water, Wastewater, and Reclaimed Water Annual Budget for Fiscal Year 2021-2022, adopt Rules and Regulations proposed changes to No. 1, No. 5, No. 6, No. 7 and No. 11, and rate adjustments.

**SUPPORTING DOCUMENTATION PROVIDED**

- Rules & Regulations No. 1, No. 5, No. 6, No. 7 and No. 11 with Proposed Changes

RULES AND REGULATIONS NO. 1

RULES AND REGULATIONS  
GOVERNING THE FURNISHING AND CONTROL  
OF WATER AND/OR SEWER SERVICES  
WITHIN THE CORPORATE LIMITS OF THE  
CITY OF EL PASO BY  
THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118M, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952; AS AMENDED, NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING RULES FOR THE FURNISHING AND CONTROL OF WATER AND/OR SEWER SERVICE WITHIN THE CITY OF EL PASO ARE HEREBY ESTABLISHED AND SHALL SUPERSEDE THE RULES AND REGULATIONS PREVIOUSLY ADOPTED FOR WATER AND/OR SEWER SERVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO. (KNOWN AS RULES AND REGULATIONS NO. 1).

THAT PUBLIC SERVICE BOARD RULES AND REGULATIONS NO. 1 GOVERNING THE FURNISHING OF WATER AND/OR SEWER SERVICE ARE HEREBY AMENDED BY ADOPTION OF NEW RULES AND REGULATIONS NO. 1, WHICH SUPERSEDE AND REPLACE THE EXISTING RULES AND REGULATIONS NO. 1, AND WHICH SHALL READ AS FOLLOWS:

SECTION I      GENERAL

A.      TABLE OF CONTENTS

The headings or captions following are adopted as the Table of Contents for Public Service Board Rules and Regulations No. 1.

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B. DEFINITIONS

Backflow (Back Siphonage):

The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended source. Back siphonage is the condition where negative pressure in a potable water pipe induces backflow through a cross connection.

Backflow Prevention Assembly (Approved):

An assembly that has been manufactured in full compliance with the AWWA Standards C510 and C511, and is listed by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California. Approved assemblies shall include an Air Gap, a Reduced Pressure Assembly, a Reduced Pressure Principle Detector Assembly, a Double Check Assembly, and a Pressure Vacuum Breaker, each of which is designed for a specific application, and any of which serve to protect the public water supply from contamination originating at the Customer's premises.

Certified Backflow Prevention Technician:

A person who is certified by TCEQ to test, repair, and maintain backflow prevention assemblies within the jurisdictional limits of the City of El Paso after having successfully completed a training course on cross connection control and backflow prevention approved by the TX Natural Resources Conservation Commission.

Charges:

As applied herein, the fees charged for services by the Utility not included in the monthly minimum charge and commodity usage charges.

Corporate Limits (City Limits):

The boundary line denoting the extent of land included within the legally incorporated limits of the City of El Paso, El Paso County, Texas.

Cross Connection:

Any connection or arrangement, physical or otherwise, between a potable water supply or device, through which it may be possible for non-potable, used, unclean, polluted or contaminated water or other substances, to enter into any part of such potable water system under any condition, including reduced or negative pressure.

Cross-Connection Control Program and Associated Fees:

An EPWU managed program whereby backflow prevention assemblies are tested upon installation and at least annually thereafter. The fees associated with this program are called out and described in Rule and Regulations #7.

Cross-Connection Control Program Manager:

A person designated by El Paso Water Utilities to administer and enforce the cross-connection control program.

Customer Responsibilities:

Those implementing actions and procedures under the Cross Connection Control Program for which the customer is responsible and for which the customer must either initiate action or cooperate fully with the EPWU in its fulfillment of that program.

Customers:

An individual water and/or sewer user who is included in the Utilities billing files.

Dedicated Street (Alley):

The land (real estate) which has been dedicated, accepted and filed with the City of El Paso and/or the County of El Paso to be held in the public domain for use as a public right-of-way for access.

EPWU:

El Paso Water Utilities (Utility) a publicly owned water and sewer agency located in and serving the people of El Paso County, Texas.

Extension (Line Extension):

The water and/or sewer line which is required to be connected to the existing water/sewer system to provide water/sewer service to a property, including piping installed in a right-of-way which is contiguous or non-contiguous to a property.

Fort Bliss Military Reservation:

Shall mean all lands held by the Federal Government for their use at Fort Bliss, Biggs Field, White Sands Missile Range or testing grounds.

Off-Site Facilities:

The water and/or sewer facilities required to provide service to a property, not including the water and/or sewer main located in the public right-of-way immediately contiguous to the property line of the property. Off-site facilities may include pipes, valves, reservoirs, pump stations or lift stations. In the content of these Rules and Regulations No. 1, off-site facilities do not include wells, water treatment plants, waste water treatment plants, Administrative facilities, laboratories or "Master Plan Facilities.

Panhandle Lot:

A lot, because of inherent limitation, lacking frontage except for access provided by way of a narrow projection of the lot to the street.

Properties:

An occupied or vacant parcel of land (real estate) platted and filed on the City/County Tax Rolls.

PSB:

Public Service Board. The Board of Trustees created by Ordinance 752, which is the governing body of and has the complete management and control of the EPWU (Utility). Consisting of seven (7) members appointed by the City Council of El Paso, of which the Mayor serves as one member.

Sewer Service:

A property is deemed to have sewer service available if a sewer collector line is in place in the public right-of-way adjacent and contiguous to the property.

Sewer Service Connection:

The pipes, fittings and appurtenances connected to the Utility's sewer collector line and extending to or beyond the property line of a customer. This connection allows the customer's wastewater (sewage) to drain (or be pumped, if necessary) into the Utility's wastewater collection and treatment (sewer) system. The installation of all sewer service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected by qualified Utility personnel.

Subdivision:

Subdivision means that the division of a lot, tract or parcel of land into two or more parts for the purpose of immediate or future sale, development, or dedication of a new public improvement. Provided, however, that the following shall not be considered subdivisions:

- a. The division of land into parts greater than five acres, each part having access, where not public improvement is dedicated; or
- b. The acquisition of land by any means for public use; or
- c. The combination or recombination of portions of previously platted lots where right-of-way is unchanged, easements are unchanged, no lots are created without access, and no panhandle lots are created; or
- d. Any division of property by will or intestacy providing that all parts of the property have access; or
- e. Any division of previously platted lots where right-of-way is unchanged, easements are unchanged, drainage patterns or quantities are unchanged, no lots are created without access, and no panhandle lots are created.

Wastewater (Sewage):

Water which has been used for domestic, commercial or industrial purposes and has acquired contaminants which must be removed by wastewater treatment processes prior to the return to or reuse of treated wastewater in the environment.

Water Meter:

The mechanical device, including appurtenances which totalizes the volume of water flowing through a water service connection.

Water Right (Surface, Underground):

The legal right in accordance with Texas Statutes to divert, use or consume water flowing to, over, or under a property. A water right is a real property right that may be apportioned to the land where the water is used and includes irrigation rights.

Water Service:

A property is deemed to have water service available if a qualifying water main is in place in the public right-of-way adjacent and contiguous to the property.

Water Service Connection - Customer:

That point in the customer's water supply system beyond the sanitary control of the El Paso Water Utilities, generally considered to be the outlet end of the water meter box.

Water Service Connection - EPWU:

The pipes, fittings, valves, meters and appurtenances which are connected to the water main in the street and extending to, or beyond, the property line of a customer. The installation of all water service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected by qualified Utility personnel.

C. NEUTRAL GENDER

When the context requires, all nouns and pronouns in the masculine gender shall also include the feminine gender.

SECTION II CONDITIONS OF SERVICE

A. GENERAL

1. Purpose

In recognition of the fact that the water and wastewater system of El Paso Water Utilities is owned by the citizens of El Paso and is operated for the benefit of these citizens as a publicly-owned utility; that the rates and charges to each customer should be related to the benefits received and to the cost of service; that the furnishing of new and/or enlarged water service and/or sewer service connections imposes an excessive cost on the operating revenue of EPWU; and the fact that these expenses, if added to the water and/or sewer service rates, as such, would increase the cost of service to the existing users out of proportion to any benefits they would receive; therefore, in order to provide a reasonable division of these additional expenses between the existing customers and the new customers, these Rules and Regulations No. 1 for new services within the corporate limits of the City of El Paso are adopted. (See Rules and Regulations No. 11 for service outside the corporate limits of the City of El Paso.)

2. Water Rights

To protect and conserve the water supply of the City El Paso, the PSB will assume the responsibility of providing water to property in accordance with these Rules and Regulations No. 1 only when the underground water rights and surface water rights that were vested in the property on January 1, 1973 are owned by the owner of the property to which water service is to be provided or by the PSB. Water service provided after July 10, 1973 shall be discontinued to property when said underground and/or surface water rights belonging to the property served are later transferred to other property except for transfer of said water rights to the PSB. FURTHER, service shall not be provided to a property, or shall be discontinued, when service has already been provided, where underground and/or surface water belonging to the property served is used in a manner that will not reduce by the same amount the water requirements on the property served by the PSB.

3. Cost Allocation

As a part of this regulation, the Utility may require, on any extensions or additions to its system which require expenditures of operating revenue that are not justified on the basis of the anticipated revenue or which are speculative in nature and primarily beneficial to a certain party or parties, sufficient charges or deposits of whatever nature the Utility may deem necessary and which may be legally assessed to assure that the costs are assumed by the apparently benefitted parties and not by the general water users of the City of El Paso.

4. Service Requirements

It is the intent of these Rules and Regulations No. 1 that water and sewer service be provided only to property that is within the city limits of the City of El Paso or within the Fort Bliss Military Reservation except as permitted and limited by Rules and Regulations No. 11. For the purpose of this Rules and Regulations No.1, property shall be considered as being within the Corporate limits or the City of El Paso and eligible for water and/or sewer service if it is located and improved in such a manner that all of the following conditions are satisfied:

- a. The property is totally or partially within the Corporate limits of the City of El Paso.
- b. A portion of the property abuts on a dedicated street that is within the corporate limits of the City of El Paso and said street provides vehicular access to the property.
- c. The main building or buildings to be served with water and/or sewer service are located in such a manner that all or part of such buildings are within the city limits of the City of El Paso and are included on the tax rolls of the City of El Paso or will be upon completion of construction of such buildings.
- d. The property must comply with El Paso Subdivision Ordinance, as it now reads or may be amended, and all applicable Local, State and Federal laws.
- e. Panhandle shaped lots shall not be eligible for water and/or sewer service unless they meet the following criteria:
  - \* The maximum length of the panhandle shall be one hundred fifty feet.
  - \* The minimum width of the panhandle shall be seventeen feet to serve one dwelling unit. In case of joint use by a maximum of four dwelling units the minimum width of each panhandle shall be seven and a half feet and the minimum cumulative width of all the panhandle shall be thirty feet.
  - \* All panhandle lot developments shall be properly subdivided in accordance with the subdivision regulations of the City of El Paso.
  - \* Water and/or sewer service shall be provided at the property line adjacent to the public right-of-way. Extension of service to each dwelling unit shall be the responsibility of the customer. The extensions of water and sewer mains through the panhandle easement shall not be permitted.

B. PROPERTY DESCRIPTION

The owner of the property or other person desiring water and/or sewer service from the City of El Paso water and sewer system shall provide the Utility with a complete legal description of all property on which buildings and/or other improvements are proposed to be located that require water and/or sewer service. This property description shall become a part of the application for service and shall be used in calculating the line extension charges as provided in Rules and Regulations No. 7. No water and/or sewer service shall be extended to any property other than that which was identified by the owner or applicant for service at the time such service was initially provided. Extending water and/or sewer service directly or indirectly to property other than that originally identified in the application for service is a violation of these rules and regulations and shall be cause for discontinuance of service in accordance with Section IX. No water and/or sanitary sewer service shall extend through property owned or intended to be sold and consequently owned by different individuals or entities prior to connecting to an EPWU water and/or sanitary sewer main; unless previously discussed and approved by the EPWU.

SECTION III SEVERABILITY CLAUSE

If any provision, paragraph, section, subsection, sentence, clause or phrase of these Rules and Regulations No. 1 or the application of same to any person or set of circumstances is for any reason held void, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these rules and regulations.

SECTION IV RIGHT OF APPEAL

The customer may appeal in writing any ruling or action of the Utility or its agents to the Public Service Board (herein after called the Board) in accordance with the procedures established in Public Service Board Rules and Regulations No. 8. Any customer who does not appeal such a ruling or action in accordance with these procedures within 60 days of the date of the



issuance of the ruling or action shall waive any right to contest such action or ruling. The Board, at its own discretion, may either affirm or change the ruling of the Utility. Any change of the ruling of the Utility by the Board shall be consistent with these rules and regulations or if not consistent, shall constitute a variance from these rules and regulations. The reasons for such a variance shall be stated in the minutes of the Board.

## SECTION V PROTECTION OF WATER SUPPLY

### A. CUSTOMER RESPONSIBILITIES

The Customer is responsible for preventing contaminants or pollutants originating on the customer's premises from entering the public water supply as well as the customer's water system. The Customer's responsibility begins at each water service connection and extends throughout the entire length of the water system within the premises. Premises is defined as any and all areas on a customer's property that is served, or has the potential to be served, by the El Paso Water Utilities.

The Customer is responsible for the expenses incurred for the proper installation, relocation, repair, testing and maintenance of approved backflow prevention assemblies in accordance with the EPWU's Cross-Connection Control Manual of Procedures. The Customer shall be responsible for the initial and annual testing of such assemblies, coordination and cooperation with the Utility's Cross-Connection Control Program Manager, and for retention of records. Records of backflow prevention equipment tests, inspections, and repairs shall be retained for three years.

Backflow Prevention Assemblies shall be protected from freezing and vandalism by a method acceptable to the Utility's Cross-Connection Control Program Manager. Design of such enclosures, their installation and maintenance shall comply with OSHA 29 CFR, Part 1910.146 "Confined Spaces"; shall provide for adequate drainage from testing, flushing or relief valve discharges; and, shall be maintained so that assemblies are safely and readily accessible for testing, maintenance and repairs.

The customer shall be responsible for the cost of the backflow prevention assembly, thermal expansion device, freeze protection, initial and annual testing, maintenance and record keeping.

The failure of the customer to install such a backflow prevention assembly after notice by the Utility shall be a basis for discontinuance of service.

### B. CONFORMING WITH CODES

Each customer shall comply with these Rules and Regulations No. 1, the City Plumbing Code and the Regulations of the Texas State Department of Health, the rules and regulations of the TCEQ, and all other applicable laws. Each customer shall permit inspection at any reasonable hour by the Department of Public Inspection, the City Plumbing Inspector, the Sanitary Engineer of the City-County Health Unit, the Cross-Connection Control Program Manager, a Water Conservation Enforcement Officer or Technician, Pretreatment Inspectors or any official employee or representative of the Utility. The purpose of this inspection is to determine whether physical facilities exist on the premises of the user that are a hazard or may create a hazard to the health, safety or welfare of the citizens of El Paso through possible contamination of the water supply by cross-connections, back siphonage, excessive leaks or other means or which constitute a threat to the water supply or other conditions or activities prohibited by the mandatory water conservation ordinance of the City of El Paso, Chapter 15.13 of the El Paso Municipal Code.

The horizontal separation between a water service line and a sanitary sewer service line between the property line to the water or sanitary sewer main shall be 5 feet of undisturbed or compacted earth or as outlined in the City of El Paso's Plumbing Code. Water and/or sanitary service lines are not allowed to be constructed within and parallel to the public right of way or easement; only perpendicular extensions to the public right of way or easement of water and/or sanitary sewer services are allowed.

### C. EQUIPMENT

An Air Gap or Reduced Pressure Backflow Prevention Assembly shall be approved for all installations. In addition, a Reduced Pressure Principle Detector Assembly shall be approved for firelines; a Pressure Vacuum Breaker shall be approved for irrigation systems; and a Double Check Assembly shall be approved for special applications by the



Cross-Connection Control Program Manager.

All air gaps, reduced pressure backflow prevention assemblies, reduced pressure principle detector assemblies, pressure vacuum breaker, and double check assemblies shall be constructed within the right of way or outside the public right of way perpendicular to the public water main so that a clear line of sight can be established between the public water main and the backflow preventer assembly, unless approved by the EPWU's Cross Connection Control Manager.

D. PROTECTION OF THE WATER SUPPLY

In each instance listed below the customer will aid the system in protecting other users by either accepting delivery of water through an acceptable and approved air gap device or through an acceptable backflow prevention assembly:

1. Premises having their own well or any water supply not furnished by El Paso Water Utilities;
2. Premises that are partially or totally outside the State of Texas;
3. Premises including sewage treatment and/or sewage pumping;
4. Premises where bulk chemicals, hazardous chemicals, extremely toxic substances and/or radioactive materials are manufactured, processed, used or stored, also including any school, university or college facility with a chemistry, medical, or biology laboratory;
5. Premises with any process listed in 40 C.F.R. § 403 such as electroplating, metal finishing, metal molding and casting;
6. Premises where medical and/or dental surgical procedures are or could potentially be performed, including but not limited to, all hospitals, medical laboratories, rehabilitation hospitals, cancer treatment facilities, clinics, dentist offices, nursing homes, veterinary offices or clinics, or facilities where animals are groomed;
7. Premises where synthetic organic chemicals, oils, gases or other substances of petroleum origin are produced, processed, developed, refined, stored in bulk and/or transmitted via pipeline or truck;
8. Car washes;
9. Premises where food is processed, including but not limited to, dairies, milk processing, nut roasting plants, beverage processing, beverage bottling, breweries;
10. Premises where textiles or clothing are industrially or commercially laundered or finished using wet processes or dry cleaning;
11. Premises where ready-mix concrete is prepared, sand and gravel operations;
12. Pharmacies;
13. Radiator shops;
14. Greenhouses;
15. Leased space, including warehouses, malls, and strip shopping centers;
16. Premises where photographic or x-ray film is processed;
17. Premises which are connected to reclaimed water service;
18. All firelines and fire protection systems except as noted in Section F;
19. Non-residential yard meters or landscape irrigation systems;
20. Mortuaries, morgues, animal processing and taxidermy facilities;
21. Premises with more than one interconnected connection to the EPWU potable water system, buildings with two stories or more, facilities with complex piping or where inspection is restricted;
22. Temporary service connections, including but not limited to, construction water service points, fire hydrants, truck filling points; and,
23. Premises, in addition to the foregoing, where uncontrolled cross-connection and/or an actual or potential condition exists that might, directly or indirectly, cause contamination of the public water supply or pose a danger to human health or safety of the environment without an air gap separation

between the drinking water supply and the source of potential contamination.

E. HAZARDOUS CONDITIONS

In the event a system hazardous cross-connection is determined to exist by El Paso Water Utilities personnel, water service to the premises shall be immediately terminated. Service shall be restored when the system hazard has been controlled or eliminated. The Utility reserves the right to install backflow prevention assemblies in emergency situations where there is an **imminent** threat to the public water supply, and to charge the customer the costs of such services as part of its monthly billing for service.

In the event no system hazards exist, but potential cross-connections require containment control, the Utility shall give the customer written notice to comply. The customer shall submit a design and a plan for implementation to the Cross-Connection Control Program Manager within **45 Days** of the date of the written notice. The customer shall have an additional **45 Days** from the date of the Program Manager's approval to have the backflow prevention assembly installed, tested, and inspected. The Utility reserves the right to terminate water service to the premises for customer's failure, refusal or inability to have the backflow prevention assembly installed, tested, and inspected and to continue such termination until compliance has been achieved.

F. FIRE PROTECTION SYSTEMS

Fire protection systems begin at the water service connection and include sprinklers, hose connections, hydrants, reservoirs, tanks, standpipes, pumps, distribution pipes, and other appurtenances within a premises that are owned, operated and maintained by the customer for the purposes of fire suppression. All existing and new fire protection systems shall have an approved backflow prevention assembly at the water service connection except under the following circumstances: *Fire protection systems with no reservoirs, no fire pumper connections, no connections from auxiliary water systems, no antifreeze or other additives, and with all sprinkler drains discharging through an approved air gap, constructed with acceptable potable water piping materials conforming to ANSI/NSF Standard 61 and certified by an organization accredited by ANSI, except as otherwise required by these Rules and Regulations.*

G. CHANGE IN WATER OR BUILDING USE

In cases where a backflow prevention assembly exists, and where the water use or building use has changed such that a backflow prevention assembly is no longer required, the customer may request an exemption from annual testing.

SECTION VI PROTECTION OF SEWER SYSTEM

NOTE: This Section was repealed and replaced by the adoption of Rules and Regulations No. 9, approved by the Public Service Board on June 13, 1990, as amended.

SECTION VII CUSTOMER'S RIGHTS AND RESPONSIBILITIES

A. SERVICE SIZE

The customer shall determine the size of water service connection and the size and number of sewer service connections he may need, subject to his paying the rates and charges as provided in Rules and Regulations No. 7., within the limitations of these regulations, provided, however, that a single family dwelling unit having a gross lot area of 10,000 square feet or less shall not be permitted a water service connection larger than 3/4 inches. Each property or developable unit shall have a separate water meter and separate sewer service connection. In no instance shall two properties owned by different individuals or entities and/or properties separated by a street or alley be served by one water meter or by one sewer connection. A single platted lot with single ownership, but having multi-family residential housing may have a single service which shall be the responsibility of the property owner.

B. EXTENSION AND CONNECTION CHARGES

Once line extension charges have been paid, the right to the allowable service connection shall be vested in the property, whether used or not. However, should a service connection remain inactive for two years or more, the service connection may, at the sole discretion of the Utility, be vacated, locked and/or removed. If the property owner requests the removal of a water connection a \$350 fee each plus other applicable charges as described in

Rules and Regulations No. 7 will be due from the property owner. Re-installation shall require a new application and new service connection charge which shall be paid as stipulated in Rules and Regulations No. 7. This is applicable for services removed by the Utility or at the request of the customer.

C. CUSTOMER FURNISHED EQUIPMENT

The customer shall be responsible for the furnishing and installation of the water service line (domestic and irrigation/yard) from the meter into the property, for the furnishing and installation of a fireline service from the bonnet box located in the parkway or sidewalk to the building, and for the sewer service line from the tap at the main into the property, to include the “air gap” or “approved backflow prevention assembly” and “backflow prevention assembly protective enclosures”, and for all equipment for the control and utilization of these services located within the property and for maintaining such lines and equipment in good, serviceable, and safe condition. The customer shall not extend water or sewer lines to furnish such service to property other than that on which charges provided herein have been paid.

D. WATER SERVICE CONDITIONS

The customer agrees to accept such conditions of water pressure or service as may from time to time exist and to hold the Utility, the City of El Paso and/or its Public Service Board harmless on account of damage caused by low or high pressure, fluctuations of pressure or interruptions or curtailment of service. Where the static water pressure at the meter exceeds 80 pounds per square inch, the customer should, for his own protection and at his own expense, install a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer.

E. SEWER SERVICE CONDITIONS

The customer shall agree to accept the elevation and location of all sewers as laid by the Utility and will, where necessary, install and operate on his own premises and at his own expense, all necessary sewage lifting equipment or backup protective devices. Customers having drain or fixture outlets into the house connections which are at an elevation that is lower than the top of the nearest downstream sanitary sewer manhole shall protect their premises from possible backup of sewage by the installation of backflow or other devices to prevent sewage backing up and flowing out of such outlets. Such customers agree to accept responsibility for any damages caused by a sewage backup where the customer has failed to install devices to prevent such sewage backing up and agrees to hold the City of El Paso, the Utility and/or its Public Service Board harmless for any damage caused by such a sewage backup.

In areas where vacuum sewer lines are installed, service valve boxes are required for service. As a condition of service, the service boxes may be located on the customer's premises in an area determined by the Utility to be accessible at all times for inspection, testing and maintenance. One service box may serve two or more properties. The service box may be set on the property line between adjoining served properties or on any of the served properties. The customer shall maintain the surrounding property in a manner that protects the service box from damage and assures that it is clearly visible. The customer shall immediately report any defect or damage he/she observes in the service box to the Utility. Application by the customer for service shall be deemed as permission for the Utility to set the service box on his/her property. No rent or other charge shall be made by the customer against the Board or the Utility for placing the service box, service lines or other equipment upon the customer's premises.

F. WATER METER LOCATION

When a location for the water meter box outside the property line is not practical, the water meter box shall be located on the customer's premises near the point where the service pipe crosses the property line and/or easement and where the meter will be accessible at all times for inspection, testing and reading and the customer shall maintain the surrounding property in a manner that protects the meter from damage and assures that it is clearly visible. The customer shall immediately report any defect he/she observes in the meter to the Utility. Application by the customer for service shall be deemed as permission for the Utility to set the meter box on his/her property, if necessary. No rent or other charge shall be made by the customer against the Board or Utility for placing the meter box, service pipe or other equipment upon the customer's premises.

G. CUSTOMER FACILITIES

The Utility does not assume the responsibility of inspecting any part of the customer's installation of water or sewer facilities. The customer shall be solely responsible for the costs of installing and maintaining any such facilities. The Utility has the right to inspect all backflow prevention assemblies at the costs described in Rules and Regulations No. 7.

H. DAMAGE TO CUSTOMER

The City of El Paso and/or EPWU shall not be responsible for any loss or damage caused by the improper installation, condition or use of the customer's equipment or by any negligence or wrongful act of the customer or his agents, employees or licensees.

I. DAMAGE TO UTILITY

Any damage to equipment belonging to the Utility caused by the negligence or wrongful act of the customer or his agent, employee or licensee shall be paid by the customer upon presentation of a bill therefore. Non-payment of such charges shall be grounds for disconnection of service.

J. SERVICE SIZE GUIDE

As a guide in the selection of the size service, the customer may consider that a service connection will deliver the following amount when discharging to atmosphere at the customer side of the meter:

Meter Size	Gallons Per Minute Demand
5/8 X 3/4"	15
1"	37
1 1/2"	75
2"	120
3"	240
4"	375
6"	750
8"	1400
10"	2000

This amount should be adjusted downward with an adequate allowance made by the customer for pressure drop caused by the customers piping system. The customer understands and agrees that the above table constitutes an estimate of the amount to be delivered and that neither the PSB or the Utility shall be responsible for any failure to deliver the estimated capacity shown on the above table.

SECTION VIII DESIGN AND OWNERSHIP OF FACILITIES

A. OPERATIONS, MAINTENANCE AND OWNERSHIP

The Utility shall design, operate and maintain all of its water and sewer facilities with due regard to present and future requirements of capacity, system operation and efficiency and anticipated life of such improvements. Title to all such facilities shall remain in the El Paso Water Utilities, City of El Paso, Texas, acting by and through its Public Service Board upon completion of the construction of such facilities and upon the incorporation of such facilities into the operating system. Any backflow prevention assembly or enclosure provided by the Utility becomes the Customer's property for purposes of operation and maintenance.

B. UTILITY FURNISHED EQUIPMENT

The Utility will furnish, install and maintain all meters and all pipes, equipment and materials connecting the water meter with the main as required by the WATER SERVICE CONNECTION CHARGE as provided in Rules and Regulations No. 7. Title to all such installations shall remain in the El Paso Water Utilities, City of El Paso, Texas, acting by and through its Public Service Board, except that any backflow prevention assembly or enclosure provided by the Utility becomes the Customer's property for purposes of operation and maintenance. The Utility will not be

responsible for the repair of the public way or the customer's sewer service line within the public way.

C. RIGHT TO OPERATE

The Utility shall have sole right to connect or disconnect the customer's service with the water and/or sewer main; to install, remove or reset meters; and to operate water main valves and appurtenances. No person, other than a duly authorized representative of the Utility, shall in any way interfere with or operate any of the facilities of the System.

D. LINE LOCATION

Water extensions shall be located on the north and east sides and sewer extensions on the south and west sides of dedicated streets or alleys, provided, however, the Utility may designate another location, if such locations are unavailable or if in the interest of operation, efficiency, or maintenance of the System. Under no circumstances shall any structure be placed over or around any water main or extension unless prior provision is made for ready and easy access to any and all parts of such main or extension.

E. FIRE HYDRANTS

Public fire hydrants shall be installed only along opened dedicated streets and/or as approved by the City Fire Chief.

F. RIGHT-OF-WAY

Before water and/or sewer extensions, being financed in whole or in part by Utility funds, are made in public streets and/or public alleys, such streets and alleys shall be legally dedicated and brought to within six (6) inches of the finished grade as approved by the City Engineer. The Utility will not place meters or services on the outside of the curb line on any existing or newly constructed streets unless the grading on the outside, which is the property side of the curb, is within four (4) inches of finished grade for a distance of ten (10) feet from the property side of the curb.

It is the intent of the Utility to construct sewer mains in public right-of-ways. Conditions under which water and sewer mains may be allowed in easements are discussed in Rules and Regulations No. 7, Sections II-F and III-H.

G. CONDITIONAL SERVICES

When service is required to a property within the city limits of El Paso that is not adjacent to a water main and/or a sewer line from which adequate service can be provided and when, in the opinion of the Utility, it is not feasible to construct a main that would provide adequate service, the Utility may grant permission to the customer to take "conditional" service at the nearest existing adequate main. The customer shall pay the appropriate charges as provided in Rules and Regulations No. 7, computed as though the main were adjacent to the property. The customer shall pay all cost of installation and maintenance of a pipeline from the water meter and/or sewer connection to this property and shall assume all responsibility and liability therefore as well as the payment of all costs and damages growing out of the installation, operation or failure of this pipeline. Such a connection and pipeline shall be installed and used as a temporary arrangement only. At such time as an adequate main may be installed adjacent to the property and on written demand of the Utility, the customer will have installed a regular service at his expense, will discontinue the use of the temporary connection and pipeline and will pay the Utility the appropriate charges for a regular service.

H. RESTRICTED WATER SYSTEM DESIGNS

Pressurized Water Systems or Hydro-pneumatic Water Systems are not allowed. Private water systems are not allowed.

I. RESTRICTED SEWER SYSTEM DESIGNS

Grinder Pump or Low Pressure Sewer Systems are not allowed. Private Sewer Collection Systems are not allowed.

SECTION IX DISCONTINUANCE OF SERVICE

The Utility shall have the right, with notice to the customer, to discontinue the water and/or sewer service and to apply any of the customer's WATER SERVICE GUARANTEE or DEPOSIT to amounts owed the Utility for non-payment of service charges; for the excessive waste of water; for failure to comply with the mandatory water conservation ordinance for the City

of El Paso; for violation of any provision of Rules and Regulations No. 9 (Pretreatment Regulations) for the violation of any of the City's Plumbing Code; for the piping of service along or across streets, alleys, or to the property of others without the prior written consent of the Utility; for using a service without applying for and signing the proper service contract; for supplying service to ~~property other property other than that which was identified by the owner or applicant for service at the time such service was initially provided.~~ ~~other than on which the appropriate FRONTAGE CHARGE has been paid~~; for violation of the provisions relating to service outside of the city limits of the City of El Paso, Texas as set out in Rules and Regulations No. 11; for furnishing false or erroneous information in any application for service; when any existing water and/or sewer service shall become inactive; for the failure to install a mechanical backflow prevention device when required; or for the violation of any provision of these Rules and Regulations No. 1 or any other lawful rule or regulation of the Utility or the City of El Paso or for any other action which interferes with the water service of other customers or which creates a danger of contamination to the water system. Provided, however, the Utility shall have the authority to immediately discontinue the customer's meter or sewer service without notice should any violation of these rules and regulations cause an immediate threat to the public health or safety or the environment. Such service shall remain discontinued until all errors are rectified and/or violations have ceased.

#### SECTION X SAVINGS

These rules and regulations are a part of the other rules and regulations of the Public Service Board and, save and except as amended hereby, the remaining provisions of the Public Service Board's rules and regulations shall remain in full force and effect.

#### SECTION XI EFFECTIVE DATE

These rules and regulations shall be and become effective from and after their adoption hereby and shall remain in effect until amended or changed by the Public Service Board.

PASSED, APPROVED and ADOPTED this 9th day of December, 1992, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTIONS I(B), II(A)(5), II(A)(6), V(A), V(B), V(C), VII(C), VII(G), VII(K), VIII(A), and VIII(B), ADDED or MODIFIED, APPROVED, AND ADOPTED this 11th day of December, 1996.

RULES AND REGULATIONS NO. 1, SECTION VII(C), REVISED, APPROVED, AND ADOPTED this 18th day of December, 1997.

RULES AND REGULATIONS NO. 1, SECTION VII(E), REVISED, APPROVED, AND ADOPTED this 14th day of April, 1999.

RULES AND REGULATIONS NO. 1, SECTIONS I(B), II(A), V, and VII(K), ADDED, DELETED, or MODIFIED, REVISED, APPROVED, AND ADOPTED this 23rd day of January, 2002.

RULES AND REGULATIONS NO. 1, SECTION V(D), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 25<sup>TH</sup> day of January 2006, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION V(A), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 17<sup>TH</sup> day of December 2009, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION VIII (H) and (I), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 8<sup>TH</sup> day of September 2010, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION V (B), (C), (D)22, SECTION VII (B), (C), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 11<sup>TH</sup> day of December 2013, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION V (B), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 10<sup>th</sup> day of December 2014, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION VII (B), ADDED, MODIFIED, REVISED, APPROVED, AND

ADOPTED this 9<sup>th</sup> day of January, 2019, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.  
RULES AND REGULATIONS NO. 1, SECTION VII (F), ADDED, MODIFIED, REVISED, APPROVED, AND  
ADOPTED this 8<sup>th</sup> day of January 2020, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION IX, ADDED, MODIFIED, REVISED, APPROVED, AND  
ADOPTED this 13<sup>th</sup> day of January 2021, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

**PUBLIC SERVICE BOARD:**

Kristina Mena~~Christopher Anteliff~~, Chair

**ATTEST:**

**APPROVED AS TO FORM:**

Terri Garcia~~Ivonne Santiago~~, Secretary-  
Treasurer

Daniel Ortiz~~Lee Ann B. Koehler~~, General  
Counsel



## RULES AND REGULATIONS NO.5

### RULES AND REGULATIONS ESTABLISHING A RATE FOR THE FURNISHING OF WATER SERVICE BY THE EL PASO WATER UTILITIES

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952 NOW THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING WATER RATES SUPERSEDE ALL RATES HERETOFORE FIXED AND ALL ORDINANCES HERETO PASSED WITH REFERENCE TO THE FIXING OF RATES FOR THE FURNISHING OF WATER SERVICE: (KNOWN AS RULES AND REGULATIONS NO.5).

#### SECTION I

There shall be collected from the users of every water service connected to the water system of the El Paso Water Utilities of the City of El Paso, Texas, for use thereof, a monthly charge consisting of a minimum charge plus a commodity charge for water used. For residential customers only, a volume of 4 hundred cubic feet (4 Ccf) will be included in the minimum charge. The following charges shall apply:

#### A. MONTHLY MINIMUM CHARGES FOR WATER SERVICE. BASED ON SIZE OF METER

<u>Meter Size</u>	<u>Minimum Monthly Bill</u>
Less than 1"	\$7. <del>982</del>
1"	\$12. <del>4420</del>
1½"	\$21. <del>340.92</del>
2"	\$25. <del>6747</del>
3"	\$51. <del>260.25</del>
4"	\$76. <del>515.01</del>
6"	\$116. <del>003.73</del>
8"	\$198. <del>714.81</del>
10"	\$382. <del>0974.60</del>

#### B. Water used in excess of the volume allowance (4 Ccf) included in the minimum charge shall be billed at the following rates:

<u>Block</u>	<u>Volume</u>	<u>Charge Per Ccf</u>
Block 1	Over 4 Ccf to 150% of AWC*	\$2. <del>4035</del>
Block 2	Over 150% to 250% of AWC	\$5. <del>6958</del>
Block 3	Over 250% of AWC	\$8. <del>137.97</del>

C. AVERAGE WINTER CONSUMPTION

\*Average Winter Consumption (AWC) is the average amount of water used during the most recent December, January, and February billing periods. If the customer's calculated AWC is lower than the class average then the customer will be assigned the class average AWC by meter size for the respective customer classification. Any unestablished (no history) Customer at the time of service will default to the class average AWC by meter size for that customer classification.

D. WATER SUPPLY REPLACEMENT CHARGE

There shall be collected from the users of every service connected to the water system, including Local Government Turf Accounts and Very Large Water Users, a monthly Replacement Charge as follows:

<u>Meter Size</u>	<u>Monthly Charge*</u>
Less than 1"	\$11. <del>82</del> 59
1"	\$29. <del>58</del> 00
1 ½"	\$59. <del>157</del> .99
2"	\$94. <del>642</del> .78
3"	\$189. <del>195</del> .48
4"	\$295. <del>6589</del> .85
6"	\$591. <del>3079</del> .71
8"	\$1099. <del>7978</del> .23
10"	\$2093. <del>7452</del> .69

\* If the monthly water consumption is less than 4 Ccf the monthly charge for Water Supply Replacement Charge will not be charged.

- E. Charges for services less than the normal 30-day reading cycle shall be calculated in the same manner as a full reading cycle.

~~F. LOCAL GOVERNMENT TURF IRRIGATION ACCOUNTS~~

~~A uniform rate of \$2.94 per Ccf is hereby established for local government turf irrigation accounts serving only an associated turf area of local governments for all usage per acre that does not exceed a per month Ccf usage based on the evapotranspiration information set forth in the following table:~~

<u>Month</u>	<u>Maximum Ccf Per Acre</u>	<u>Month</u>	<u>Maximum Ccf Per Acre</u>
Jan.	40	July	280
Feb.	40	Aug.	200
March	50	Sep.	180
April	180	Oct.	120
May	200	Nov.	50
June	280	Dec.	40

~~"Turf irrigation accounts" shall mean an account established for applying water for irrigation and landscaping only, as determined by the PSB's President/CEO or his designee.~~

~~"Local government" shall mean any county, municipality, village, town, a common or independent school district, hospital district or political subdivision of the State of Texas; excluding from this definition, however, any department, board, or agency of the State of Texas; including, without limitation, any of the following local governmental entities: the City of El Paso, Texas; the County of El Paso, Texas; the El~~

~~Paso Independent School District, and the El Paso Community College District.~~

~~Any usage by the local government turf irrigation accounts in excess of the above monthly allotments shall be billed at the Block 3 rates shown in subsection B above.~~

~~Participating local governments in this rate shall provide the Water Conservation Department the total acres served by each irrigation only meter, excluding the total areas for parking lots, building, hard surface courts, streets, and any other impervious areas. If such information is not provided by this date by those local governments participating on this date, water use for those local governments will be billed in accordance with the procedures and rates shown in subsection B above. Provided, however, any local government participating in the parks and recreation rate on the effective date of this Resolution shall not be required to comply with this paragraph and will continue to be billed under their established allotment, as that allotment may be adjusted in the future. Provided further, this exception shall not exempt any new account for such local government participating in the parks and recreation rate from fully complying with this paragraph.~~

~~In the case of multiple yard meters serving one location, the total acreage served must be divided in such a manner as to represent the acreage served per/by each yard meter. If the President/CEO, or his designee, after an investigation, determines that an equitable adjustment is required due to pressure variations and other factors, total consumption for meters looped at a single location must not exceed maximum Ccfs per acre allocated for the location.~~

~~No local government non irrigation usage will be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.~~

~~All local government turf irrigation accounts that modify the size of their landscape or turf area must provide the Water Conservation Department with written notice of the modification to allow the Water Conservation Department to recalculate new allotments.~~

~~Where reclaimed water is available, and an irrigation customer does not connect to the reclaimed water system, that customer shall pay the rate established in Section I K.~~

~~Reclaimed water is considered available if the property abuts on an easement or street with a reclaimed water line capable of providing service.~~

**GE. VERY LARGE WATER USERS**

Section 15.13.05 of the El Paso Municipal Code, also known as The Water Conservation Ordinance, defines a "Very Large Water User" as a person who uses an average of 100,000 gallons per day or more. Monthly metered water consumption for any person or account having daily water use of 100,000 or more gallons shall be charged in accordance with the following table:

		<u>Charge Per Ccf</u>
Block 1	0 Ccf to 5,000 Ccf	<del>\$3.00</del> <u>2.94</u>
Block 2	5,001 Ccf to 15,000 Ccf	<del>\$3.79</del> <u>2</u>
Block 3	15,001 Ccf to 30,000 Ccf	<del>\$4.54</del> <u>45</u>
Block 4	Over 30,000 Ccf	<del>\$5.69</del> <u>58</u>

The Monthly Minimum Charge based on the size of the meter and contained in Section I A shall also apply to all Very Large Water Users. No minimum volume will be included in the Monthly Minimum Charge; all metered use will be charged at the rates noted above.

For existing accounts served by the El Paso Water Utilities Public Service Board, daily water use shall be determined each year based on metered water consumption for the twelve-month period ending December 31. Annual water use (in gallons) will be divided by 365 to determine daily water use. Any account determined to have used an average of 100,000 or more gallons per day shall be classified as a Very Large Water User, and the rates contained in Section I G of this Rules and Regulations shall apply for the twelve-month period beginning March 1 and ending at the end of February of the following fiscal year. This classification shall apply

for the full twelve month period regardless of actual water use. The procedure for determining a Very Large Water User shall be repeated each year based on annual metered water use per account for the twelve months ending December 31.

New accounts with an anticipated water use in excess of 100,000 gallons per day will be charged the rates for Very Large Water Users until sufficient data is available for a consecutive twelve-month period.

This data shall then be used to calculate average daily water consumption and determine whether an account meets the definition of a Very Large Water User.

Local Government Turf Irrigation accounts will be charged in accordance with Section 1-F of this Rule and Regulation, regardless of average daily water use.

## HG. INCENTIVES FOR RECYCLING

### 1. All Customers

In order to encourage the use of recycled water by Very Large Water Users, the Utility will assist industries in evaluating alternatives to potable water use by providing water reuse technology seminars, providing water conservation audits, and assisting in providing water application techniques. Industries who recycle at least 25% of their potable water use or who connect to the Utility's reuse water system will be publicly acknowledged for their conservation efforts.

### 2. Existing Customers (served prior to July 1, 1995)

Very Large Water Users receiving service on July 1, 1995, who recycle a percentage of potable water, either purchased from the PSB and/or produced by the users from wells, as verified by Utility staff, will receive a recycling rebate as follows:

Percent of Potable Water Recycled	Amount of Recycling Rebate
25% to 29%	5% of water bill only
30% to 50%	10% of water bill only
>50%	15% of water bill only

Recycling rebates will be based on the percentage of recycled water used in comparison with the total potable water usage from January through December of each year. Recycling rebates for 1995 will be based on potable water usage and recycling from July through December, 1995. Rebates to qualifying customers will be paid in February for the prior year's recycled water usage. This program only applies to industries in existence as of July 1, 1995.

Very Large Water Users must complete a recycling rebate program application providing the company name, address, telephone and fax numbers, the names and telephone numbers of the plant manager and the person supervising the daily operation of the water recycling system, and a schematic diagram of the potable water and recycled water systems. The Utility will inspect the system and determine eligibility in accordance with these Rules and Regulations, and certify eligibility in writing. Participation will begin with the receipt of the first flow report submitted by the industry. Applications may be submitted to: Water Reclamation and Bio solids Manager-El Paso Water Utilities.

The following conditions must be met in order to be eligible for recycling rebates:

- The account must have been an active account as of July 1, 1995.
- Recycle rebates will not apply for new or additional accounts or metered service as a result of expansion or addition of new facilities.
- Industries must, at their own expense, purchase and install recycle flow meters and wastewater flow meters. Meters and installation must be Utility approved.

- d. Effluent water, recycle water, and wastewater flow meters must be read each production day and the information recorded in a bound logbook and shall be entered into a spreadsheet format. The information in the form of the spreadsheet printouts must be faxed and hand-delivered to the Utility's Water Reclamation and Bio solids Manager every Friday by 5:00 pm.
- e. Utility staff will assess the hydraulic capacity of all treatment equipment. The maximum theoretical recycle percentage will be developed from this flow. No higher percentage will be considered unless the equipment capacity is increased.
- f. Recycled water is intended to be used for production of finished products. Wash water, landscape irrigation, and other similar uses will not count toward the recycle percentage unless they are a minor constituent of overall recycle water usage for production purposes.
- g. Utility staff will assess the type of recycle equipment. Equipment designed only to remove solids will not be counted towards the recycle percentage unless such equipment is integral pretreatment for more advanced treatment. The final product of an approved recycle system must be suitable for actual process use.
- h. By participating in the program, customers agree to allow complete access during normal production hours to Utility employees for the purpose of inspecting equipment, water usage, and records. Water recycling records shall be verified a random by Utility staff.
- i. Participating in the recycling rebate program may be terminated under any of the following conditions: falsification of meter readings, tampering with or bypassing meters, violations of the Rules and Regulations of the Public Service Board, refusal of entry to authorized Utility personnel on official business, failure to keep adequate records, failure to properly operate and maintain equipment.

H. ~~LOCAL GOVERNMENT CITY OF EL PASO~~ LANDSCAPE ~~AND TURF~~ IRRIGATION RATE

A uniform rate of ~~\$3.002-94~~ per hundred cubic feet (Ccf) is hereby established for the Local Government City of El Paso's landscape and ~~turf~~ irrigation accounts.

"Landscape and ~~turf~~ irrigation accounts" shall mean an account established for applying water for irrigation and landscaping only, as determined by the PSB's President/CEO or his designee.

"Local Government" shall mean any county, municipality, village, town, a common or independent school district, hospital district or political subdivision of the State of Texas; excluding from this definition, however, any department, board, or agency of the State of Texas.

~~Any non-irrigation usage will be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.~~

Where reclaimed water is available, and an irrigation customer does not connect to the reclaimed water system, that customer shall pay the rate established in Section 1-~~JK~~.

Reclaimed water is considered available if the property abuts on an easement or street with a reclaimed water line capable of providing service.

~~H.~~ ~~BRACKISH WATER RATE~~ -Water containing 1000 mg/L or more of Total Dissolved Solids (TDS) and/or 300 mg/L or more of chlorides.

The Utility will supply brackish water at a rate of ~~\$2.104-99~~ per Ccf (advanced secondary treatment reclaimed water rate).

~~K.I.~~ ~~NON-GOVERNMENT LANDSCAPE AND TURF~~ IRRIGATION RATE

A uniform rate of \$5.~~6958~~ per hundred cubic feet (Ccf) is hereby established for all non-government landscape and ~~turf~~ irrigation accounts.

"Landscape and ~~turf~~ irrigation accounts" shall mean an account established for applying water for

landscaping and turf irrigation only, as determined by the PSB's President/CEO or his designee. Non-irrigation usage will not be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.

~~LK.~~ CONSTRUCTION METER RATES

A uniform rate equal to the rate established in Section 1-K is hereby established for all construction meter accounts. Reclaimed water used for construction purposes will be billed at the rates established in Rules and Regulations No. 6, Section X-A.

~~ML.~~ ANNEXATION FEES -1999

For property subject to annexation fees pursuant to a contract, a water connection fee shall be paid at the time of application for meter installation, including fire line and irrigation/yard services, for each water meter that is connected to the City of El Paso's water system as follows:

<u>Meter Size</u>	<u>Eastside Annexation Fee</u>	<u>Westside Annexation Fee</u>
Less than 1"	\$ 621	\$ 897
1"	\$ 1,553	\$ 2,243
1 ½"	\$ 3,105	\$ 4,485
2"	\$ 4,968	\$ 7,176
3"	\$ 9,936	\$ 14,352
4"	\$15,525	\$ 22,425
6"	\$31,050	\$ 44,850
8"	\$57,753	\$ 83,421
10"	\$82,593	\$119,301

Based on gallons-per-minute (gpm) water flow, El Paso Water Utilities Public Service Board Rules and Regulations No. 1, Section VII-J.

The water connection fee for the Eastside shall increase by three percent (3%) on December 1, 2000, and each year thereafter, compounded annually, rounded to the nearest dollar, in accordance with City of El Paso Ordinances 014262 and any amendments thereto.

The water connection fee for the Westside increase by three percent (3%) on September 1, 2000, and each year thereafter, in accordance with City of El Paso Ordinances 014200 and any amendments thereto. Payment of the water connection fee shall be due at the time of application for water connection to the system.

~~NM.~~ EASTSIDE ANNEXATION FEES- 2005

For property subject to annexation fees pursuant to a contract, a water connection fee shall be paid at the time of application for meter installation, including fire line and irrigation/yard services, for each water meter that is connected to the City of El Paso's water system as follows:

<u>Meter Size</u>	<u>Eastside Annexation Fee Water</u>
Less than 1"	\$566
1"	\$1,396
1 ½"	\$2,830
2"	\$4,528
3"	\$9,056
4"	\$14,150
6"	\$28,300
8"	\$52,827

	Eastside
<u>Meter Size</u>	<u>Annexation Fee Water</u>
10"	\$75,467

The Annexation Fee shall increase by three (3) percent on March 1, 2006, and each year thereafter, compounded annually, rounded to the nearest dollar. Payment of the water connection fee shall be due at the time of application for water connection to the system.

**EN.** CITY OF EL PASO FRANCHISE FEE

Effective March 1, 2020, City Council amended Title 15 (Public Service) Chapter 15.12 (Water and Sewer System) of the El Paso City code by adding Section 15.12.015 (Utility Franchise Fee) for the grant of a franchise to the water and sewer utility managed by the Public Service Board for the operation and maintenance of the water and sewer utility system and the assessment of a franchise fee up to \$6,550,000. The City of El Paso's franchise fee is applied to all residential, non-residential and standby fire protection accounts based on meter size as follows:

<u>Meter Size</u>	<u>Residential Monthly Fee</u>	<u>Non-Residential Monthly Fee</u>	<u>Standby Fire Protection Monthly Fee</u>
Less than 1"	\$1. <del>3324</del>	\$1. <del>6958</del>	N/A
1"	\$2. <del>8566</del>	\$3. <del>6440</del>	N/A
1 ½"	\$4. <del>4617</del>	\$7. <del>9947</del>	<del>\$4,243.96</del>
2"	<del>\$6,215.80</del>	<del>\$15,474.46</del>	<del>\$9,528.90</del>
2 ½"	N/A	N/A	<del>\$10,379.69</del>
3"	<del>\$13,272.40</del>	<del>\$29,177.26</del>	<del>\$12,791.95</del>
4"	<del>\$22,120.67</del>	<del>\$49,205.98</del>	<del>\$18,767.53</del>
6"	N/A	<del>\$135,492.63</del>	<del>\$47,254.16</del>
8"	N/A	<del>\$216,780.60</del>	<del>\$73,566.75</del>
10"	N/A	<del>\$311,672.28</del>	<del>\$76,371.37</del>
12"	<del>\$190,127.68</del>	<del>\$582,644.52</del>	<del>\$79,304.11</del>

**PO.** In the interest of transparency, the President/CEO or his designee may determine that customer bills will reflect rate components. Additionally, The President/CEO is expressly authorized to adjust the franchise fee amounts to comply with the franchise fee as the El Paso City Council may amend it from time to time.

**SECTION II**

There shall be collected from every user of a connection to the water system for providing Standby Fire Protection a monthly standby charge based on the size of the service as follows:

<u>Size of Service</u>	<u>Monthly Charge</u>
1 ½"	<del>\$10,199.99</del>
2"	<del>\$14,233.95</del>
2 ½"	<del>\$15,502.00</del>



3"	\$ <del>20.21</del> <del>19.81</del>
4"	\$ <del>26.25</del> <del>5.74</del>
6"	\$ <del>36.41</del> <del>5.70</del>
8"	\$ <del>60.68</del> <del>59.49</del>
10"	\$ <del>101.10</del> <del>99.12</del>

All standby fire line services require a bypass detector meter be installed. Standby fire service meter shall be accessible to El Paso Water for meter reading on a monthly basis. Non-fire related use through a standby fire line service is not permissible and shall be charged the current Block 3 water rate per ccf per Section 1B of this PSB Rules and Regulations No. 5. A Fire Line testing allowance of 1 ccf or less is considered in billing assessment. All consumption greater than 1 ccf will be billed at current Block 3 rates.

If the standby fire service is determined to have a leak, which the customer could not have reasonably detected, then the Utility shall allow relief to the customer under Section VII PSB Rules and Regulations No. 5, guidelines below.

If consumption through the standby fire service is due to an actual fire on the premises, only the fixed meter charge will be assessed to the customer, pending written confirmation from the City Fire Marshall.

### SECTION III

All of the aforementioned charges apply to water service to property within the City of El Paso. Where the water connection provides service to property outside the City Limits of El Paso, the charge for such service shall be 1.15 times the rates for similar service to customers, whose property is inside the city limits, including the monthly Water Supply Replacement Charge.

### SECTION IV

A \$20.00 trip fee is charged to customers that are flagged for disconnection for non-payment. This fee applies even if the customer pays in the field.

A \$25.00 fee is charged to customers to restore services that have been disconnected for non-payment. This fee will be applied to the next billing cycle.

A tampering fee will be charged to any customer found with water service that has been restored by an unauthorized party, where the meter is removed and/or relocated by other than Utility personnel, usage of bypass line and straight connection to service line. Only Utility representatives are authorized to restore water services. This charge may be accessed to the current account holder or tampering party where the tampering occurs. All fees and current past due amount must be paid prior to restoration of services. Tampering fees are as following:

1. Permanent Accounts - \$100.00 for first incident; \$500.00 for repeat occurrence per incident.
2. Construction Account - \$1000.00 for first incident; \$1,500.00 for second incident; \$2,000.00 per subsequent incident.

A \$25.00 fee applies to all returned payments for insufficient funds or other returns by a financial institution. Customers with repeat returned payments might be placed on a "cash only" status at the sole discretion of El Paso Water based on the account history and credit rating.

### SECTION V

No customer or person shall use water from the City system except from a metered connection installed by the Utility. All meters are the property of the Utility and shall not be damaged, removed or altered by the customer or non-utility personnel. A charge of \$15.00 plus the cost of correcting any such damage and the estimated cost of the water used shall be paid before water is reconnected to any customer or property that has or has permitted the meter or service connection to be altered in such a way as to not accurately meter all of the water that flowed through the service connection.

## SECTION VI

The Utility shall allow an adjustment on customer leaks. The adjustment will be considered for the two (2) highest consumption billings, within a three-month consecutive span, when the Utility at its sole discretion, determines that the loss of water could not have been reasonably detected by the customer using the service (i.e., leak beneath a cement floor and/or running commodes). All other water lost through other causes is the responsibility of the customer. Nothing herein shall relieve the customer from repairing such leaks when the customer has an obligation to do so under the Water Conservation Ordinance, Chapter 15.13 of the City code.

The Utility will bear 75% of the excess water loss if customer provides proof of repair and/or can be validated through a utility consumption history or an inspection at the sole discretion of the Utility.

The Utility will bear only 50% of the excess water lost without validated proof of repair or reduced consumption in subsequent month after alleged leak occurred.

The amount of water lost will be determined by comparing the usage when the leak occurred and the previous year's usage during the same billing cycles. If the customer does not have a previous usage history, the prior customer's history may be used.

If the Utility grants an adjustment, no additional adjustments of this nature will be made on the same property for a period of 24 months from the month in which the adjustment was granted.

The Utility may assist a customer with deferred payments for such leak on an as needed individual basis.

## SECTION VII

These rules and regulations shall be and become effective from and after their adoption by the Board and shall remain in effect until amended or changed by the Public Service Board. Changes to any fees or rates resulting from approval of the budget are effective on the 1<sup>st</sup> day of March and shall remain in effect until amended or changed by the Public Service Board.

## SECTION VIII

This Rule and Regulation is a part of the other Rules and Regulations of the Public Service Board and persons accepting service agree to comply with the appropriate provisions and conditions of all of the Rules and Regulations. If any part of the Rules and Regulations be held void, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of these Rules and Regulations.

PASSED, APPROVED and ADOPTED the 27<sup>th</sup> day of March, 1991 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION II REVISED, APPROVED and ADOPTED the 25<sup>th</sup> of September, 1991 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-D REVISED, APPROVED and ADOPTED the 12<sup>th</sup> of February, 1992 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-F PASSED, APPROVED and ADOPTED the 24<sup>th</sup> of February, 1993 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-A, 1-B, 1-F AND SECTION III REVISED, APPROVED and ADOPTED the 23<sup>rd</sup> of February, 1994 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION 1-F AND SECTION II REVISED, APPROVED and ADOPTED the 8<sup>th</sup> of March, 1995 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION G AND SECTION H PASSED, APPROVED and ADOPTED the 14<sup>th</sup> of June, 1995 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(C), I(D), and SECTION III REVISED, APPROVED, and ADOPTED the 28<sup>th</sup> of February, 1996, by the Public Service Board of the City of El Paso.

RULES & REGULATIONS NO.5, SECTION I PASSED, APPROVED and ADOPTED the 8<sup>th</sup> of May, 1996 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION J PASSED, APPROVED and ADOPTED the 11<sup>th</sup> of December, 1996 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION I (D) and SECTION V, REVISED, APPROVED and ADOPTED the 18<sup>th</sup> of December, 1997 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTIONS I (B), I(F), I(G), I(I), I(J), and V REVISED, APPROVED and ADOPTED the 8<sup>th</sup> of December, 1999 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (K) and I (L) PASSED, APPROVED and ADOPTED the 8<sup>th</sup> of December, 1999 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(F), I(G), I(J), and II REVISED, APPROVED and ADOPTED the 24<sup>th</sup> of January, 2001 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(D), I(F), I(G), I(J), and II REVISED, APPROVED and ADOPTED the 23<sup>rd</sup> of January, 2002 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTIONS I (L) REVISED, APPROVED and ADOPTED the 13<sup>th</sup> of February, 2002 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,D,F,G,I,J,& K), and Section II, REVISED, APPROVED and ADOPTED the 8<sup>th</sup> day of January, 2003 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,D,F,G,I,J,& K), and Section II, REVISED, APPROVED and ADOPTED the 14<sup>th</sup> day of January, 2004 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION VII, REVISED, APPROVED and ADOPTED the 12<sup>th</sup> day of January, 2005 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (J,K,L,M,N), REVISED, APPROVED and ADOPTED the 12<sup>th</sup> day of January, 2005 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (J,K,L,M,N), ADDED, REVISED, APPROVED and ADOPTED the 25<sup>th</sup> day of January, 2006 by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,D,F,G,J,K), SECTION II, ADDED, REVISED, APPROVED and ADOPTED the 13<sup>th</sup> day of December, 2006, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,F,G,I,J,L) AND SECTION II, ADDED, REVISED, APPROVED and ADOPTED the 9<sup>th</sup> day of January, 2008, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,C,D,F,G,J,& K), Section II, Section V and Section VI REVISED, APPROVED and ADOPTED the 14<sup>th</sup> day of December, 2011 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,D,F,G,J,K,M,N), Section II and Section V REVISED, APPROVED and ADOPTED the 12<sup>th</sup> day of December, 2012 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (C, J, M, N) REVISED, APPROVED and ADOPTED

the 11<sup>th</sup> day of December, 2013 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION I (A,B,D,F,G,J,K,O,P), SECTION II, SECTIONS IV, V, VI, VII, VIII, REVISED, APPROVED and ADOPTED the 10<sup>th</sup> day of December, 2014 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION I (A,B,D,F,G,J,K,O,P), SECTIONS IV, VII, and XI, REVISED, APPROVED and ADOPTED the 13<sup>th</sup> day of May, 2015 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION I (A,B,D,F,G,H (e),(g),I,J,K,M,N,O), SECTION II, SECTION IV, SECTION VI, SECTION VII REVISED, APPROVED and ADOPTED the 13<sup>th</sup> day of January, 2016 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION I (A,B,C,D,F,G,I,J,K,O), SECTION II, SECTION IV, SECTION VI REVISED, APPROVED and ADOPTED the 11<sup>th</sup> day of January, 2017 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATION NO. 5 SECTION I (A,B,D,F,G,I,J,K,O), SECTION II, REVISED, APPROVED and ADOPTED the 10<sup>th</sup> day of January, 2018 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATION NO. 5 SECTION I (A,B,C,D,F,G,I,J,K,O), SECTION II, SECTION IV, REVISED, APPROVED and ADOPTED the 9<sup>th</sup> day of January, 2019 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATION NO. 5, SECTION I (A, B, C, G, I, J, K, O), SECTION II, SECTION VI, REVISED, APPROVED and ADOPTED the 8<sup>th</sup> day of January, 2020 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATION NO. 5, SECTION I (A, B, D, E, F, G, H, I, J, K, L, M, N, O), SECTION II, REVISED, APPROVED and ADOPTED the 13<sup>th</sup> day of January, 2021 by the Public Service Board of the City of El Paso, Texas.

**PUBLIC SERVICE BOARD:**

Kristina Mena~~Christopher Anteliff~~,  
Chair

**ATTEST:**

**APPROVED AS TO FORM:**

Ivonne Santiago Terri Garcia,  
Secretary-Treasurer

Lee Ann B. Koehler~~Daniel Ortiz~~, General  
Counsel

## RULES AND REGULATION NO.6

### RULES AND REGULATIONS ESTABLISHING A RATE FOR THE FURNISHING OF SANITARY SEWER SERVICE BY THE EL PASO WATER UTILITIES

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952, NOW THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO THAT THE FOLLOWING SEWER SERVICE RATES SUPERSEDE ALL RATES HERETOFORE FIXED AND ALL ORDINANCES HERETO PASSED WITH REFERENCE TO THE FIXING OF RATES FOR THE FURNISHING OF SEWER SERVICE. (KNOWN AS RULES AND REGULATIONS NO. 6).

#### SECTION I

There shall be collected from each and every user connected to the sewer system of the El Paso Water Utilities of the City of El Paso, Texas, a sewer service charge. Said sewer service charge shall consist of a minimum monthly charge plus a commodity charge based on the water usage as measured by the water meter serving the property or as otherwise provided herein. For residential customers only, a volume of 4 hundred cubic feet (4 Ccf) will be included in the minimum charge. The following charges shall apply:

#### A. MONTHLY MINIMUM SEWER CHARGE FOR CITY WATER CUSTOMERS. BASED ON SIZE OF WATER METER

<u>Meter Size</u>	<u>Minimum Monthly Bill</u>
Less than 1"	\$17. <del>51</del> <u>7</u>
1"	\$ <del>39</del> <u>40.50</u> <del>29</del>
1 ½"	\$8 <del>54.06</del> <u>74</u>
2"	\$10 <del>57.77</del> <u>89</u>
3"	\$23 <del>38.48</del> <u>0</u>
4"	\$36 <del>07.31</del> <u>4</u>
6"	\$5 <del>57</del> <u>68.75</u> <del>91</del>
8"	\$9 <del>71.90</del> <u>34</u>
10"	\$1, <del>913</del> <u>876.25</u> <del>78</del>

#### B. COMMODITY CHARGE

A commodity charge for sewer service that applies to all customers is \$2.~~20~~16 per Ccf. The commodity charge shall be calculated at 90% of actual water \*AWC for all Ccf in excess of the volume allowance included in the minimum charge. The minimum and commodity charge will be set through the next February billing cycle.

\*Average Winter Consumption (AWC) is the average amount of water used during the most recent December, January, and February billing periods.

C. The commodity charge for new customers will be calculated using the class average AWC by meter size for their respective class until they establish an AWC base.

D. ANNEXATION FEES -1999

For property subject to annexation fees pursuant to a contract, a wastewater connection fee shall be paid at the time of application for meter installation for each water meter that is connected to the City of El Paso's water system as follows:

<u>Meter Size</u>	<u>Eastside Annexation Fee</u>
Less than 1"	\$110
1"	\$275
1 ½"	\$550
2"	\$880
3"	\$1,760
4"	\$2,750
6"	\$5,500
8"	\$10,230
10"	\$14,630

Based on gallons per minute (gpm) water flow, El Paso Water Utilities Public Service Board Rules and Regulations No. 1, Section VII (J).

The sewer connection fee shall be increased by three percent (3%) on December 1, 2000, and each year thereafter, compounded annually, rounded to the nearest dollar, in accordance with City of El Paso Ordinances 014262, and any amendments thereto. Payment of the sewer connection fee shall be due at the time of application for sewer connection to the system.

E. EASTSIDE ANNEXATION FEE- 2005

For property subject to annexation fees pursuant to a contract, a wastewater connection fee shall be paid at the time of application for meter installation for each water meter that is connected to the City of El Paso's water system as follows:

<u>Meter Size</u>	<u>Eastside Annexation Fee</u>
1"	\$809
1 ½"	\$1,640
2"	\$2,624
3"	\$5,248
4"	\$8,200
6"	\$16,400
8"	\$30,613
10"	\$43,733

The Annexation Fee shall be increased by three (3) percent on March 1, 2006, and each year thereafter, compounded annually, rounded to the nearest dollar. Payment of the sewer connection fee shall be due at the time of application for sewer connection to the system.

## SECTION II

Charges for services less than the normal 30-day reading cycle shall be calculated in the same manner as a full reading cycle.

## SECTION III

Sewer services to facilities where all or part of the water supply is obtained from other than the City water system shall be charged on the basis of the actual sewage volume as estimated by the utility or as measured by a meter installed at the customer's expense, except as provided herein for certain residential properties. The charge for such sewer service shall be \$~~24,383.90~~ per month, plus \$2.~~20~~<sup>16</sup> per hundred cubic feet of the total actual or estimated sewage volume for all users.

## SECTION IV

Where the sewer service charge is based on water consumption and the use of the water is such that a considerable portion thereof is not returned to the sanitary sewer system, the user may, at his option, install a meter for the purpose of measuring such water that does not return to the sewer or a meter to measure the amount of sewage actually entering the system, and the monthly sewer charges shall be based on the difference between the two water meters or on the reading of the sewer meter, whichever is applicable. Meter installations as described herein shall be made at the user's expense. The charge for sewer service based on actual volume of sewage shall be \$~~28,077.52~~ per month, plus a fixed monthly charge based on meter size and \$2.~~20~~<sup>16</sup> per hundred cubic feet of the total measured sewage volume.

## SECTION V

Sewer charges are based on the "normal" quality (or strength) of sewage. A surcharge shall be added for strengths exceeding the normal limits based upon analysis of samples taken by the Utility under provisions of the Rules and Regulations, and upon the quantities of sewage determined by the same methods used to calculate the regular sewage charge. The surcharge shall be 27 cents for each pound of BOD in excess of 300 parts per million (ppm), when such discharge is allowed by the terms and conditions of an existing discharge permit, plus an additional 29 cents for each pound of suspended solids in excess of 300 ppm.

Management shall review its cost structure annually and shall make such adjustments in the surcharges as may be necessary to properly reflect the cost to the Utility of treating over strength wastes or as required by the Environmental Protection Agency.

## SECTION VI

Any person who discharges into the sanitary sewer system and exceeds the normal quality or strength without paying the surcharge set forth under Section V above, shall be subject to the enforcement action provided in Section 15.12.120-2 of the El Paso Municipal Code and shall be subject to any additional enforcement action, as set forth in the Public Service Board's Rules and Regulations and the El Paso Municipal Code, as they may now read or may hereinafter be amended, including the discontinuance of service and a suit for collection of the surcharge.

## SECTION VII

Permit fees for Wastewater Discharge Permits (two types) and Waste shall be as follows:

	<u>Permit Fee</u>
Categorical Industries	\$3,925 per year
Non-categorical Industries	\$2,150 per year



Categorical and non-categorical industries shall be defined as those terms are defined or used in Rules and Regulations No. 9 and under other applicable laws and regulations.

#### SECTION VIII

Payment of the monthly service charges is due 14 days after the date of billing. A termination notice will be generated on the 15th day, allowing an additional 7 days from the billing due date. Services will be scheduled for disconnection the following work day unless the billed amount has been paid.

#### SECTION IX

All of the aforementioned charges apply for sewer service to property within the city limits of El Paso. Where the sewer connection provides service to property outside the city limits of El Paso, the charge for such service shall be 1.15 times the rates for similar service to customers whose property is inside the city limits.

#### SECTION X

- A. For all reclaimed water delivered to customers, except as stated in specific contractual arrangements, the charges will be as follows:

Reclaimed Water Rate ..... ~~\$2.101~~<sup>99</sup> per Ccf

- B. If a local government turf irrigation account, as defined in subsection F of Section I of Rules and Regulations No. 5, has a restroom facility, water fountains, or other plumbing fixtures which are isolated from major facilities, a flat monthly fee of \$12.~~5732~~ is hereby charged for every such fixture connected to the sanitary sewer system as determined by the President/CEO or his designee.

#### SECTION XI

If a Landscape or Turf Irrigation account as defined in subsections F, I or K of Section I of Rules and Regulations No. 5, or a City of El Paso landscape and turf irrigation account, as defined in subsection I of Section I of Rules and Regulations No. 5, has a restroom facility, water fountains, or other plumbing fixtures which are isolated from major facilities, a flat monthly fee of \$12.~~5732~~ is hereby charged for every such fixture connected to the sanitary sewer system as determined by the President/CEO or his designee.

#### SECTION XII

These rules and regulations shall be and become effective from and after their adoption by the Board and shall remain in effect until amended or changed by the Public Service Board. Changes to any fees or rates resulting from approval of the budget are effective on the 1<sup>st</sup> day of March and shall remain in effect until amended or changed by the Public Service Board.

#### SECTION XIII

This Rule and Regulation is a part of the other Rules and Regulations of the Public Service Board and persons accepting service agree to comply with the appropriate provisions and conditions of all of the Rules and Regulations. If any part of the Rules and Regulations be held void, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of these Rules and Regulations.

PASSED, APPROVED and ADOPTED the 27th day of March 1991, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION 1-C REVISED, APPROVED and ADOPTED the 12th of February, 1992, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION VI REVISED, APPROVED and ADOPTED the 8th of April 1992, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO.6, SECTION VI REVISED, APPROVED and ADOPTED the 28th of July 1993, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION 1-A, 1-B, SECTION IX AND SECTION X REVISED, APPROVED and ADOPTED the 23rd of February 1994, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION III and SECTION IV REVISED, APPROVED and ADOPTED the 25th of May 1994, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION X REVISED, APPROVED and ADOPTED the 27th of February 1995, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (A), I (B), and SECTION IV REVISED, APPROVED, and ADOPTED the 28th day of February 1996, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION III and SECTION XI REPLACED, APPROVED and ADOPTED the 8th of May 1996, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I REPLACED, APPROVED and ADOPTED the 11th of December 1996, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION X REPLACED, APPROVED and ADOPTED the 8th of January 1997, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (A), I (B), VIII, and X (A) REVISED, APPROVED, and ADOPTED the 8th day of December 1999, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (D) ADDED, APPROVED, and ADOPTED the 8th day of December 1999, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (A), I (B), III, IV, X (A), X (B), and XI REVISED, APPROVED, and ADOPTED the 24th day of January 2001, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (A), I (B), III, IV, X (B), and XI, REVISED, APPROVED, and ADOPTED THE 23rd day of January 2002, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (D) REVISED, APPROVED, and ADOPTED the 13th day of February 2002, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (A & B), III, IV, V, VII, X (A&B), and XI, REVISED, APPROVED and ADOPTED the 8th day of January 2003, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTIONS I (A & B), III, IV, X (A&B), and XI, REVISED, APPROVED and ADOPTED THE 14<sup>th</sup> day of January 2004, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (D), I (E) ADDED, REVISED, APPROVED and ADOPTED the 25th day of January 2006, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A), I (B), SECTION III, SECTION IV, SECTION X (A) ADDED, REVISED, APPROVED and ADOPTED the 13th day of December 2006, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A) & (B), SECTION III, SECTION IV, SECTION X (A) & (B) AND SECTION XI, REVISED, APPROVED and ADOPTED the 9th day of January 2008, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A) & (B), SECTION III, SECTION IV, SECTION X(A)&(B) AND SECTION XI, REVISED, APPROVED and ADOPTED the 9th day of January 2008, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A) & (B), SECTION III, SECTION IV, SECTION X(A)&(B) AND SECTION XI, REVISED, APPROVED and ADOPTED the 14th day of December 2011, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A),(B),(C),(D),(E), SECTION III, SECTION IV, SECTION X (A) & (B) AND SECTION XI, REVISED, APPROVED and ADOPTED the 12th day of December 2012, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (B), SECTION X (A) REVISED, APPROVED, AND ADOPTED THE 11th day of December 2013, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION III, SECTION IV, SECTION X, SECTION XI, REVISED, APPROVED AND ADOPTED THE 10<sup>TH</sup> day of December 2014, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION III, SECTION IV, SECTION X, SECTION XI, REVISED, APPROVED AND ADOPTED THE 13<sup>TH</sup> day of January 2015, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A, B), SECTION III, SECTION IV, SECTION X (A,B), SECTION XI, REVISED, APPROVED AND ADOPTED THE 13<sup>TH</sup> day of January 2016, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A, B, D), SECTION III, SECTION IV, SECTION V, SECTION X (A,B), SECTION XI REVISED, APPROVED AND ADOPTED THE 11<sup>TH</sup> day of January 2017, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A,B), SECTION III, SECTION IV, SECTION X (A,B), SECTION XI, REVISED, APPROVED AND ADOPTED the 10<sup>th</sup> day of January 2018, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A,B), SECTION III, SECTION IV, SECTION X (A,B), SECTION XI, REVISED, APPROVED AND ADOPTED the 9<sup>th</sup> day of January 2019, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION V, REVISED, APPROVED AND ADOPTED the 14<sup>th</sup> day of August 2019, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A, B), SECTION III, SECTION IV, SECTION X, SECTION XI, REVISED, APPROVED AND ADOPTED the 8<sup>th</sup> day of January 2020, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION V, SECTION VII, REVISED, APPROVED AND ADOPTED the 12<sup>th</sup> day of February 2020, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 6, SECTION I (A, B), SECTION III, SECTION IV, SECTION X (A, B), SECTION XI, REVISED, APPROVED AND ADOPTED the 13<sup>th</sup> day of January 2021, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

**PUBLIC SERVICE BOARD:**

~~Christopher Anteliff~~Kristina Mena,  
Chair

**ATTEST:**

~~Ivonne Santiago~~Terri Garcia,  
Secretary-Treasurer

**APPROVED AS TO FORM:**

~~Lee Ann B. Koehler~~Daniel Ortiz,  
General Counsel

RULES AND REGULATIONS NO. 7

RULES AND REGULATIONS ESTABLISHING VARIOUS DEPOSITS AND  
CHARGES FOR FURNISHING OF WATER, RECLAIMED  
WATER, AND/OR SEWER SERVICE  
BY THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118M, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952; AS AMENDED, NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING DEPOSITS AND CHARGES FOR WATER, RECLAIMED WATER, AND/OR SEWER SERVICE ARE HEREBY ESTABLISHED AND SHALL SUPERSEDE ALL DEPOSITS AND CHARGES PREVIOUSLY SET: (KNOWN AS RULES AND REGULATIONS NO. 7).

THAT PUBLIC SERVICE BOARD RULES AND REGULATIONS NO.7, ESTABLISHING VARIOUS DEPOSITS AND CHARGES FOR THE FURNISHING OF WATER, RECLAIMED WATER, AND/OR SEWER SERVICE ARE HEREBY AMENDED BY ADOPTING NEW RULES AND REGULATIONS NO. 7 WHICH SUPERSEDE AND REPLACE THE EXISTING RULES AND REGULATIONS NO. 7 AND WHICH SHALL READ AS FOLLOWS:

SECTION I GENERAL

Notwithstanding anything in this Rule to the contrary, this Rule shall not be construed to affect voluntary annexation agreements made pursuant to Subchapter G, Texas Local Government Code.

A. TABLE OF CONTENTS

The headings or captions on the following page are adopted as the Table of Contents for Public Service Board Rules and Regulations No. 7.

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B. DEFINITIONS

As used in these rules and regulations the following terms shall have the following meanings:

Backflow (Back Siphonage):

The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended source. Back siphonage is the conditions where negative pressure in a potable water pipe induces backflow through a cross connection.

Boundary lines:

A water or sewer pipeline located in a dedicated public right of way which fronts on property held by different ownership on opposite sides of the right of way.

Charges:

As applied herein, the fees charged for services by the Utility not included in the monthly connection charge and commodity charge.

Commercial:

Any property that is not Residential and not classified as Industrial. This may include, but not limited to: Apartment complexes, mobile home parks, offices, buildings intended to accommodate commerce, services and places of employment, construction accounts, etc.

Construction Water:

Water supplied by the Utility through a temporary metered service.

Cross Connection:

Any connection or arrangement, physical or otherwise, between a potable water supply or device, through which it may be possible for non-potable, used, unclean, polluted or contaminated water or other substances, to enter into any part of such potable water system under any condition, including reduced or negative pressure.

CCN:

Certificate of Convenience and Necessity issued by the Texas Commission on Environmental Quality (TCEQ) to a Utility or water supply and/or sewer service corporation, as those terms are defined in the Texas Water Code, as to prerequisite to render retail water and/or sewer service directly to the public.

EPWU:

~~El Paso Water Utilities (Utility) the City of El Paso's publicly owned water and sewer agency located in and serving the people of El Paso County, Texas.~~

EPWater:



See definition of UTILITY below

EPWU:

See definition of UTILITY below

ETJ:

~~Extraterritorial Jurisdiction. For purposes of these Rules and Regulations No. 7, the ETJ is the area extending five miles outside of the corporate limits of the City of El Paso within to which the City has statutory authority for planning and platting.~~

Extension (Line Extension):

The water, reclaimed water, and/or sewer line which is required to be connected to the existing water/reclaimed water/sewer water/reclaimed water/sewer service to a property, including pipeage installed in a right-of-way which is contiguous or noncontiguous to a property.

Extension Charge:

~~A non-refundable payment to the Utility for installing or having previously installed a water, reclaimed water or sewer main in a dedicated street or alley adjacent to the property to be served. It is the intent of these Rules and Regulations No. 7 that all property pay an extension charge for water/sewer/reclaimed water before obtaining service. Property fronting an existing reclaimed water line that was constructed under a Reclaimed Water Master Plan are exempted from payment of reclaimed water frontage fees.~~

Friction Loss:

The water pressure (or flow generating energy) lost by water flowing in a conduit (pipe) as the result of drag producing disturbances between the moving water molecules and the pipe walls.

Frontage:

The length of the boundary of a parcel of land, a lot, or a site which abuts a dedicated street.

Guarantee Deposit:

A one-time payment made at the time of application for service to be held without interest to guarantee payment of charges.

Industrial:

Any property used for manufacturing, assembling, production of goods, etc.

Outside City Customers:

All customers of the Utility whose property to be served is outside of the corporate limits of the City of El Paso.

Out of City Service ("Policies"):

Policies governing extension of water and sewer service outside the corporate limits of the City of El Paso but within El Paso County, Texas: A written policy adopted by the Public Service Board by their Resolution on August 28, 1991.

Panhandle Lot:

A lot, because of inherent limitation, lacking frontage except for access provided by way of a narrow projection of the lot to the street.

Potable Water:

Water satisfactory for drinking, culinary and domestic purposes and meeting the regulatory requirements of applicable public health authorities as supplied through the EPWU water system.

PSB:

Public Service Board. The Board of Trustees created by Ordinance 752, which is the governing body of and has the complete management and control of the EPWU (Utility).

Reclaimed Water:

Wastewater which has been highly treated to a condition suitable for irrigation, industrial uses and for other non-potable use and which meets the regulatory requirements of the Texas Commission on Environmental Quality.

Reclaimed Water Master Plan:

A facilities plan developed by the El Paso Water Utilities that identifies properties to be economically served with reclaimed water.

Reclaimed Water Service:

A property is deemed to have reclaimed water service available if a qualifying reclaimed water main is in place in the public right-of-way adjacent and contiguous to the property. Reclaimed water service is subject to availability and an application for reclaimed water service may be denied based on lack of available reclaimed water and competing demand by existing customers.

Reclaimed Water Service Connection:

The pipes, fittings and appurtenances connected to the Utility's reclaimed water line and extending to or beyond the property line of a customer. The installation of all reclaimed water service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected and approved by qualified Utility personnel.

Reclaimed Water Service Connection Charge:

A non-refundable payment to the Utility for costs associated with installation of a service line, meter and appurtenances.

Refunds:

Monies to be paid by the Utility to a customer who has advanced payment for capital facilities in accordance with conditions stated in these Rules and Regulations No. 7.

Refund Rate:

Cost per foot of an 8-inch water or sewer main applied to refunds on main lines larger to 8-inch in diameter with conditions stated in Sections II (G) and Section III (E).

Residential:

Any property that is solely used as single-family, duplex or triplex residence.

Sewer Connection Charge:

A non-refundable payment to the Utility for costs associated with installation of a service line and appurtenances.

Sewer Service Connection:

The pipes, fittings and appurtenances connected to the Utility's sewer collector line and extending to or beyond the property line of a customer. This connection allows the customer's wastewater (sewage) to drain (or be pumped, if necessary) into the Utility's wastewater collection and treatment (sewer) system. The installation of all sewer service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected by qualified Utility personnel.

Sewer Service Tap:

The connection of a customer's service line to the public line. The installation of all sewer service taps will be performed by the Utility.

Standby Fire Charge:

A charge to be established by contract with the Utility for a service connection to a property for fire suppression purposes only, in accordance with the requirements of Rules and Regulations No. 5.

Subdivision:

Subdivision means the division of a lot, tract or parcel of land into two or more parts for the purpose of immediate or future sales, development, or dedication of a new public improvement or defined by El Paso City Code, or herein. Provided, however, that the following shall not be considered subdivisions:

- a. The division of land into parts greater than five acres, each part having access, where no public improvement is
- b. The acquisition of land by any means for public use; or
- c. The combination or recombination of portions of previously platted lots where right-of-way is unchanged, easements are unchanged, no lots are created without access and no panhandle lots are created; or
- d. Any division of property by will or intestacy providing that all parts of the property have access; or
- e. Any division of previously platted lots where right-of-way is unchanged, easements are unchanged, drainage patterns or quantities are unchanged, no lots are created without access and no panhandle lots are created.

#### TIME PAYMENT CONTRACT

A promissory note executed between a customer and the Utility governing payment of charges associated with Rules & Regulations No 7.

#### TCEQ:

Texas Commission on Environmental Quality

#### TXDOT:

Texas Department of Transportation

#### UTILITY:

EPWU, EPWater or El Paso Water Utilities, as used herein means El Paso Water Utilities, the City of El Paso's publicly owned water and sewer agency located in and serving the people of El Paso County, Texas. 7

#### Water:

Water satisfactory for drinking, culinary and domestic purposes and meeting health regulatory requirements of applicable public health authorities as supplied through the EPWU water system.

#### Water Service:

A property is deemed to have water service available if a qualifying water main is in place in the public right-of-way adjacent and contiguous to the property.

#### Water Service Connection:

The pipes, fittings, valves, meters and appurtenances which are connected to the water main in the street and extending to, or beyond, the property line of a customer. The installation of all water service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected by qualified Utility personnel.

#### Water Service Connection Charge:

A non-refundable payment of the Utility for costs associated with installation of a service line, meter and appurtenances.

#### Yard Meter:

A meter that is used solely for irrigation purposes.

### C. NEUTRAL GENDER

When the context requires, all nouns and pronouns in the masculine gender shall also include the feminine gender.

## SECTION II      WATER SERVICE DEPOSITS AND CHARGES

### A.      MONTHLY CHARGES AND COMMODITY CHARGES

Monthly Charges and Commodity Charges for water service shall be in accordance with Rules and Regulations No. 5.

### B.      WATER BILL GUARANTEE DEPOSIT

#### 1.      Amount of Deposit

A Guarantee Deposit shall be collected from all users of water lines and systems of the Utility as a condition of service at the time of the user's application for water service from the Utility as follows:

a.	Single family residence	\$75.00
b.	Duplex residence	\$150.00
c.	Triplex residence	\$225.00
d.	Commercial establishment	\$150.00
e.	Industrial	\$500.00
f.	Construction account	\$300.00

2. Conditions of Deposit

If the credit experience of a particular customer is unfavorable, the ~~Utility-EPWU management~~ shall require a deposit in excess of the scheduled amount, ~~which shall be~~ based on the total of the two highest monthly bills on record for the customer or as determined by Chief Finance Officer if customer has declared or is in bankruptcy. The bill ~~Guarantee~~ Deposit will be applied against the last bill or is transferable. At termination of service, any excess ~~Guarantee~~ Deposit will be refunded. Guarantee ~~Deposits~~ shall not earn interest and no customer shall be entitled to interest on the deposit.

C. WATER SERVICE CONNECTION CHARGES

1. Description and Amount of Charges

The Water Service Connection Charge is a non-refundable payment to the Utility for tapping the street main, installing a service line from the street main to a location behind the curb (if the service is located on a paved street), or to some safe and suitable location (if not on a paved street) and installing a meter box and appropriate fittings. The service connection shall be limited to one-half the diameter of the street main when the main is supplied from only one direction, except that connections for fire line services may be the full size of the street main. No service connections shall be made to street mains having a nominal diameter greater than 12 inches. The water service connection charge shall be as follows:

Meter Size	Domestic Meter	*Domestic RF Meter	Yard Meter	*RF Yard Meter
¾"	\$3,750	\$3,960	\$4,160	\$4,370
1"	\$3,850	\$4,060	\$4,260	\$4,470
1-1/2"	\$6,050	\$6,260	\$5,800	\$6,010
2"	\$7,770	\$7,980	\$7,525	\$7,735
3"	\$12,870	\$13,080	\$11,320	\$11,530
4"	\$12,950	\$13,160	\$11,380	\$11,590
6"	\$13,880	\$14,090	\$11,870	\$12,080
8"	\$14,750	\$14,960	\$12,885	\$13,095

Water services 1-1/2" and larger requires a bypass; cost for the bypass is included in the water connection charge noted in the above table.

\*Remote Frequency (RF) Meters

RF meters are to be installed at remote areas, medians and/or other high traffic areas where access to obtain readings can be difficult.

Fireline Services	
Meter Size	Connection Fee
2 1/2"	\$5,850
*3"	\$6,130
4"	\$6,375
6"	\$7,340
8"	\$7,710
10"	\$8,870

\*These services are installed with 4" diameter pipe. Customer may install reducer. Vaults are not required for fire line services, except for DCDA's if approved by the Cross-Connection Control Manager. Fireline services

shall have a meter installed by the customer on the bypass. EPWater must be allowed access to all meters on a monthly basis to obtain readings for billing purposes.

Standpipe Services	
Meter Size	Connection Fee
1-1/2"	\$5,390
2"	\$7,100
3"	\$9,190
4"	\$9,105
6"	\$10,125
8"	\$11,295

Minimum air gap separation equal to twice the diameter of the pipe with a 1" minimum is required for all standpipe services.

Water service installations that required horizontal boring across a street right-of-way will be required to pay boring fees in addition to the water service connection charge.

Boring Fees	
Meter Size	Boring Fee
3/4"	\$3,400
1"	\$3,400
1-1/2"	\$3,400
2"	\$3,400
3"	\$5,050
4"	\$5,050
6"	\$6,750
8"	\$12,950
10"	\$13,450

Water service connection charges for properties located outside of the corporate limits of the City of El Paso will carry an additional cost to cover the El Paso County Road Cut Fee as follows:

- A. Road Inspection & Maintenance Fees (RIM)-All road cuts in County Rights-of-Way (ROW):
  - 1. Unpaved ROW \$100.00
  - 2. Pothole (Each) \$150.00
  - 3. Paved ROW (75 ft.<sup>2</sup> or Less) \$250.00
  - 4. Paved ROW (over 75 ft.<sup>2</sup>) \$400.00
- B. Road Entry & Access Permit Fees (REAP)-Road cuts that disturb more than 300 square feet:
  - 1. Unpaved ROW (Per yd.<sup>2</sup>) \$1.93
  - 2. Asphaltic Pavement Cost (Per yd.<sup>2</sup>)
    - a. Residential & Collector Streets
      - i. 100 yd.<sup>2</sup> or less \$6.50
      - ii. over 100 yd.<sup>2</sup> \$5.20
    - b. Arterial & Other Streets
      - i. 100 yd.<sup>2</sup> or less \$7.65

- |     |  |         |
|-----|--|---------|
| ii. | Over 100 yd <sup>2</sup>                       | \$6.12  |
| 3.  | Concrete pavement Cost (Per Yd. <sup>2</sup> ) |         |
| a.  | Concrete Road Pavement                         |         |
| i.  | 100 yd. <sup>2</sup>                           | \$11.51 |
| ii. | Over 100 yd. <sup>2</sup>                      | \$9.21  |
| b.  | Concrete Driveways & Sidewalks                 | \$5.68  |

2. Limits of Water Service Connection

Payment of the WATER SERVICE CONNECTION CHARGE and other applicable charges provided herein entitles the applicant to service at the meter. The customer shall be solely responsible for the payment of all costs related to extending service from the extension the meter into the property to be served, including without limitation construction and maintenance costs, shall be entirely at the customer's expense for construction and maintenance.

3. Requirements for Customer Service Extension

The separation between a water service line and a sanitary sewer service line from the property line to the water or sanitary sewer mains shall be ~~5 feet of undisturbed or compacted earth or~~ as outlined in the City of El Paso's Plumbing Code. Customer service extension (by the applicant) of lines for water service from the property line to the building or project of use shall conform to the City of El Paso Plumbing Code and any requirements promulgated by the City of El Paso -Health Department requirements. Water Service lines are not allowed to be constructed parallel to the public rights of way or easements; only perpendicular extensions to the public rights of way or easements ~~of water services~~ are allowed. Extension shall be made only on the property on which the service application has been made and the appropriate charges paid. Absent written approval by EPWU, No no water and/or sanitary sewer service shall extend through property owned or intended to be sold and consequently owned by different individuals or entities than those listed on the service application, prior to connecting to an EPWU water and/or sanitary sewer main; unless previously discussed and approved by the EPWU. Fees Associated With Cross Connection Control Program

4. EPWU Inspection Fee: An inspection fee of \$100 shall be charged to the customer for the initial acceptance test performed by the Utility on containment cross-connection control assemblies. Inspections by the Utility shall ~~normally~~ be scheduled between the hours of 8 a.m. and 4 p.m. Monday through Friday, excluding holidays.

D. STANDBY FIRE PROTECTION SERVICE

1. ~~Private~~ Private Fire Lines and Hydrants:

Fire hydrants needed to provide standby fire protection for new development or redevelopment directed by the Fire Marshall shall be paid by the applicant. Standby Fire Protection Service shall be available to property ~~within the corporate limits~~ when the following conditions have been satisfied: (1) all other water service charges and deposits required for the property have been paid ~~for the property~~; (2) the fire protection system is completely separated from the system providing domestic or other water to the property; (3) the total cost of the connection to the Utility's main, including valves, lines, detector checks, boxes and paving repair has been paid; (4) the customer has executed a contract with EPWU agreeing to pay a monthly standby fire service charge; pursuant to Rules and Regulations No. 5. Section II: and (5) no extension of a main is required to provide service other than that required for domestic service.

Standby fire service will be disconnected by the Utility when the detector check indicates a consistent use of water in the standby fire system.

2. Public Fire Hydrants:

Costs related to pPublic Fire-fire hydrants required needed to provide standby fire protection for new development or redevelopment ~~directed by the Fire Marshall~~ shall be paid by the applicant; after approval ed by the Utility. and The applicant will havemust also to enter into a Development Agreement or Limited



Scope Development Agreement with EPWU. EPWU will pay costs related to public Fire-fire hydrants required needed to provide standby fire protection to existing developments inside the City Limits found to be inadequately protected based on applicable studies by the City of El Paso Fire Marshall's Office and not due to new development or redevelopment, shall be paid by the EPWU.

E. CONSTRUCTION WATER SERVICE

1. Construction Water Service

Construction Water Service may be furnished by the Utility through a metered temporary water service to fill water tank wagons or other construction vehicles such as street sweepers, where, in the opinion of the Utility, it is not practical at the time of installation to furnish permanent services and where, in the opinion of the Utility, an appropriate location for a standpipe and an adequate water supply exists. A positive air-gap/airgap or other approved backflow prevention device shall be maintained –at all times of operation. The customer will pay the estimated costs for the-of installation and removal of the faeility-connection in advance, and will also pay for the water used in accordance with Rules and Regulations No. 5, Section I(K) as well as, plus all costs of any necessary related to repairs or maintenance of the faeility connection. The connection may be removed by the Utility: (1) at the end of ninety (90) days; (2) ; when the construction is complete; -or (3) at any time the faeility connection is operated in such a fashion as to require removal at the discretion of the Utility. become, in the opinion of the Utility, a nuisance or when the construction is complete. The Utility may limit or prohibit the use of water by a construction service when necessary to maintain adequate pressure in the system or as may be required due to a water emergency declared under the mandatory Water Conservation Ordinance located in Chapter 15 of the City of El Paso Municipal Code.

2. Fire Hydrant Meters

- a. Customers will be charged for construction water drawn through fire hydrant meters and must ~~agree~~ to pay for the water used in accordance with Rules and Regulations No. 5, Section I (K).
- b. Fire hydrant meters, which have a locking device and built-in backflow prevention, will be installed and removed by Utility personnel.
- c. The fire hydrant meter deposit is \$2,000. There will be one deposit ~~and set up/take down~~ fee per meter. Only one fire hydrant meter will be allowed within a 2,000-foot radius. Deposits and fees may not be transferred from one project to another.
- ~~d. The fire hydrant meter set up/take down fee is \$125.~~
- ~~e.d.~~ A water loss fee of \$1,000 will be charged to the Customer for each occurrence where unmetered water is taken from a fire hydrant, where the Customer tampers with the meter or fire hydrant valve, or where the fire hydrant meter is removed and/or relocated by other than Utility personnel. A \$2,000 fee will be charged for each occurrence thereafter.
- ~~f.e.~~ Readings will be taken monthly from the fire hydrant meter. Consumption will be billed monthly.
- ~~g.f.~~ All other unbilled water and charges will be deducted from the deposited amount. Charges in excess of the deposit must be paid before the project will be accepted into the Utility system. Any Exeess-excess deposit amountss will be promptly refunded to the Customer.
- ~~g.h.~~ The Utility's Engineering Developer Services Section will promulgate the forms and procedures necessary to implement these charges, rates, rules and regulations.
- h. Costs to replace Damageddamaged, stolen or rf lost fire hydrant meters will be charged to the customer of record for the meter. The charged d will be the replacement cost of the fire hydrant meter.

F. LINE EXTENSION CHARGES

~~1. Assessment of Line Extension Charges~~

~~The Utility shall assess Line Extension Charges for service to properties not previously served by the Utility. All such customers shall pay a non refundable payment to the Utility for when connecting to a water line that is no more than 20 years old. The age of the water line will be based on the date of final acceptance by the Utility of said water line located in a dedicated street or alley adjacent to the property to be served. The EXTENSION CHARGE shall be determined by applying the appropriate Subparagraphs 2, 3, or 4 of this Section II(F). The Utility shall determine which of these Subparagraphs shall be applicable to the property to be served. It is the intent of this policy is that all previously unserved properties shall pay a line extension charge before obtaining service.~~

~~2. Line Extension Charges for Connection to Existing Line~~

~~The LINE EXTENSION CHARGES for property obtaining water service from existing lines when the property obtaining such service did not participate in the cost of the construction of the lines shall be based on the "Frontage" of the property multiplied by the frontage rate per foot of \$23.99 for water service. This charge shall not apply to property on which a frontage or extension charge has been paid previously. The FRONTAGE to be used in determining the LINE EXTENSION CHARGE shall be the distance across the property, measured along a line parallel to and 75 feet away from the center line of the street which abuts the property with the following exceptions:~~

- ~~a. In no case shall the FRONTAGE for each water meter be less than 30 feet.~~
- ~~b. If the property is occupied or is to be occupied by a single family or duplex residence and abuts on two or more streets, the FRONTAGE is to be measured as though the property abutted only on that street which produces the smallest FRONTAGE.~~
- ~~c. If any property is occupied by something other than a single family or duplex residence that abuts on two or more streets, the FRONTAGE is to be measured along the street from which service is taken.~~
- ~~d. The FRONTAGE to be used for a single family residence situated on a tract of land of one half acre or more in area may be reduced to a minimum of 125 feet; if the FRONTAGE of the property measured along the street from which service is taken is smaller than 125 ft., the FRONTAGE shall be the smaller FRONTAGE.~~
- ~~e. When, in the opinion of the Utility, none of the above methods yields an equitable and appropriate charge within the intent of this policy, the FRONTAGE may be determined by other equitable methods to arrive at a charge that is proportionate to the size of the property in relationship to the charge to other similar property.~~

~~13. Line Extension Charges for Small Tracts~~

~~a. The water LINE EXTENSION CHARGE for lots within subdivisions when such lots are individually owned shall be the same as described in Section II(F)(2), provided one of the following two conditions are met:~~

- ~~(1) The extension charge has been paid on at least one half of the property that is adjacent to the required extension or which could conceivably be considered to obtain service from said extension; or~~
- ~~(2) The Line extension necessary to reach the property is less than 150 feet. If several individual properties adjacent to the line extension are participating in a line extension, one half of the properties obtaining service or which could conceivably be considered to obtain service from said extension shall pay the LINE EXTENSION CHARGE based on Section~~

~~II(F)(2) to the El Paso Water Utilities prior to making any expenditures of EPWU funds or making any connection to the system. A customer or customers desiring water service to a small tract must pay the cost of the lines required to reach their property, in accordance with Section II(F)(3), and be eligible for refunds, when more than one-half the adjacent properties have not paid the Line Extension Charge~~

- b. ~~When water service is desired to an individual tract of land of 20 acres or less in size and the owner of this tract does not at the time of application for service own any other land immediately adjacent to the property to be served and when a line larger than 8 inches is required, the owner may pay the LINE EXTENSION CHARGE based on the Frontage provided for in Section II(F)(2) on all of the property instead of paying the total cost of the extensions required within or adjacent to his subdivision, as provided for in Section II(F)(4) below. When the property to be served is not adjacent to an existing line from which service lines can be extended, the customer shall pay the total cost of the "off-site" or "approach" main required to reach the property to be served and will may be eligible for refunds in accordance with Rules and Regulations No.7, Section II~~ (G).
- c. The Utility will prepare a cost estimate for line extensions. Final construction plans and specifications will be prepared by Utility. The customer shall pay to the Utility the total actual amount cost of the all work for required for the line extension. Payment and refunds for such costs will be as provided for in Section II (G) and (H).

24. Line Extension Charges for Other Areas

- a. ~~The LINE EXTENSION CHARGE for water service to new subdivisions and all other areas not included in Sub Paragraphs Section II(F)(2) or Section II(F)(3) of this Section shall be the total cost of the lines, appurtenances and permits required to serve the property as determined by the Utility. This cost shall include furnishing and installing, complete and in place in accordance with the Utility's plans and specifications, all lines, valves, manholes, paving repair and other required appurtenances, except that the Utility will participate in the cost of lines larger than 8 inches in size. If the required pipe size to service the proposed development is larger than 8 inches, the Utility will participate in the cost of the pipe as provided for in SECTION II (G) (13). Additionally, lines in all dedicated streets that are adjacent to the property, including boundary streets, shall be included as part of the cost, and off-site facilities or "approach" mains that are necessary to provide service shall also be included as part of the cost. The customer or developer may also be required to pay to construct reservoirs, pumping stations and other facilities that are required to adequately serve the area. Payment and refunds for such facilities costs will be as provided for in Section II (G) and (H). No street shall be approved to be paved until lines required in that street have been installed by the adjacent owner who desires the paving. If the required pipe size to service the proposed development is larger than 8-inches, the Utility may will participate in the cost of the pipe as provided for in SECTION II (G) (1). The customer or be eligible for a refund in accordance with Section II(G) for lines that are installed where there is other property adjacent to the line that can be expected to take service directly or indirectly from that line.~~
- b. ~~In addition to the cost of the lines as required by the El Paso Water Utilities' plans and specifications for construction to provide service to the customer's or developers' property, the customer or developer shall also be obligated to pay his or her proportionate part of the cost of any lines that were constructed by others which are adjacent to the boundaries of his properties. The charge shall be based on one-half the current FRONTAGE rate fee. The cost shall be determined by multiplying one-half the FRONTAGE rate fee by the length of pipe adjacent to the boundaries of the property to be served.~~
- b. The water mains within and adjacent to the area to be served, or other extensions required to provide service, will be constructed by El Paso Water Utilities or by its contractor

on the basis of competitive bids unless the customer or developer chooses ~~to to satisfy the Extension Charge by~~ constructing the facilities in accordance with Section II(14).

- d. ~~The Utility will prepare a preliminary cost estimate. A minimum of 4.0% of this estimate may be required for deposit by the applicant or developer prior to the preparation of the plans. Final construction plans and specifications will then be prepared. The customer or developer shall pay to the Utility the total amount of the work for his subdivision, less the 4.0% deposit prior to the beginning of construction. The Utility will then provide the field services specified in Section II (K)(3), of these Rules and Regulations No. 7.~~

- ce. Payment of all of the charges provided for herein shall be made prior to making any expenditures of Utility funds or making any connection to the system.

#### ~~5. Time Payment of Charges~~

~~The Extension Charge required for individually owned single family residential property, that are adjacent to an existing line from which service can be provided, may be paid in monthly installments over a period of time not to exceed twenty four (24) months under a Promissory Note granted by the Utility at a simple interest rate of 6% per annum, on a 360 day basis. The note will be filed as a lien against the property. The interest rate and/or payment terms may be adjusted at the discretion of the Utility subsequent to the effective date of these rules and accrued interest and filing charges, shall be declared immediately due and an amended lien may be filed against the property for these additional amounts should the maker of the Note fail to pay this full amount after Notice of Default. The Utility may use any other means available to it under the law to collect the delinquent charge(s) or other costs incurred as a result of the default including reasonable attorneys' fees which shall be 10% of all amounts due. A processing charge of \$60.00 per Contract shall be added for handling payment in the manner prescribed herein, which amount shall include the cost of filing a Time Payment Contract and the subsequent lien release in the County Clerk's office. The handling fee may not be financed as part of the Promissory Note but, rather, will be paid at the time application thereof is made.~~

~~Any one person or applicant shall be entitled to only one such Time Payment Contract for water and the property so served shall have a maximum total area of one acre or less.~~

~~Monthly payments will begin upon initiation of service. Monthly payments under this arrangement shall be made simultaneously with the payment of the water bill and payment of the water usage charge shall not be accepted unless the Note payment is also made. Failure to pay the monthly payment to the Promissory Note shall result in the discontinuance of the water service in the same manner and at the same time as failure to pay the water usage charge.~~

#### G. REFUNDS

The customer or developer shall be entitled to a refund if: ~~(1) he/she is required to construct or pay to construct boundary lines along the perimeter of the area to be served when such lines are adjacent to other property that can be expected to obtain service directly or indirectly from the lines; or (2) is required to construct or pay to construct lines that are outside the area (off-site) where he/she desires service when the property on either side of the line is owned by others and when such property may be expected to obtain service directly or indirectly from said line; or (3) is required to construct or pay to construct water lines larger than 8-inches in size. Contracts providing for refunds must be executed with between the Utility and by the person or persons due the refund prior to the construction of the facilities, and n~~ No refund shall be made unless such contract has been duly and timely executed. ~~Funds to make refunds for facilities included in (1) and (2) above shall be obtained from property owners who receive service directly or indirectly from the lines eligible for refunds and the Utility shall not be obligated to make any refunds until it has received payment from those properties which benefit by the lines. Its obligation to make such refunds shall never exceed the amount which it receives from the owners adjacent to the extensions. Such refund contracts shall provide for the Utility to make refunds no more frequently than once each year for a period of no more than 20 years from the date of the final acceptance of the lines by the Utility. The amount to be refunded to the customer or developer shall be determined as provided for in Rules and Regulations No. 7, Section II (G) 1, 2, and 3 below;~~

~~unless the developer or customer chooses to establish the amount of refund by competitive bids in which case the Water Utility will receive bids in a normal manner required by law and will establish the amount to be refunded on the basis of the low bid received. Refunds shall be calculated as follows:~~

~~1. Refunds for Boundary Lines~~

~~The refunds for boundary lines shall be the length of the pipe installed adjacent to the property to be served times the current FRONTAGE rate fee.~~

~~2. Refunds for Off Site Water Lines~~

~~Off site water lines constructed outside of the limits of the area to be served, but necessary to provide service, shall be eligible for a refund. The refund shall be calculated by multiplying the current FRONTAGE rate fee by the length of the pipe installed. One half of the cost of such lines shall be assessed against the property on each side of the line if such property obtains service directly or indirectly from said line.~~

13. Refunds on Lines Larger Than 8 inches in Diameter

The refunds on lines that are larger than 8-inches in size shall be based on the difference ~~in the~~ between the cost of an 8-inch line and the actual cost of the line installed. The price of the 8-inch line shall be the length of the pipe installed ~~multiplied- by times~~ the current Refund Rate of \$36.91 ~~FRONTAGE rate fee~~. Refunds will be paid by the Utility upon completion of facilities constructed by the customer and Final A ~~acceptance~~ by the Utility.

2. Refunds are provided to customers inside City limits only.

H. SPECIAL DEPOSITS FOR OFF-SITE EXPANSION FACILITIES

1. Deposit Amounts

The customer or developer shall be responsible for paying the total cost of design and construction of any water facilities that are not within his/her area of service if such facilities are required to provide adequate service to his/her property. Improvements of this type are referred to as "off-site" and include facilities such as reservoirs, pump stations, treatment plants and lines which are outside of the limits of the property to be served, but which must be extended from an existing main or constructed offsite to provide service to the property. Facilities of this type shall be constructed ~~with the~~ with the capacity deemed necessary by the Utility to support future development. ~~The total cost of these facilities shall be paid by the customer or developer first desiring the service that requires the facilities i~~ If the funds have not been appropriated in the current or previous years' budgets for the specific facilities that are required for service to the property, then the total cost of these facilities shall be paid by the customer or developer who first requested the service. In addition, the requested area must be contiguous to existing development and water infrastructure.

2. Refund Amounts

A refund amount shall be established by the Utility such that the customer or developer will have paid costs of infrastructure improvements roughly proportionate to the proposed development in accordance with Texas Local Government Code, Section 212.904. A refund contract will be executed ~~with between~~ with between the customer or developer ~~and the Utility~~, which will provide for the refund of ~~either~~ either a portion or all of the costs reflected in the up-front infrastructure improvements deposit. ~~The original customer or developer will then be paid in accordance with the refund contract as additional customers are served by the facility.~~

No interest will be paid on SPECIAL DEPOSITS ~~and the period in which the customer or developer is eligible for refunds shall be twenty (20) years from the date of the refund contract.~~ In no instance shall the Utility refund more than the original cost of the facilities constructed and paid for by the owner or developer. ~~Refunds will be made once each year when they are earned as detailed in the refund contract.~~

~~Refunds on SPECIAL DEPOSITS for "off site" mains will be made when the property that is adjacent to the approach main pays its portion of the cost of the facility and the Utility shall~~

~~never be obligated to refund more money than it receives from the property adjacent to the approach main. Refunds for such lines shall be in accordance with Rules and Regulations No. 7, Section II(G).~~

I. CONSTRUCTION BY CUSTOMER

1. Conditions of Construction by Customer

To satisfy the provisions of Rules and Regulations No. 7, Section II(F) a customer or developer may construct, or contract with others to construct, water mains required to serve his/her subdivision or area in accordance with the plans and specifications of the Utility, provided all of the following conditions are fully satisfied:

- a. The Developer shall post an acceptable Performance Bond with the Utility, in accordance with Texas Government Code, Chapter 2253, to ensure completion of the project on all such projects where the Utility's contribution exceeds \$100,000, or the amount, under Chapter 2253, as it may be amended, ~~above setting the dollar amount at~~ which performance bonds are required on ~~such~~ municipal contracts; and
- b. The total cost of constructing all lines and appurtenances within and adjacent to the subdivision or area to be served is paid by the customer or developer without requesting ~~refunds or~~ Utility participation ~~in the cost related to lines smaller than 8-inches or refunds.~~ This cost does not include fire hydrants and service connections; and
- c. Utility participation in installing lines larger than 8-inches may be requested ~~oversize lines is requested~~ and construction of the water lines in the entire subdivision shall be bid under the Utilities' participation ~~in lines larger than 8-inches~~ in accordance with Section II-G ~~(13) and reimbursement for boundary or off site facilities as provided for in Section II-G(2) and (3)~~ and Section II(H) and the Texas Local Government Code; and
- d. The Developer executes an agreement with the Utility which states (1) the actual cost by each item of the work being done; (2), who will perform the work; and (3) and that the firm doing the work is an independent contractor and will hold the City of El Paso and the Utility harmless from any and all damages or claims which may arise from the performance of the work and will purchase adequate insurance to cover this indemnity. Proof of insurance coverage to fully protect the Utility shall be furnished to the Utility by the developer or his agent in amounts required on similar Utility contracts; and
- e. The Developer and/or the Developer's Surety on a required ~~the~~ Performance Bond accept(s) the responsibility for the repair and maintenance of the facilities which are installed under a ~~the~~ Developer Agreement for a period of 365 days after acceptance by the Utility.

2. Final Acceptance by the Utility

Upon completion, the Developer shall provide the Utility with a letter stating that the mains have been completed, that and all related bills have been fully paid, and requesting the Utility to assume ownership ~~in lieu of or in partial payment of the LINE EXTENSION CHARGES on the subdivision.~~ No permanent services will be connected until said the Final Acceptance letter has been provided.

Upon completion of the work in accordance with the plans and specifications and the above conditions, the Utility, through its Chief Technical Officer, shall provide a letter of Final ~~a~~Acceptance to the developer.



J. CONSTRUCTION WITHIN EASEMENTS

It is the Utilities intent to construct water mains in public rights of ways. Water mains will not be constructed within easements except when the Utility specifically requests or authorizes such construction. Utility easements shall be of sufficient width, accessible and of proper topography to permit construction and maintenance. The Utility shall not be required to accept easements for service which do not meet the ~~above mentioned~~ above-mentioned requirements. No building or permanent structure shall be constructed ~~with the exception of~~ except for paving or landscaping and other similar facilities determined by the Utility to be acceptable in the utility easement.

When service is desired for more than six (6) water meters to one (1) tract of land not separated by public streets or public alleys, and when the actual buildings to be served are more than 100 feet from a public street or alley, service may be obtained at a closer location to the buildings on the customer's property, provided that the customer: (1) furnishes the Utility with a valid easement for the lines necessary to provide service at the desired location; (2) agrees to hold the Utility, its Public Service Board and the City of El Paso harmless from damages which may be caused by the existence of lines in said easement; and (3) ~~further provided~~ the customer pays the total cost of the lines required in said easement plus the normal extension charges for lines constructed or to be constructed in the streets adjacent to the property.

Where the Utility determines that the location or design of the development creates more danger of damage to the lines or facilities than the usual development ~~of this type~~, the customer shall only be provided with service served if he/she agrees to hold the Utility, its PSB and the City of El Paso harmless from any such damages which may occur.

K. ENGINEERING

1. Developer/Customer Engineered Water Plans

~~The If a~~ developer or customer's engineer prepares ~~water their own~~ plans, those plans must meeting TCEQ and EPWU requirements ~~and the plans must be submitted to EPWU for written approval prior to commencing any work. submitting those plans to EPWU for approval.~~ Water main extensions shall be designed from the point of connection to an existing EPWU owned water main to the farthest property line from the point of connection, so that the proposed main extends along the entire frontage of the property to be served. The water main shall be sized (minimum 8-inch diameter) with sufficient capacity that will enable future service to properties located upstream/downstream of the property to be served. Water mains shall be designed and constructed with the intent of avoiding the creation of "dead end" mains by "looping" the water system. Developers/customers ~~shall submit one complete set of subdivision improvement plans~~ for approval, including boundaries, grading plans, street profiles and topography which have been approved by the City of El Paso and/or El Paso County. The Developer shall submit a hard copy and/or electronic media compatible with the Utility's CADD system. The Utility will use these as a basis for the design of other extensions and other facility installations.

This option to the developer/customer regarding submittal of their own plans shall not apply if any offsite extension or capital improvement infrastructure, master plan land studies, or any on-site oversized facilities are required to serve any areas adjacent to the subdivision ~~are required~~.

El Paso Water Utilities will provide review of design drawings prepared by consulting engineers on behalf of developers/customers. ~~A The applicant/developer/customer will be charged a fee equal to charge of two~~ 2.0 percent (2%) of the total estimated construction costs ~~will be made to the applicant and/or developer for these services, and The full payment of this amount~~ shall be due at the time of execution of the Development Agreement.

Limited Scope Development Agreements for new fire hydrants and/or fire hydrant relocations will be charged a design review fee of \$500.00. The full payment of this amount shall be due at the time of execution of the Limited Scope Development Agreement.



2. Field Surveys and Inspections

Field engineering services by the Utility shall consist only of staking out the water and sewer mains ~~and appurtenances, only~~ and inspection of related construction work to assure compliance with Utility standards.

3. Conditions for Construction

The developer shall have the streets graded to within 6--inches of subgrade with curbs installed before water and sewer main construction begins. If, by prior agreement, no curbs are installed, then the developer must have an adequate number of street centerline or off-set stakes or markers placed so that field stakeout for the water and sewer mains can be conveniently made.

The developer ~~agrees to~~must respond timely to and to bear the cost of correcting any subsequent problem which may arise due to delayed installation of curbs and gutters or changes in grade. This shall apply to the developer ~~whether or not~~regardless of whether lots are subsequently sold to other parties.

L. BACKFLOW PREVENTION ASSEMBLY VIOLATIONS

1. The following shall be grounds for discontinuation of water service to a customer's property: Willful removal or bypassing of any backflow prevention assembly or dual check valve; falsification of test reports (or knowing submittal of falsified test reports or allowing falsified test reports to be submitted by others); obtaining water from a fire hydrant in violation of cross-connection control requirements; allowing uncontrolled cross-connections to exist; connection of a fire protection system to a normal water service; or failure to cooperate in the installation, maintenance, testing or inspection of backflow prevention assemblies as required by the Utility's Cross-Connection Control Program and/or these Rules and Regulations~~Regulations, shall be grounds for discontinuance of water service to the customer's premises.~~ The Utility may require the installation of an air-gap separation from the public water supply as a condition precedent to reconnection/reinstatement of water service. Water service shall not be restored until such conditions are corrected to the satisfaction of the Utility.
2. Discontinu~~ation~~ance - of water service may be summary, immediate, and without written notice whenever, in the judgment of the Utility, such action is necessary to protect the ~~purity of~~ the public water supply or the safety of the public.

M. -PREMISES WITH PRIVATE WELLS

Customers with premises having private wells who wish to connect to the public water supply shall have the following two options:

1. Agree to permanently abandon use of the private wells by plugging the well, **prior to connecting to the public water supply**, in accordance with Utility procedures and TCEQ requirements;
2. Agree to completely and permanently sever the private well from the premises water supply system in accordance with Utility procedures, **prior to connecting to the public water supply and** Customer shall install an approved backflow prevention assembly at the water service connection.

N. FIRE HYDRANT TESTING

In the event that El Paso Water Utilities is requested to test a fire hydrant, for the design of fire suppression systems or other reasons, in accordance to AWWA standards, the charge shall be as ~~set forth follows:~~ Effective March 1, 2009, that rate shall be \$1,500.

O. TIME PAYMENT OF CHARGES (PROMISSORY NOTE)

Charges associated with Rules & Regulations No 7. Section II C (1, 4) and Water Service/Connection Bid Line Items associated with the installation of service required for individually-owned single family residential

property, that are adjacent to an existing main line or new proposed main line from which service can be provided, may be paid in monthly installments over a period of time not to exceed twenty-four (24) months under a Promissory Note granted by the Utility at a simple interest rate of six-percent (-6%) -per annum, on a 360 day basis. The note will be filed as a lien against the property. The interest rate, duration of months, any other fees required and/or associated with the installation of service and/or payment terms may be adjusted at the discretion of the Utility before or subsequent to the effective date of these Rules. Should the maker of the Promissory Note be found in default of the Promissory Note, the Utility shall issue a Notice of Default and all principal, ~~and~~ accrued interest and filing charges, shall be declared immediately due. ~~and a~~ An amended lien, if necessary, may be filed against the property for these additional amounts should the maker of the Note fail to pay this full amount after Notice of Default. The Utility may use any other means available to it under the law or in equity to collect the delinquent charge(s) and/or other costs incurred as a result of the default, including reasonable attorneys' fees which shall be ten-percent~~shall be~~ 10% of the total of all amounts due.

A processing charge of \$60.00 per ~~CPromissory Notecontract~~ shall be added to the cost of all Promissory Notes for the handling of the payments in the manner prescribed herein, which ~~amount shall~~ includes the cost of filing a Time Payment Contract and the subsequent lien release in the El Paso County Clerk's office. The ~~handling fee~~processing charge may not be financed as part of the Promissory Note but, rather, will be paid in full at the time application thereof is made.

~~Any one person or applicant shall be entitled to only one such Time Payment Contract for water and the property so served shall have a maximum total area of one acre or less.~~

Monthly payments will begin 30 calendar days after effect date. Monthly payments under this arrangement shall be made simultaneously with the payment of the water bill and payment of the water usage charge shall not be accepted unless the Note payment is also made. Failure to pay the monthly payment to the Promissory Note shall result in the discontinuance of the water service in the same manner and at the same time as failure to pay the water usage charge.

### SECTION III SEWER SERVICE DEPOSITS AND CHARGES

#### A. MONTHLY CHARGES

Monthly Charges for sewer service shall be in accordance with Rules and Regulations No. 6.

#### B. BILL GUARANTEE DEPOSIT

##### 1. Amount of Deposit

A Guarantee Deposit shall be collected as a condition of service at the time of application for sewer service from the Utility. The deposit is as follows:

a. Single family residence	\$75.00
b. Duplex residence	\$150.00
c. Triplex residence	\$225.00
d. Commercial establishment	\$150.00
e. Industrial	\$500.00
f. Construction account	\$300.00

##### 2. Conditions of Deposit

If the credit experience of a particular customer is unfavorable, ~~the~~ EPWU ~~management~~ may require a deposit in excess of the scheduled amount, which shall ~~to~~ be based on the total of the two highest monthly bills on record for the customer. ~~The bill Guarantee e d Deposit will be applied against the last bill or is transferable. At termination of service, any excess Guarantee deposit Deposit will be refunded. Guarantee Deposits do not earn interest and n.~~ No customer shall be entitled to interest on the deposit.

#### C. SEWER SERVICE CONNECTION CHARGE

1. General Description

The customer's service line shall extend -(or be caused to be extended the customer's service line extend) and connect it to the outlet in the public line when one has been provided. - If When no connecting outlet was provided in the public line, the Utility will connect the customer's service line to the public line. In either case, the customer shall be responsible for all work and costs required to excavate and uncover the public line, backfill and compact the trench, and repave the surface. No charge will be made by the Utility for this connection when the customer has provided the service line. The separation between a water service line and a sanitary sewer service line from the property line to the water or sanitary sewer mains shall be 5 feet of undisturbed or compacted earth or as outlined -in the City of El Paso's Plumbing Code. Sewer service lines are not allowed to be constructed parallel too the public rights of way or easements; only perpendicular extensions to the public rights of way or easements of sewer services are allowed. No connection shall be made to a sewer interceptor line of a diameter 18 -inches or greater. Absent written approval by EPWU, No water and/or sanitary sewer service shall extend through property owned or intended to be sold to different individuals or entities than those listed on the service application. and consequently owned by different individuals or entities prior to connecting to an EPWU water and/or sanitary sewer main; unless previously discussed and approved by the EPWU.

2. Amount of Sewer Connection Charge

When the Utility has provided a sewer service line from the sewer main to the pavement edge, a SEWER SERVICE CONNECTION CHARGE will be made. This charge is a non-refundable payment to the Utility for tapping the main, installing the service line from the main to a location behind the curb or edge of pavement and repaving the street. The SEWER SERVICE CONNECTION CHARGE shall be \$890.00. The sewer service line will shall be installed in accordance with the applicable City Plumbing Codes City of El Paso Plumbing Code and located at the center of the property lot, unless otherwise requested by the customer. The Utility warrants and guarantees the sewer service line for a period of one (1) year from the day time of installation was completed. The customer is responsible for maintaining such line in good and safe condition.

D. LINE EXTENSION CHARGES

1. Time Payment of Charges

~~The Extension Charge required for individually owned single family residential property, or other properties that are adjacent to an existing line from which service can be provided, may be paid in monthly installments over a period of time not to exceed twenty four (24) months under a Promissory Note granted by the Utility at a simple interest rate of 6% per annum, on a 360 day basis. The Note will be filed as a lien against the property. The interest rate and/or payment terms may be adjusted at the discretion of the Utility subsequent to the effective date of these rules and regulations to reflect an interest rate appropriate to the economic climate prevalent at the time an application for such Promissory Note is made. Interest on such Note shall not exceed the maximum amount of non usurious interest provided by law. Provided, however, the water service must be activated within six months of the date of contract and the water service must be used continuously until full payment is made to the Utility. Should default occur on the promissory note, the full cost of the extension charge, plus accrued interest and filing charges, shall be declared immediately due and an amended lien may be filed against the property for these additional amounts should the maker of the Note fail to pay this full amount after Notice of Default. The Utility may use any other means available to it under the law to collect the delinquent charge(s) or other costs incurred as a result of the default including reasonable attorneys' fees which shall be 10% of all amounts due. A processing charge of \$60.00 per Contract shall be added for handling payment in the manner prescribed herein, which amount shall include the cost of filing a Time Payment Contract and the subsequent lien release in the County Clerk's office. The handling fee may not be financed as part of the Promissory Note but, rather, will be paid at the time application thereof is made.~~

~~Any one person or applicant shall be entitled to only one such Time Payment Contract for sewer and the property so served shall have a maximum total area of one acre or less.~~

~~Monthly payments will begin upon initiation of service. Monthly payments under this arrangement shall be made simultaneously with the payment of the water bill and payment of the water usage charge shall not be accepted unless the Note payment is also made. Failure to pay the monthly payment to the Promissory Note shall result in the discontinuance of the sewer service in the same manner and at the same time as failure to pay the water usage charge.~~

~~The customer shall pay a Line Extension Charge for sewer service to properties not previously served by the Utility. All such customers shall pay a non refundable payment to the Utility when connecting to a sewer line that is no more than 20 years old. The age of the sewer line will be based on the date of final acceptance by the Utility of said sewer line located in a dedicated street or alley adjacent to the property to be served. The LINE EXTENSION CHARGE shall be determined by applying the appropriate subparagraphs 2, 3 or 4 of this Section. The Utility shall determine which of these subparagraphs shall be applicable to the property to be served.~~

## ~~2. Line Extension Charges to Connect to Existing Lines~~

~~The Line Extension Charges for property obtaining sewer service from existing lines when the property requesting service did not participate in the cost of the construction of the lines shall be based on the "Frontage" of the property multiplied by the frontage rate per foot of \$18.96 for sewer service. This charge shall not apply to property on which a frontage or extension charge has been paid previously.~~

~~The FRONTAGE to be used in determining the LINE EXTENSION CHARGE shall be the distance across the property, measured along a line parallel to and 75 feet away from the center line of the street which abuts the property with the following exceptions:~~

- ~~a. In no case shall the FRONTAGE for each sewer connection be less than 30 feet.~~
- ~~b. If the property is occupied or is to be occupied by a single family or duplex residence and abuts on two or more streets, the FRONTAGE is to be measured as though the property abutted only on that street which produces the smallest FRONTAGE.~~
- ~~c. If the property is occupied by something other than a single family or duplex residence and abuts on two or more streets, the FRONTAGE is to be measured along the street from which service is taken.~~
- ~~d. The FRONTAGE to be used for a single family residence situated on a tract of land of one half acre or more in area may be reduced to 125 feet; if the FRONTAGE of the property measured along the street from which service is taken is smaller than 125 ft., the FRONTAGE shall be the smaller FRONTAGE.~~
- ~~e. When, in the opinion of the Utility, none of the above methods yields an equitable and appropriate charge within the intent of this policy, the FRONTAGE may be determined by other equitable methods to arrive at a charge that is proportionate to the size of the property in relationship to the charge to other similar property.~~

## 13. Line Extension Charges for Small Tracts

- a. ~~— The sewer LINE EXTENSION CHARGE for lots within subdivisions when such lots are individually owned shall be the same as described in Section III (D)(2), provided one of the following two conditions are met:~~

~~(1) The extension charge has been paid on at least one half of the property that is adjacent to the required extension or which could conceivably be considered to obtain service from said extension; or~~

~~(2) The line extension necessary to reach the property is less than 150 feet. If several individual properties adjacent to the line extension are participating in a line extension, one half of the~~

~~properties obtaining service or which could conceivably be considered to obtain service from said extension shall pay the LINE EXTENSION CHARGE based on Section III (D)(2) to the EPWU prior to making any expenditures of EPWU funds or making any connection to the system. A customer or customers desiring sanitary sewer service must pay the for all costs related to extending cost of the lines required to reach their property in accordance with Section III (D)(3), and be eligible for refunds, when more than one half the adjacent properties have not paid the Line Extension Charge.~~

- b. ~~When sewer service is desired to an individual tract of land of 20 acres or less in size and the owner of said tract does not at the time of application for service own any other land immediately adjacent to the property to be served and when a line larger than 8 inches is required, the owner may pay the LINE EXTENSION CHARGE based on the FRONTAGE rate provided for in Section III (D)(3) on all of the property in lieu of paying the total cost of the extensions required. When the property to be served is not adjacent to an existing line from which service lines can be extended, the customer shall pay for the total cost of the off-site or "approach" main required to reach the property to be served. The customer may and be eligible for refunds in accordance with Rules and Regulations No. 7, Section III(E).~~

- c. The Utility will prepare a cost estimate for line extensions. Final construction plans and specifications will be prepared by Utility. The customer shall pay to the Utility the total amount cost of all the work for the line extension.

#### 24. Line Extension Charges for Other Areas

- a. ~~The LINE EXTENSION CHARGE for sewer service to new subdivisions and all other areas not included in Sub Paragraphs 1 or 2 of this Section shall be the total cost of the lines, and appurtenances and permits required to serve the property as determined by the Utility. This cost shall include furnishing and installing complete, in place, in accordance with the Utility's plans and specifications, all lines, manholes, paving repair and other required appurtenances, except that the Utility will participate in the cost of lines larger than 8 inches in size. If the required pipe size to service the proposed development is larger than 8 inches, the EPWU will participate in the cost of the pipe as provided for in SECTION III (E) herein. Additionally, lines in all dedicated streets that are adjacent to the property, including boundary streets, shall be included as part of the cost, and off-site facilities or "approach" mains that are necessary to provide service shall also be included as part of the cost. The customer or developer may also be required to pay to construct lift stations, force mains and other facilities that are required to adequately serve the area. Payment and refunds for such facilities will be as provided for in Sections III (E) and (F). No street shall be approved for paving until lines required in that street have been installed by the adjacent owner who desires the paving. The Utility may participate in the cost of lines larger than 8-inches in size. If the required pipe size to service the proposed development is larger than 8-inches, the Utility may participate in the cost of the pipe as provided for in SECTION III (E) herein. The customer or developer shall be eligible for a refund in accordance with Section III(E) for lines that are installed where there is other property adjacent to the line that can be expected to take service directly or indirectly from that line.~~

- b. ~~In addition to the cost of the lines as required by the Utilities' plans and specifications for construction to provide service to the customer's or developer's property, the customer or developer shall also be obligated to pay his proportionate part of the cost of any lines that were constructed by others which are adjacent to the boundaries of his properties. The charge shall be based on one half the current FRONTAGE rate fee. The cost shall be determined by multiplying one half the FRONTAGE rate fee by the length of pipe adjacent to the boundaries of the property to be served.~~

~~eb.~~ The sewer mains within and adjacent to the area to be served or other extensions required to provide service will be constructed by the Utility or by its contractor on the basis of competitive bids unless the customer or developer chooses to satisfy the Extension Charge by constructing the facilities in accordance with Section III.(G).

~~d.~~ ~~The Utility will prepare a preliminary cost estimate and a minimum of 5.0% of this estimate may be required for deposit by the applicant or developer prior to the preparation of the plans. Final construction plans and specifications will then be prepared. The customer or developer shall pay to the Utility the total amount of the work for his subdivision, less the 5.0% deposit prior to the beginning of construction. The Utility may accept an agreement from a local bank which provides that it will pay the Utility within 10 days after submittal of a payment request, based on actual work completed at the time of the submittal of the request.~~

~~ce.~~ Payment of all of the charges provided for herein shall be made prior to making any expenditures of Utility funds or making any connection to the system.

## E. REFUNDS

### 1. General

The customer or developer shall be entitled to a refund if he/she: ~~(a) the customer is required to construct or pay to construct "boundary" lines along the perimeter of the area to be served when such lines are adjacent to other property that can be expected to obtain service directly or indirectly from the lines; or (b) is required to construct or pay to construct lines that are outside the area (off site) where the customer desires service when the property on either side of the line is owned by others and when such property may be expected to obtain service directly or indirectly from said line; or (c) is required to construct or pay to construct sewer lines larger than 8-inches in size. Contracts providing for refunds must be executed between with the Utility and by the person or persons due the refund prior to the construction of the facilities. and n ~~No refund shall be made unless such contract has been duly executed. Funds to make refunds for facilities included in (a) and (b) above shall be obtained from property owners who receive service directly or indirectly from the lines eligible for refunds and the Utility shall not be obligated to make any refunds until it has received payment from those properties which benefit by the lines. Its obligation to make such refunds shall never exceed the amount which it receives from the owners adjacent to the extensions. Such refund contracts shall provide for the Utility to make refunds no more frequently than once each year for a period of no more than 20 years from the date of the final acceptance of the lines by the Utility. The amount to be refunded to the customer or developer shall be determined as provided below. for in Section III.(E), 2, 3 or 4 unless the developer or customer chooses to establish the amount of refund by competitive bids in which case the Utility will receive bids in the normal manner required by law and will establish the amount to be refunded on the basis of the low bid received.~~~~

### ~~2. Refunds for Boundary Lines~~

~~The refunds for boundary lines shall be the length of the pipe installed adjacent to the property to be served times the current FRONTAGE rate fee.~~

### ~~3. Refunds for Off Site Lines~~

~~Off site sewer lines that are constructed outside of the limits of the area to be served, but necessary to provide service, shall be eligible for a refund. The refund shall be calculated by multiplying the current FRONTAGE rate fee by the length of the pipe installed. One half of the cost of such lines shall be assessed against the property on each side of the line if such property obtains service directly or indirectly from said line.~~

### 4.2. Refunds for Lines Larger Than 8 inches in Diameter

The refunds on lines that are larger than 8-inches in size shall be based on the difference between the cost in the price of an 8-inch line and the actual cost of the line installed. The



price of the 8-inch line shall be the length of the pipe installed multiplied by the current REFUND RATE of \$36.12-FRONTAGE rate fee. Refunds will be paid by the Utility upon completion of facilities constructed by the customer and Final A-acceptance by the Utility.

3. Refunds are provided to customers inside City limits only.

F. SPECIAL DEPOSITS FOR OFF-SITE FACILITIES

1. Deposit Amounts

The customer or developer shall be responsible for paying the total cost of design and construction of any sewer facilities that are not within his/her area of service if such facilities are required to provide adequate service to his/her property. Improvements of this type are referred to as "off-site" and include facilities such as sewer mains, lift stations, wastewater treatment facilities, force mains, manholes or other improvements which are outside of the limits of the property to be served, but which must be extended from the existing main or constructed offsite to provide service to the property. Facilities of this type shall be constructed with the capacity deemed necessary by the Utility to support future development. If the funds have not been appropriated in the current or previous year's budgets for the specific facilities that are required for service to the property, then ~~the~~ the total cost of these facilities shall be paid by the customer or developer who first requested ~~desiring the service, that requires the facilities if the funds have not been appropriated in the current or previous years' budgets for the specific facilities that are required for service to the property.~~ In addition, the requested area must be contiguous to existing development and sewer infrastructure.

~~A special refund contract will be executed with the customer or developer which will provide for a portion or all of the cost of the deposit to be eligible for a refund as the area served by the facility is developed and connects with sewage system.~~

2. Refund Amounts

A refund amount shall be established by the Utility such that the customer or developer will have paid costs of infrastructure improvements roughly proportionate to the proposed development in accordance with Texas Local Government Code, Section 212.904. A refund contract will be executed with the customer or developer which will provide for the refund of a portion or all of the costs reflected in the up-front infrastructure improvements deposit. ~~The original customer or developer will then be paid in accordance with the refund contract as additional customers are served by the facility.~~

No interest will be paid on SPECIAL DEPOSITS ~~and the period in which the customer or developer is eligible for refunds shall be 20 years from the date of the contract.~~ In no instance shall the Utility refund more than the original cost of the facilities constructed and paid for by the owner or developer. ~~Refunds will be made once each year when they are earned.~~

~~Refunds on SPECIAL DEPOSITS for off-site mains will be made when the property that is adjacent to the approach main pays its portion of the cost of the facility and the Utility shall never be obligated to refund more money than it receives from the property adjacent to the approach main. Refunds for such lines shall be in accordance with Section III(E)(3).~~

G. CONSTRUCTION BY CUSTOMER

1. Conditions of Construction by the Customer

To satisfy the provisions of Section III(D) a customer or developer may construct or contract with others to construct sewer mains required to serve his subdivision or area in accordance with the plans and specifications of the Utility, provided all of the following conditions are fully satisfied.

- a. The Developer shall post an acceptable Performance Bond with the Utility in accordance with Article 5160, Revised Statutes, to ensure completion of the project on all such



projects where the Utility's contribution exceeds \$100,000 or the amount, under Article 5160 as it may be amended, above which performance bonds are required on such municipal contracts.

- b. The total cost of constructing all lines and appurtenances within and adjacent to the subdivision or area to be served is paid by the customer or developer without requesting Utility participation or refunds.
- c. Utility participation in oversize lines is requested, the sewer lines in the entire subdivision shall be bid under the Utilities' participation in lines larger than 8-inches in accordance with Section III\_(E)\_(42)) ~~and reimbursement for boundary or off site facilities as provided for in Section III(E)(2) and Section III E(3) and Section III (F).~~
- d. The developer executes an agreement with the Utility which states the actual cost by item of the work being done, who will perform the work and that the firm doing the work is an independent contractor and will hold the City of El Paso and the Utility harmless from any and all damages or claims which may arise from the performance of the work and will purchase adequate insurance to cover this indemnity. Proof of insurance coverage to fully protect the Utility shall be furnished by the developer or his agent in amounts required on similar Utility contracts.
- e. The Developer and/or the Developer's Surety on the Performance Bond accept the responsibility for the repair and maintenance of the facilities which are installed under a Developer Agreement for a period of 365 days after acceptance by the Utility.

2. Final Acceptance by the Utility

Upon completion, the developer shall provide the Utility with a letter stating that the lines have been completed and all bills paid and request the Utility to assume ownership ~~in lieu of or in partial payment of the LINE EXTENSION CHARGES on the subdivision.~~ No permanent services will be connected until said letter has been provided.

Upon completion of the work in accordance with the plans and specifications and the above conditions, the Utility, through its Chief Technical Officer, shall provide a letter of Final ~~a~~Acceptance to the developer.

H. CONSTRUCTION WITHIN EASEMENTS

It is the Utilities intent to construct sewer mains in public rights of ways. Sanitary sewer mains will not be constructed within easements except when the Utility specifically requests and authorizes such construction. Utility easements shall be of sufficient width, accessible and of proper topography to permit construction and maintenance. The Utility shall not be required to accept easements for service which do not meet the above-mentioned requirements. No building or permanent structure shall be constructed, ~~with the exception of~~ for paving or landscaping and other similar facilities determined by the Utility to be acceptable, in the utility easement.

When service is desired for more than six (6) separate sewer connections on one (1) tract of land not separated by public streets or public alleys and when the actual buildings to be served are more than 100 feet from a public street or alley, service may be obtained at a closer location to the buildings on the customer's property provided that the customer: (1) furnishes the Utility with a valid easement for the lines necessary to provide service at the desired location; (2) ~~and~~ agrees to hold the Utility, its PSB and the City of El Paso harmless from damages which may be caused by the existence of lines in said easement; and (3) ~~further provided~~ the customer pays the total cost of the lines required in said easement plus the normal extension charges for lines constructed or to be constructed in the streets adjacent to the property.

Where the Utility determines that the location or design of the development creates more danger of damage to the lines or other facilities than the usual development of this type, the customer shall only be ~~served~~ provided with service if he/she agrees to hold the Utility, its Public Service Board and the City of El Paso harmless from any such damage which may occur.

## I. ENGINEERING

### 1. Developer/Customer Engineered Sanitary Sewer Plans

~~The If a developer or customer's engineer prepares sanitary sewer their own plans, those plans must meeting TCEQ and EPWU requirements and the plans must be submitted to EPWU for written approval prior to commencing any work. submitting those plans to EPWU for approval.~~ Sanitary sewer main extensions shall be designed from the point of connection to an existing EPWU owned sanitary sewer manhole or to a proposed manhole on an existing sanitary sewer main to the farthest property line from the point of connection so that the proposed main extends along the entire frontage of the property to be served. The sewer main shall be designed with sufficient depth, size (minimum 8-inch diameter) and slope ready for future extensions of the main that will enable service to properties located upstream of the property to be served. If a proposed sewer main crosses an existing or proposed water main and TCEQ requirements or EPWU's design standards require that the sewer main be upgraded to a higher pressure rating the pipe shall extend from manhole to manhole. Developers/customers shall submit one complete set of subdivision improvement plans for approval, including boundaries, grading plans, street profiles and topography which have been approved by the City of El Paso and/or El Paso County. The Developer shall submit a hard paper copy and/or electronic media compatible with the EPWU's GADD system. The EPWU will use these as a basis for the design of other extensions and other facility installations.

This option to the developer/customer regarding submittal of their own plans shall not apply if any off-site extension or capital improvement infrastructure, master plan land studies, or any on-site oversized facilities are required to serve any areas adjacent to the subdivision ~~are required~~.

El Paso Water Utilities will provide review of design drawings prepared by consulting engineers on behalf of a developer/customer. The applicant/developer/customer will be charged a fee equal to two-percent (2%) of the total estimated construction costs for these services, and full payment of this amount shall be due at the time of execution of the Development Agreement. ~~A charge of 2.0 percent of the estimated construction costs will be made to the applicant for these services. The full payment shall be due at the time of execution of the Development Agreement~~

Limited Scope Development Agreements for new manholes and/or manhole services connection will be charged a design review fee of \$500.00. The full payment of this amount shall be due at the time of execution of the Limited Scope Development Agreement.

### 2. Field Surveys and Inspections

Field engineering services by the Utility shall consist only of staking out the water and sewer mains and appurtenances ~~only~~ and inspection of related construction work to assure compliance with Utility standards.

### 3. Conditions for Construction

The Developer/Customer shall have the streets graded to within 6 inches of subgrade with curbs installed before water and sewer main construction begins. If, by prior agreement, no curbs are installed, then the developer/customer must have an adequate number of street centerline of off-set stakes or markers placed so that field stakeout for the water and sewer mains can be conveniently made

The Developer/Customer ~~agrees to~~ must respond timely to and to bear the cost of correcting any subsequent problem which may arise due to delayed installation of curbs and gutters or changes

in grade. This will apply to the developer/customer ~~regardless of whether whether or not~~ lots are subsequently sold to other parties.

J. TIME PAYMENT OF CHARGES (PROMISSORY NOTE)

~~Charges associated with Rules & Regulations No 7. Section III C (2) and Sewer Service/Connection Bid Line Items associated with the installation of service required for individually-owned single family residential property, that are adjacent to an existing main line or new proposed main line from which service can be provided, may be paid in monthly installments over a period of time not to exceed twenty-four (24) months under a Promissory Note granted by the Utility at a simple interest rate of six-percent (6%) per annum, on a 360 day basis. The note will be filed as a lien against the property. The interest rate, duration of months, any other fees required and/or associated with the installation of service and/or payment terms may be adjusted at the discretion of the Utility before or subsequent to the effective date of these rules, and accrued interest and filing charges, shall be declared immediately due. and an An amended lien, if necessary, may be filed against the property for these additional amounts should the maker of the Note fail to pay this full amount after Notice of Default. The Utility may use any other means available to it under the law to collect the delinquent charge(s) or other costs incurred as a result of the default including reasonable attorneys' fees which shall be ten-percent (10%) of all amounts due.~~

~~A processing charge of \$60.00 per Contract Promissory Note shall be added for handling payment in the manner prescribed herein, which amount shall includes the cost of filing a Time Payment Contract and the subsequent lien release in the County Clerk's office. The handling fee processing charge may not be financed as part of the Promissory Note but, rather, will be paid at the time application thereof is made.~~

~~Any one person or applicant shall be entitled to only one such Time Payment Contract for water and the property so served shall have a maximum total area of one acre or less.~~

~~Monthly payments will begin 30 calendar days after effect date. Monthly payments under this arrangement shall be made simultaneously with the payment of the water bill and payment of the water usage charge shall not be accepted unless the Note payment is also made. Failure to pay the monthly payment to the Promissory Note shall result in the discontinuance of the water service in the same manner and at the same time as failure to pay the water usage charge~~

SECTION IV RECLAIMED WATER SERVICE DEPOSITS AND CHARGES

A. MONTHLY CHARGES AND COMMODITY CHARGES

Monthly Charges and Commodity Charges for reclaimed water service shall be in accordance with Rules and Regulations No. 6.

B. RECLAIMED WATER BILL GUARANTEE DEPOSIT

1. Amount of Deposit

A Guarantee Deposit shall be collected from all users of reclaimed water lines and systems of the Utility as a condition of service at the time of the user's application for reclaimed water service from the Utility as follows:

a. Single family residence	\$ 75.00
b. Duplex residence	\$150.00
c. Triplex residence	\$225.00
d. Commercial establishment	\$150.00
e. Industrial	\$500.00
f. Construction account	\$300.00

2. Conditions of Deposit

If the credit experience of a particular customer is unfavorable, the ~~Utility management~~EPWU shall require a deposit in excess of the scheduled amount; ~~which shall be~~ based on the total of the two highest monthly water bills on record for the customer. The bill ~~Guarantee~~ Deposit will be applied against the last bill or is transferable. At termination of service, any excess Guarantee Deposit will be refunded. Guarantee Deposits shall not earn interest and no customer shall be entitled to interest on the deposit.

C. RECLAIMED WATER SERVICE CONNECTION CHARGES

1. Description and Amount of Charges

The Reclaimed Water Service Connection Charge is a non-refundable payment to the Utility for tapping the street main, installing a service line from the street main to a location behind the curb (if the service is located on a paved street), or to some safe and suitable location (if not on a paved street) and installing a meter box and appropriate fittings. For users identified in a Reclaimed Water Master Plan with existing yard meter(s), the Reclaimed Water Service Connection Charge will be waived ~~on the basis of~~based on "one reclaimed water meter for ~~one yard~~one-yard meter of equal size". If a reclaimed water meter larger than the existing yard meter is installed, the user will pay the connection charge price difference between the yard meter and the larger reclaimed water meter. Properties not identified in a Reclaimed Water Master Plan will be charged according to Section II C (1-).

2. Pavement Cuts

For users identified in a Reclaimed Water Master Plan with existing yard meter(s), the charges associated with pavement cuts will be waived ~~on the basis of~~based on "one reclaimed water meter for ~~one yard~~one-yard meter of equal size". Facilities not identified in a Reclaimed Water Master Plan will be charged according to Section II C (2).

3. Limits of Reclaimed Water Service Connection

Payment of the RECLAIMED WATER SERVICE CONNECTION CHARGE and other applicable charges provided herein entitles the applicant to service at the meter. The extension into the property to be served shall be entirely at the customer's expense for construction and maintenance in accordance with Rules and Regulations No.12.

4. Requirements for Customer Service Extension

Customer service extension (by the applicant) of lines for reclaimed water service from the property line to the building or project of use, shall conform to the City of El Paso Plumbing Code, City-County Health Unit requirements, P S B Rules and Regulations No. 12, and TCEQ regulations. Extension shall be made only on the property on which the service application has been made and the appropriate charges paid.

~~5. Fees Associated With Cross Connection Control Program~~

~~EPWU Testing Fee: Same as Section II(C)(4)~~

~~Test Report Form Fee: Same as Section II(C)(4)~~

D. CONSTRUCTION RECLAIMED WATER SERVICE

Construction Reclaimed Water Service may be furnished by the Utility through a metered temporary water service to fill water tank wagons for construction purposes where, in the opinion of the Utility, it is not practical at the time of installation to furnish permanent services and where, in the opinion of the Utility, an appropriate location for a standpipe and an adequate reclaimed water supply exist. A positive ~~air gap~~airgap or other approved backflow prevention device shall be maintained ~~at all times~~always of operation. The customer will pay the estimated cost of installation and removal of the facility in advance and will agree to pay for the reclaimed water used in accordance with Rules and Regulations No. 6, Section X, plus all costs of any necessary repairs or maintenance of the facility. The connection may be removed by the Utility at the end of 90 days or at any time the facility is operated in such a fashion as to become, in the opinion of the Utility, a nuisance or when the construction is complete. In accordance

with Texas Commission on Environmental Quality rules, once reclaimed water has been carried in a vessel, it may never be used for potable water carriage again. Each distribution vehicle and facility using reclaimed water shall meet identification and posting requirements in Rules and Regulations No. 12. The customer will be responsible for preventing runoff of reclaimed water from the site.

~~E. LINE EXTENSION CHARGES~~

~~Users fronting an existing reclaimed water line installed as part of the initial master planned system will not be charged Line Extension Charges. Users not fronting an existing reclaimed water line and requesting a line extension or fronting a line extended by other customers will be charged in accordance with Section II(F).~~

EF. REFUNDS

Refunds will be made in accordance with Section II(E).

FG. SPECIAL DEPOSITS FOR OFF-SITE EXPANSION FACILITIES

Special deposits will be made in accordance with Section II(F).

GH. CONSTRUCTION BY CUSTOMER

To be made in accordance with Section II(G).

HI. CONSTRUCTION IN EASEMENTS

To be made in accordance with Section II(J).

IJ. ENGINEERING

Will be done in accordance with Section II(K).

~~K. BACKFLOW PREVENTION ASSEMBLY VIOLATIONS~~

~~Will be handled in accordance with Section II(L).~~

~~L. PREMISES WITH PRIVATE WELLS~~

~~Will be handled in accordance with Section II(M).~~

~~SECTION V CUSTOMER ACCOUNT FEE~~

~~All customers who initiate service with the El Paso Water Utilities Public Service Board, or who change the location for service, shall pay a Customer Account Fee of \$20.00 for each transaction.~~

SECTION VI SEVERABILITY

If any provision, section, subsection, sentence, clause, or phrase of these rules and regulations, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional void, or invalid the validity of the remaining portions of these rules and regulations shall not be affected and all provisions of the rules and regulations are declared to be severable for that purpose.

SECTION VII SAVINGS

These rules and regulations are a part of the other Rules and Regulations of the Public Service Board and, save and except as amended hereby, the remaining provisions of the Public Service Board's rules and regulations shall remain in full force and effect.

SECTION VIII EFFECTIVE DATE

These rules and regulations shall be and become effective from and after their adoption hereby and shall remain in effect until amended or changed by the Public Service Board.

PASSED, APPROVED and ADOPTED this 9th day of December 1992, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 7, SECTIONS II(C)1, II(C)2, II(F)2, II(G), II(G)4, II(K)1, III(C)2, 111(0)2 AND 111(1)1, REVISED, APPROVED and ADOPTED this 24th day of February, 1993.

RULES AND REGULATIONS NO.7, SECTION III(H), REVISED, APPROVED and ADOPTED this 8th day of September 1993.

RULES AND REGULATIONS NO.7, SECTION IV ADDED, SECTIONS IV, V, and VI RENUMBERED, APPROVED and ADOPTED this 13th day of March 1996.

RULES AND REGULATIONS NO. 7, SECTIONS II(8)(1), II(C)(1), II(C)(2), II(C)(S), II(K)(1), II(L)(1), II(L)(2), II(M)(1), II(M)(2), II(8)(1), III(C)(2), and III(I)(I) ADDED or MODIFIED, APPROVED and ADOPTED this 11th day of December, 1996.

PASSED, APPROVED, and ADOPTED this 28th day of July 1999, with substantial changes, by the Public Service Board.

RULES AND REGULATIONS NO. 7, SECTION II(E), SECTION III(1)(1), AND SECTION III(1)(2) REVISED, APPROVED and ADOPTED this 26th day of April 2000.

RULES AND REGULATIONS NO.7, SECTION II (C)(1a), II(F)(2), II(K), SECTION III(0)(2), AND SECTION III (1) (1) REVISED, APPROVED, and ADOPTED this 13th day of December 2006.

RULES AND REGULATIONS NO.7, SECTION I (General) ADDED; SECTION I(A) TABLE OF CONTENTS: SECTION II-(F)(2) REVISED; SECTION I(B)(Definitions) REVISED; SECTION II (B)(2), II(C), II(E) (1), II(H)(1) & (2), SECTION III(F)(1) & (2), AND SECTION IV(D), REVISED, APPROVED and ADOPTED this 9th day of January 2008.

RULES AND REGULATIONS NO.7, SECTION II (C)(1a), II(C)(2), II(C)(S), II(K)(2), II(K)(3), II(K)(4), II(K)(S), II(N), SECTION II(C)(2), AND SECTION III(1)(3), ADDED. REVISED, APPROVED and ADOPTED this 11th day of February 2009.

RULES AND REGULATIONS NO.7, SECTION II (C)(5), (F)(4d), II(K)(1), II(K)(2), II(K)(3), III(D)(4d), III(1)(1), III(1)(2), III(1)(3), SECTION II(C)(2), AND SECTION III(1)(3), ADDED, REVISED, APPROVED and ADOPTED this 17th day of December 2009.

RULES AND REGULATIONS NO. 7, SECTION II (B), II(C)(1a), II(C)(2), II(C)(3), II(C)(4), II(F)(1), II(F)(2), II(F)(2c), II(F)(2d), II(F)(2e), II(F)(2f), II(F)(2g), II(F)(3a), II(F)(3b), II(F)(4a), II(F)(4b), II(F)(4d), II(G), II(G)(1), II(G)(2), II(G)(3), II(1)(1c), II(K)(1), II(K)(2), II(K)(3), III(8)(1), III(0)(1), III(0)(2), III(D)(2c), III(D)(2d), III(D)(2e), III(D)(2f), III(D)(2g), III(D)(3a), III(D)(3b), III(D)(4a), III(D)(4b), III(D)(4d), III(E)(2), III(E)(3), III(E)(4), III(1)(1), III(1)(2), III(1)(3), III(1)(4), III(1)(5), IV(B)(1), ADDED, REVISED, APPROVED and ADOPTED this 8th day of December, 2010.

RULES AND REGULATIONS NO.7, SECTION II (E)(2c), II(E)(2d), REVISED, APPROVED and ADOPTED this 14th day of December 2011.

RULES AND REGULATIONS NO.7, SECTION II (C)(1b), REVISED, APPROVED and ADOPTED this 12th day of December 2012.

RULES AND REGULATIONS NO.7, SECTION II(C)(1a), II(C)(1b), (6), II(F)(5), II(K)(3), SECTION III (C), III (1)(3), REVISED, APPROVED and ADOPTED this December 11th, 2013.

RULES AND REGULATIONS NO.7, SECTION II(C)(1a), II(C)(2), II(C)(4), II (F)(2), SECTION III (C)(2), III (D) (2), REVISED, APPROVED and ADOPTED this 12th day of March, 2014.

RULES AND REGULATIONS NO.7, SECTION II C (1,3), D, G(2,3), K(3), SECTION III C(1), REVISED, APPROVED and ADOPTED this December 10th, 2014.

RULES AND REGULATIONS NO. 7 SECTION II C(1),F(2,5), K(1,2), SECTION III C(2), I(1,2), REVISED, APPROVED AND ADOPTED this January 10, 2018.

RULES AND REGULATIONS NO. 7 SECTION II C(1), REVISED, APPROVED ADOPTED this October 10, 2018.

RULES AND REGUALTIONS N0. 7 SECTION II C(1), E(2)(e), I(2), SECTION III E(2), ADDED. REVISED, APPROVED, ADOPTED this 9<sup>th</sup> day of January 2019.

RULES AND REGULATIONS N0. 7 SECTION I (A, B), SECTION II B(1f), C(1), E(2 e,f,g,h,i), F(2,5), K(1) and SECTION III B(1f), C(2), D(1,2), I(1), SECTIONS IV B(1f) ADDED. REVISED, APPROVED, ADOPTED this 8<sup>th</sup> day of January 2020, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

~~RULES AND REGULATIONS N0. 7 SECTION I (A, B), SECTION II D, E(2d), F, G, I (1e, 2), O, SECTION III D, E, G (1e, 2) J, SECTION IV, SECTION V, SECTION VI and SECTION VII ADDED. REVISED, APPROVED, ADOPTED this 13<sup>th</sup> day of January 2021, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.~~

~~RULES AND REGULATIONS N0. 7 SECTION I (A, B), SECTION II, B (2), C (2, 3, 4), D (1,2), E (1), (2)(c,d,e,f,g,h), F (1)(a,b,c), (2) (a,b,c), G(1, 2), H (1,2), I(1) (a, b, c, d, e), (2), J, K (1, 2,3), L (1,2) M, O, SECTION III, B (2), C (1,2) D(1)(a,b), (2)(a,b,c), E(1,2, 3), F(2), G(1)(c) (2), H, I (1,2,3), J, SECTION IV, B (2), C(4,21,2), D, E, F, G, H , I, SECTION V, SECTION VI, SECTION VII ADDED. REVISED, APPROVED, ADOPTED this 13<sup>th</sup> day of January 2021, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.~~

**PUBLIC SERVICE BOARD:**

~~Kristina Mena~~**Christopher Anteliff**, Chair

**ATTEST:**

**APPROVED AS TO FORM:**

~~Terri Garcia~~**Ivonne Santiago**, Secretary-Treasurer  
General Counsel

~~Daniel Ortiz~~**Lee Ann B. Koehler**,



RULES AND REGULATIONS NO. 11

RULES AND REGULATIONS  
GOVERNING THE FURNISHING AND CONTROL  
OF WATER AND/OR SEWER SERVICE BY  
THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD  
OUTSIDE THE CORPORATE LIMITS OF THE CITY OF EL PASO

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118M, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952; AS AMENDED, NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING RULES FOR WATER AND/OR SEWER SERVICE TO CUSTOMERS WHO RESIDE OUTSIDE THE CORPORATE LIMITS OF EL PASO ARE ESTABLISHED AND SHALL SUPERSEDE RULES AND REGULATIONS PREVIOUSLY ADOPTED BY THE PUBLIC SERVICE BOARD FOR FURNISHING WATER AND/OR SEWER SERVICE TO OUTSIDE OF CITY CUSTOMERS (KNOWN AS RULES AND REGULATIONS NO. 11).

THAT PUBLIC SERVICE BOARD RULES AND REGULATIONS ARE HEREBY AMENDED BY ADOPTING NEW RULES AND REGULATIONS NO. 11 "OUTSIDE CITY SERVICES" WHICH SHALL SUPERSEDE AND REPLACE ALL CURRENT SECTIONS OF THE RULES AND REGULATIONS GOVERNING SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF EL PASO, WHICH RULES AND REGULATIONS NO. 11 SHALL READ AS FOLLOWS:

SECTION I. GENERAL

A. TABLE OF CONTENTS

The following headings or captions are adopted as the Table of Contents for Public Service Board Rules and Regulations No. 11.

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B. DEFINITIONS:

~~EPWU:~~

~~El Paso Water Utilities (Utility) a publicly owned water and sewer agency located in and serving the people of El Paso County, Texas.~~

~~PSB:~~

~~Public Service Board. The Board of Trustees created by Ordinance 752, which is the governing body of and has the complete management and control of the EPWU (Utility).~~

~~CCN:~~

~~Certificate of Convenience and Necessity issued by the Texas Water Commission to a utility or water supply and/or sewer service corporation, as those terms are defined in the Texas Water Code, as a prerequisite to render retail water and/or sewer service directly to the public.~~

~~ETJ:~~

~~Extraterritorial Jurisdiction: For purposes of these Rules and Regulations No. 11, the ETJ is the area extending five miles outside of the corporate limits of the City of El Paso within which the City has statutory authority for planning and platting.~~

Backflow (Back Siphonage):

The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended source. Back siphonage is the condition where negative pressure in a potable water pipe induces backflow through a cross connection.

Charges:

As applied herein, the fees charged for services by the Utility not included in the monthly minimum charge and commodity usage charges.

~~CCN:~~

~~Certificate of Convenience and Necessity issued by the Texas Water Commission to a utility or water supply and/or sewer service corporation, as those terms are defined in the Texas Water Code, as a prerequisite to render retail water and/or sewer service directly to the public.~~

Cross Connection:

Any connection or arrangement, physical or otherwise, between a potable water supply or device, through which it may be possible for non-potable, used, unclean, polluted or contaminated water, or other substances, to enter into any part of such potable water system under any condition, including reduced or negative pressure.

EPWater:

See definition of UTILITY below

EPWU:

See definition of UTILITY below

ETJ:

Extraterritorial Jurisdiction: For purposes of these Rules and Regulations No. 11, the ETJ is the area extending five miles outside of the corporate limits of the City of El Paso within which the City has statutory authority for planning and platting.

Extension (Line Extension):

The water and/or sewer line which is required to be connected to the existing water/sewer system to provide water/sewer service to a property, including pipe installed in a right-of-way which is contiguous or noncontiguous to a property.

Friction Loss:

The pressure (or flow generating energy) lost by water flowing in a conduit (pipe) as the result of drag producing disturbances between the moving water molecules and the pipe walls.

Outside Of City Service Policies (“Policies”):

Policies governing extension of water and sewer service outside the corporate limits of the City of El Paso but within El Paso County, Texas: A written policy adopted by the Public Service Board by their Resolution on August 28, 1991, as amended by revisions to these Rules and Regulations No. 11.

Outside City Customers:

All customers of the Utility whose property is outside of the Corporate Limits of the City of El Paso, including any person, municipality, town, village, unit of government, governmental agency, corporation, utility, community, independent school district, water district, water supply and sewer service corporation, subdivision or other grouping of residences, commercial establishments, institutions and industries or any other entity or combination residing outside the corporate limits of the City of El Paso but within El Paso County who desire water and/or sewer service from the Utility (EPWU).

Panhandle Lott:

A lot, because of inherent limitations, lacking frontage except for access provided by way of a narrow projection of the lot to the street.

Properties:

An occupied or vacant parcel of land (real estate) surveyed, or platted and filed on the County Tax Rolls.

PSB:

Public Service Board. The Board of Trustees created by Ordinance 752, which is the governing body of and has the complete management and control of the EPWU (Utility).

Sanitary Sewage:

Wastewater (sewage) containing or likely to contain fecal material or other potential sources of disease organisms, as opposed to industrial wastewater, food preparation wastewater, etc.

Sewer Service Connection:

The pipes, fitting and appurtenances connected to the Utility’s sewer collector line and extending to or beyond the property line of a customer. This connection allows the customer’s wastewater (sewage) to drain (or be pumped, if necessary) into the Utility’s wastewater collection and (sewer) system. The installation of all sewer service connections will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected by qualified Utility personnel.

Subdivision:

Subdivision shall be defined as provided in Chapter 1904.020 of the El Paso Municipal Code.

UTILITY:

EPWU, EPWater or El Paso Water Utilities, as used herein means El Paso Water Utilities, the City of El Paso's publicly owned water and sewer agency located in and serving the people of El Paso County, Texas.

Water Right(s) (Surface, Underground):

The legal right in accordance with Texas Statutes to divert, use or consume water flowing to, over, or under a property. A water right is a real property right that may be apportioned to the land where the water is used and included irrigation rights.

Water Service:

A property is deemed to have water service available if a qualifying water main is in place in the right-of-way adjacent and contiguous to the property.

C. NEUTRAL GENDER

When the context requires, all nouns and pronouns in the masculine gender shall also include the feminine gender.

SECTION II CONDITIONS OF SERVICE OUTSIDE OF CITY

A. GENERAL

1. Purpose

- a. These Rules and Regulations No. 11 for new services are adopted in recognition of the fact that the El Paso Water Utilities is owned by the citizens of El Paso; is operated for the benefit of said citizens as a publicly-owned utility; that the rates and charges to each customer should be related to the cost of service and to the benefits received; and, whereas, the furnishing of new and/or enlarged water services and/or sewer connections may impose an excessive cost on the operating revenue of the EPWU (hereinafter called "Utility"); and the fact that these expenses, if added to the water and/or sewer service rates, as such, would increase the cost of service to the existing users out of proportion to any benefits they would receive; and, in order to provide a reasonable division of these additional expenses between the existing customers and the new outside of the City customers, these Rules and Regulations No. 11 for new services are adopted.
- b. A purpose of these Rules and Regulations No. 11 is to extend water and sewer service on a planned, equitable basis to County residents who are not now served, or who are served on a substandard basis, which condition creates hazards to public health. The policy of the PSB is that service must be based on fiscally sound planning and be consistent with accepted engineering principles for physical expansion of the utility system. The primary factor in considering areas for water and sewer service will be dependent on general location and contiguity with the PSB's existing system.

Service extensions will be limited to properties within the extra territorial jurisdiction (ETJ) and within contiguous service areas in accordance with the Policy adopted by the PSB on August 28, 1991, as amended by these Rules and Regulations No. 11. Approval of line extensions will be contingent upon a determination by the Utility's Engineering Department that the available water supply and sewage handling/treatment capacity is adequate to provide any such extended water service.

2. Water Rights

To protect and conserve the water supply of the City of El Paso, the PSB will assume the responsibility of providing water to property in accordance with these Rules and Regulations No. 11 only when any underground water rights and surface water rights vested in the property are owned by the owner of the property to which water service is to be provided, or by the PSB. Water service shall be discontinued when said underground and/or surface water rights belonging to the property served are later transferred to other property except for transfer of said water rights to the PSB. Provided, further, that service shall not be provided to a property, or shall be discontinued, when service has already been provided, where underground and/or surface water belonging to the property served is used in a manner that will not reduce by the same amount the water requirements on the property served by the Public Service Board.

3 Cost Allocation

As a part of this regulation, the Utility may require, on any extensions or additions to its system which require expenditures of operating revenue that are not justified on the basis of the anticipated revenue or which are speculative in nature and primarily beneficial to a certain party or parties, sufficient charges or deposits which the Utility may deem necessary to assure that the costs are assumed by the apparently benefitted parties and not by the general water users of the City and County of El Paso, Texas.

4. Eligibility

It is the intent of these Rules and Regulations No. 11 to establish the conditions of service to customers whose property is located outside the corporate limits of the City of El Paso. The conditions of service for properties located within the corporate limits of the City of El Paso are set forth in Rules and Regulations No. 1, as amended. Properties that are located outside the corporate limits of the City of El Paso (hereinafter “Outside-City customers”) are eligible for water and/or sewer service if they are located and improved in such a manner that the following conditions are satisfied:

- a. The property is totally or partially within El Paso County, Texas, and the buildings and all other improvements to be served are included on the tax-rolls of the County of El Paso, Texas.
- b. The property to be served abuts a dedicated street or alley adequate in dimension for access by maintenance equipment in order for the Utility to extend and maintain service.
- c. All rights-of-way for utility extension whether inside or outside the corporate limits of the City of El Paso shall be free of cost or franchise tax to the Utility so long as the service exists.
- d. Compliance with the City of El Paso’s Subdivision Ordinance and other applicable ordinances and state statutes, as they now read or may be amended.
- e. Panhandle shaped lots shall not be eligible for water and/or sewer service unless they meet the following criteria:
  - (1) Residential Uses. The maximum length of the panhandle shall be two hundred (200) feet. The minimum width of the panhandle shall be twelve (12) feet to serve one (1) dwelling unit. A maximum of four (4) dwelling units may jointly use a panhandle, provided that the minimum cumulative width of the panhandle is twenty-four (24) feet. Maintenance of the common driveway, in cases of joint use, shall be ensured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.
  - (2) Non-residential Uses. The minimum width of the panhandle shall be twenty-five (25) feet. In case of joint use, the minimum cumulative width of the panhandle shall be thirty-five (35) feet. Maintenance of the common driveway, in cases of joint use, shall be assured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.
  - (3) Subdivision Regulations. All panhandle lot developments shall be subdivided in accordance with the subdivision regulations of the City of El Paso.
  - (4) Extensions. Water and/or sewer service shall be provided at the property line adjacent to the public right-of-way. Extensions of service to each dwelling unit shall be the responsibility of the customer. The extensions of water and sewer mains through the panhandle easement shall not be permitted.

5. Property Description

The owner of the property or person desiring water and/or sewer service from the City of El Paso systems shall provide the Utility with a complete legal description of all property on which buildings and/or other improvements are proposed to be located that require water or sewer service. This property description shall become a part of the application for service and will be used in calculating the ~~extension~~ charges as provided in Rules and Regulations No. 7. No water and/or sewer service shall be extended to any property other than that which was identified by the owner or applicant for service at the time such service was initially provided. [Absent written approval by EPWU, no water and/or](#)

sanitary sewer service shall extend through property owned or intended to be sold to different individuals or entities than those listed on the service application. Providing water and/or sewer service directly or indirectly to property other than that originally identified in the application for service is a violation of these rules and regulations and shall be cause for discontinuance of service in accordance with Section IX.

B. SPECIAL CONSIDERATIONS AND PRIORITIES

Water service and sewer service may be provided to property located outside of the corporate limits of the City of El Paso, but within the area of extraterritorial jurisdiction of the City of El Paso in accordance with POLICIES GOVERNING EXTENSION OF WATER AND SEWER SERVICES OUTSIDE THE CORPORATE LIMITS OF THE CITY OF EL PASO BUT WITHIN EL PASO COUNTY, TEXAS, herein after referred to as Policies adopted by the Board by their resolution on August 28, 1991, as amended by these Rules and Regulations No. 11. Such service may include either individual household or domestic, commercial, industrial, institutional or wholesale to customers who purvey water and/or sewer service in accordance with a valid Certificate of Convenience and Necessity (CCN) or who are otherwise lawfully authorized to serve in this area.

1. Wholesale Customers

Water service to wholesale customers, that is water customers of EPWU who purvey the water so delivered to retail users, such as households, commercial or industrial users, shall be required to comply with certain conditions as follows:

- a. They must negotiate a contract with EPWU specifying contract time, maximum quantity desired, cost of service and other conditions of service.
- b. They shall comply with all rules and regulations of EPWU for other customer classes which are applicable.
- c. They shall pay applicable charges and deposits as stipulated in Rules and Regulations No. 7.
- d. The wholesale water customer shall be responsible for providing water quality in conformance with Federal Safe Drinking Water Act requirements, and compliance with applicable Local, State, and Federal laws.
- e. Wholesale sewer service customers shall be responsible for protection of groundwater through prevention of spills and collection system leaks and shall otherwise comply with all pollution control and other applicable State and Federal laws.
- f. Wholesale customers shall comply with and impose and enforce on their retail customers the Conservation Regulations of the City of El Paso, and its EPWU/PSB.

2. Eligibility for Extensions

To be eligible for extension service, outside-city property may not be located in the extraterritorial jurisdiction or the corporate limits of any municipal corporation other than the City of El Paso, or in the service area covered by a current Certificate of Convenience and Necessity (CCN) held by any other utility or entity, unless the entity or utility consents in writing to service by the PSB. Such consent shall not obligate the PSB to provide service. The Utility may extend service outside of the El Paso ETJ only when the PSB, in their sole judgment, deems such service to be in the interest of public safety, health and welfare.

3. Availability of Funds



- a. Capital funding of service line extension outside the corporate limits of the City of El Paso must be available in accordance with Rules and Regulations No. 7, including: line extension charges, special deposits for “off-site” facilities, connection charges and other applicable charges and will be paid on contractual obligation in advance to the Utility. Funding sources may be grants from the County of El Paso, State of Texas, the Federal Government or other public or private sources, but in no case will funds from the Utility be used so as to cause an expense to other customers which would amount to a subsidy without benefits and be inconsistent with the conditions under which the “Policies” were adopted.
  - b. Government grant conditions may require certain exceptions to the fees and charges in Rules and Regulations No. 7. Such exceptions will be considered provided Utility funds are not used so as to cause an expense to other customers. Federal, state, and county government grants may be targeted to reduce cost to individual customers by directly paying all line extension costs and connection fees required in Rules and Regulations No. 7 and in such cases, the Utility will not charge the individual ~~customer’s frontage fees or~~ connection fees, the amount paid by grants nor in such case, will the Utility pay refunds to the government agency providing the grant.
  - c. In cases where individually-owned single family property customers outside the corporate limits of the City of El Paso ~~the Utility will assume service responsibilities on the request by a state regulatory agency from a defunct service provider and the customer does~~ not qualify for financial assistance from federal, state or county agencies, a Promissory Note may be executed as described in Rules and Regulations No. 7 Sections II (O) and Sections III (J).
4. Compliance With Other Rules  
Conditions of Service to outside-city customers shall be in strict accordance with Rules and Regulations No. 7 and Rules and Regulations No. 9. Written acknowledgment that the customer will comply must be provided with application for service.
5. Monthly Charges  
Cost of Service (monthly service charge) to outside-city customers shall be in accordance with Rules and Regulations No. 5 and Rules and Regulations No. 6 as these rules and regulations now read or as they may be amended. Written acknowledgment must be provided with application for service.
6. Water Conservation  
All water conservation rules and ordinances which are applicable to customers in the City of El Paso shall be applicable to “Outside-City” customers and will be strictly enforce.
7. Other Municipal Services  
Other City of El Paso Municipal Services to outside-city customers will not be provided with the extension of water and/or sewer service outside the corporate limits of the City of El Paso. Written acknowledgment of the fact that no other services will be provided will be included with the application for water and/or sewer service.
8. Rights-of-Way  
Rights-of-way for extension of service to outside-city customers shall be on dedicated streets and alleys on the condition that El Paso County or other owners or agencies shall grant access at no cost to the Utility and without charging a franchise fee or similar charge for the use of a street or alley. It is the intent of the Utility to construct water and sewer mains in public rights-of-way where possible. Conditions under which water and sewer mains may be allowed in easement are discussed in Rules and Regulations No. 7, Sections II(J) and III(H).
9. Availability

Determination of water and/or sewer service availability to properties located outside the corporate limits of the City of El Paso shall be made in accordance with the adopted policies and as follows:

a. Subdivisions platted up to August 28, 1991

Subdivisions platted up to August 28, 1991, will be programmed in accordance with the priority system stipulated in the “Policies” as amended, and at the discretion of the Board. Generally, such subdivisions will have priority over those platted later provided they meet all other conditions of the “Policies” and Rules and Regulations No. 11.

The purpose of extending service to outside-city customers by the Public Service Board is to promote the public health, safety and welfare of the community of El Paso County. However, it is the intent of the Public Service Board to maintain the viability of the Utility while serving this purpose. Existing customers shall not be burdened with rates and costs associated with the expanded field of service. Therefore, a priority system for consideration of applicants such as included in the “Policies”, as amended, which considers need, funding, health issues and engineering feasibility, or as may be determined by the Texas Water Development Board, will be utilized. It is the intent that the Utility will be expanded contiguously without “leapfrogging” in accordance with available funding so as to be in the best interests of the rate-payers, existing and future, and of the Utility.

A variance to the priority system may be granted to the Public School Districts for providing water and wastewater service to individual public schools. This variance may be granted by the Public Service Board to a specific public school when, in the PSB’s sole judgment, it deems such service to be in the best interest of public safety, health and welfare.

It is the intent of the Utility to protect and manage the regional water resources with El Paso County, Texas. Inasmuch as sewage generation is greatly impacted by the installation of water service, priority consideration for installation of water services will be given to applicants with suitable collection, treatment and disposal facilities for increased discharges which may result from installation of water services.

b. Subdivisions platted after August 28, 1991

Subdivision platted after August 28, 1991, requesting water and/or sewer service shall be considered in accordance with the “Policies” as amended. Generally, priority for service will be given to subdivisions platted prior to this date. Subdivisions platted after August 28, 1991 will not be served if it requires leapfrogging over unserved areas that have a higher priority. All proposed developments located outside the corporate limits of the City of El Paso which were platted after the date of the adoption of the “Policies” by the PSB on August 28, 1991, must conform to the City’s subdivision regulations and applicable ordinances and PSB Rules and Regulations in effect at the time application is made for service extensions. Such development must also conform with the PSB’s Master Plans insofar as the approved sizing of such facilities is concerned, including off-site lines and facilities for which the developer may be responsible.

A variance to the priority system may be granted to the Public School Districts for providing water and wastewater service to individual public schools. This variance may be granted by the Public Service Board to a specific public school when, in the PSB’s sole judgment, it deems such service to be in the best interest of public safety, health and welfare.

The outside-city customer, developer, or its designated agent of subdivisions platted after August 28, 1991, shall post cash or other security acceptable to the PSB into an escrow fund to the account of the EPWU which shall be not less than 125% of the estimated increase to

the PSB's current Capital Improvement Program attributable to the extension requested. Such additional or expanded facilities must conform to the El Paso Water Utilities Master Plan or any amendments thereof. Alternatively, the applicant for extended services may elect to construct the facilities on its own account, with its own funds. In this case, the applicant may be considered for refunds based upon the source of funding ~~and the ability of the residents to pay frontage charges from which such refunds may be paid~~. In no event is the Utility obligated to provide refunds from its own funds. Before extensions of water service are approved by the PSB, the developer must satisfy the Utility that all lots in the specific subdivision, or other type of development, will contain adequate wastewater disposal facilities.

10. Water Supply Protection

Protection of the water supply shall be provided by the following special conditions:

- a. The plumbing in the existing houses must be adequate for the pressures of the EPWU system and must not create a cross-connection. The applicant for service shall comply with the City of El Paso Plumbing Code before service is provided, and thereafter, as deemed necessary by the Utility to ~~ensure~~ ensure that there is no cross-connection to the water supply. Mechanical backflow prevention devices will be installed by the customer on all outside-city connections. The failure of the customer to install such a backflow prevention device shall be a basis for discontinuance of service.
- b. Service will be made only after the City of El Paso and the City-County Health Unit certify that the property to be served satisfies appropriate plumbing and sanitary sewage disposal requirements.
- c. Only one service connection shall be permitted to each residential property that is under one ownership unless the property is platted in accordance with the subdivision regulations of the proper jurisdiction. The size of the residential service connection (meter) shall be  $\frac{3}{4}$  inch for lots 1 acre or less in area. Lots greater than 1 acre shall be limited to one gallon per minute rated capacity for each three feet of property that is adjacent to the water line or at the discretion of the Utility. This limitation is required because the water distribution system outside the City Limits often consists of long dead-end feed lines and potential use by Customers may be greater than the lines can serve. The appropriate charges shall be paid on all the property that abuts the water line and/or that uses water from the service connection.
- d. Panhandle shaped lots shall not be eligible for water and/or sewer service unless they meet the following criteria:
  - (1) Residential Uses. The maximum length of the panhandle shall be two hundred (200) feet. The minimum width of the panhandle shall be twelve (12) feet to serve one (1) dwelling unit. A maximum of four (4) dwelling units may jointly use a panhandle, provided that the minimum cumulative width of the panhandle is twenty-four (24) feet. Maintenance of the common driveway, in cases of joint use, shall be ensured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.
  - (2) Non-residential Uses. The minimum width of the panhandle shall be twenty-five (25) feet. In case of joint use, the minimum cumulative width of the panhandle shall be thirty-five (35) feet. Maintenance of the common driveway, incases of joint use, shall be assured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.

- (3) Subdivision Regulations. All panhandle lot developments shall be subdivided in accordance with the subdivision regulations of the City of El Paso.
- (4) Extensions. Water and/or sewer service shall be provided at the property line adjacent to the public right-of-way. Extensions of service to each dwelling unit shall be the responsibility of the customer. The extensions of water and sewer mains through the panhandle easement shall not be permitted.

11. Westside

The areas outside the city on the westside, including Canutillo, have received retail service from the PSB since the 1960s. Service has been provided to protect the public health, in recognition that the city derives a portion of its water supply from the Mesilla Bolson located with the area, and as a means of protecting both groundwater and surface water from contamination by reducing the number of wells. Wastewater treatment capacity is also available at the Northwest Treatment Plant. In order to protect and preserve the area's water resources, retail water and wastewater service will be provided within the extraterritorial jurisdiction (ETJ) in this area in accordance with these rules, including prevention of "leapfrog" development and collection of charges and fees that fully cover the cost of service. Water service will not be provided to properties that do not have a wastewater collection system constructed to the standards contained in these Rules and Regulation, and which is connected to a wastewater treatment plant certificated by the TCEQ.

12. Eastside and Lower Valley

The areas on the City's Eastside and Lower Valley generally do not have available potable groundwater. Service from the PSB has been provided through wholesale contracts or directly to governmental facilities. Service to this area will only be provided within the City Limits, including any additional areas annexed by the City, or through wholesale water supply contracts. Retail service may also be provided to customers within existing water districts in the event of consolidation or other dissolution of such districts.

### SECTION III SEVERABILITY CLAUSE

If any provision, section, subsection, sentence, clause, or phrase of these Rules and Regulations No. 11, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the invalidity of the remaining portions of these Rules and Regulations No. 11 shall not be affected and all provisions of the Rules and Regulations No. 11 are declared to be severable for that purpose.

### SECTION IV RIGHT OF APPEAL

The customer may appeal in writing any ruling or action of the Utility or its representatives in accordance with the procedures established in Rules and Regulations No. 8. Any customer who does not appeal such a ruling or action in accordance with these procedures and within 60 days of the date of the issuance of the ruling or action shall waive any right to contest such action or ruling. The PSB, at its own discretion, may either affirm or change the ruling of the Utility. Any change of the ruling of the Utility by the PSB shall be consistent with these rules and regulations or if not consistent, shall constitute a variance from these rules and regulations. The reasons for such a variance shall be stated in the minutes of the PSB.

### SECTION V PROTECTION OF THE WATER SUPPLY

Each customer shall comply with Section V of Rules and Regulations No. 1, the City Plumbing Code, and the Regulations of the Texas State Department of Health, the rules and regulations of the TCEQ, and all other applicable laws. Each customer shall permit inspection at any reasonable hour by the Department of Public Inspection, the City Plumbing Inspector, the Sanitary Engineer of the City-County Health Unit, the Cross-Connection Control Program Manager, a Water Conservation Enforcement Officer or Technician, Pretreatment Inspectors, or any official employee or representative of the Utility. The purpose of this inspection is to determine whether physical facilities exist on the premises of the user that are a hazard or may create a hazard to the health, safety, or welfare of the citizens of El Paso Through possible contamination of the water supply by cross-connections, back siphonage, excessive leaks, or other means which constitute a threat to the water supply or other

conditions or activities prohibited by the mandatory water conservation ordinance of the City of El Paso, Chapter 15.13 of the El Paso Municipal Code.

#### SECTION VI PROTECTION OF THE SEWER SYSTEM

Protection of the sewer system is addressed by Rules and Regulations No. 9, approved by the Public Service Board on June 13, 1990, as amended.

#### SECTION VII CUSTOMER'S RIGHTS AND RESPONSIBILITIES

A. SERVICE SIZE

The customer shall determine the size of water service and the size and number of sewer taps he may need, within the limitations of these regulations, subject to his paying the rates and charges as provided herein; except, however, that a single family dwelling unit having a gross lot area of one acre or less shall not be permitted a water service connection larger than ¾ inches. However, each property or developable unit shall have a separate water meter and separate sewer tap, and in no instance shall two properties owned by different individuals or entities and/or properties separated by a street or alley be served by one meter, or by one sewer tap.

B. EXTENSION AND CONNECTION CHARGES

Once line extension charges and other costs have been paid pursuant to Rules and Regulations No. 7, the right of the allowable service connections shall be vested in the property, whether used or not. However, should a service connection remain inactive for three years or more, the service may, at the option of the Utility, be removed; and re-installation shall require a new service connection charge, pursuant to Rules and Regulations No. 7.

C. CUSTOMER FURNISHED EQUIPMENT

The customer shall be responsible for the furnishing and installation of the water service line from the meter into the property, and for the sewer service line from the tap at the main into the property, for all equipment for controlling and utilizing these services within the property, and for maintaining such lines and equipment in good and safe condition. The customer shall not extend water or sewer lines to furnish such service to property other than that on which charges provided in Rules and Regulations No. 7 have been paid.

D. WATER SERVICE CONDITIONS

The customer agrees to accept such conditions of water pressure or service as may from time to time exist and to hold the Utility, the City of El Paso, and/or its Public Service Board harmless on account of damage caused by low or high pressure, fluctuations of pressure, or interruptions of service. Where the static water pressure at the meter exceeds 80 pounds per square inch, the customer shall, for his or her own protection and at his or her own expense, install a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer.

E. SEWER SERVICE CONDITIONS

The customer shall agree to accept the elevation and location of all sewers as laid by the Utility and will, where necessary, install and operate on his own premises and at his own expense, all necessary lifting equipment or backup protective devices. Customers having drain or fixture outlets into the house connections which are at an elevation that is lower than the top of the nearest downstream sanitary sewer manhole shall protect their premises from possible backup of sewage by the installation of backflow or other devices to prevent sewage backing up and flowing out of such outlets.

In areas where vacuum sewer lines are installed, service valve boxes are required for service. As a condition of service, the service boxes may be located on the customer's premises in an area determined by the Utility to be accessible at all times for inspection, testing, and maintenance. One service box may serve two or more properties. The service box may be set on the property line between adjoining served properties or on any of the served properties. The customer shall maintain the surrounding property in a manner that protects the service box from damage and assures that it is clearly visible. The customer shall immediately report any defect or damage he/she observes in the service box to the Utility. Application by the customer for service shall be deemed as permission for the Utility to set

the service box on his/her property. No rent or other charge shall be made by the customer against the Board or the Utility for placing the service box, service lines or other equipment upon the customer's premises.

F. WATER METER LOCATION

When a location for the water meter box outside the property line is not practical or where not protected by a curb and gutter, the water meter box shall be located on the customer's premises near the point where the service pipe crosses the property line and/or easement and where the meter will be accessible at all times for inspection, testing and reading and the customer shall maintain the surrounding property in a manner that protects the meter from damage and assure that it is clearly visible. The customer shall immediately report any defect he/she observes in the meter to the Utility. Application by the customer for service shall be deemed as permission for the Utility to set the meter box on his property, if necessary and no rent or other charge shall be made by the customer against the Board for placing the meter box, service pipe or other equipment upon the customer's premises.

G. CUSTOMER FACILITIES

The Utility does not assume the responsibility of inspecting any part of the customer's installation of water or sewer facilities. The customer shall be solely responsible for the costs for installing and maintaining any such facilities.

H. DAMAGE TO CUSTOMER

The City of El Paso and/or PSB-EPWU shall not be responsible for any loss or damage caused by the improper installation, condition or use of the customer's equipment or by any negligence or wrongful act of the customer or his agents, employees or licensees.

I. DAMAGE TO UTILITY

Any damage to equipment belonging to the Utility caused by the negligence or wrongful act of the customer or his agent, employee or licensee shall be paid by the customer upon presentation of a bill therefore.

J. SERVICE SIZE GUIDE

As a guide in the selection of the size service, the customer may consider that a service connection will deliver approximately the following amount when discharging to atmosphere at the customer side of the meter.

<u>Meter size</u>	<u>Gallons per Minute Demand</u>
5/8 x 3/4"	15
1"	37
1 1/2"	75
2"	120
3"	240
4"	375
6"	750
8"	1400
10"	2000

This amount should be adjusted downward with an adequate allowance made by the customer for friction loss in his piping system. The customer understands and agrees that the above table constitutes an estimate of the amount to be delivered and that neither the PSB or the Utility shall be responsible for any failure to deliver the estimated capacity shown on the above table.

SECTION VIII DESIGN AND OWNERSHIP OF FACILITIES

A. OPERATIONS, MAINTENANCE AND OWNERSHIP

The Utility shall design, operate and maintain all of its water and sewer facilities with due regard to present and future requirements of capacity, system operation and efficiency and anticipated life of such improvements. Title to all such



facilities shall remain in the EPWU, City of El Paso, Texas, acting by and through its PSB upon completion of the construction of such facilities and upon the acceptance and incorporation of such facilities into the operating system.

B. UTILITY FURNISHED EQUIPMENT

The Utility will furnish, install and maintain all meters and all pipes, equipment and materials connecting the water meter with the main as required by the WATER SERVICE CONNECTION CHARGE; and title to all such installations shall remain in the EPWU, City of El Paso, Texas, acting by and through its PSB. The Utility will not be responsible for the repair of the public right of way or the customer's sewer service line within the public way.

C. RIGHT TO OPERATE

The Utility will have sole right to connect or disconnect the customer's service with the water and/or sewer main; to install, remove or reset meters; and to operate water main valves and appurtenances; and no person, other than a duly authorized representative of the Utility, shall in any way interfere with or operate any of the facilities of the System.

D. LINE LOCATIONS

Water extension shall be located on the north and east sides and sewer extension on the south and west sides of dedicated streets or alleys, except that if such locations are unavailable, or in the interest of operation, efficiency, or maintenance of the System, the Utility may designate some other location. Under no circumstance shall any structure be placed over or around any water and/or sewer main or extension unless prior provision is made for ready and easy access to any and all parts of such main or extension.

E. FIRE HYDRANTS

Fire hydrants shall not be installed in lines extending outside of the City of El Paso except as may be requested by Fire Protection Agencies having jurisdiction for the area served and funded by the developer. Extensions of water service outside of the corporate limits is for consumptive purposes and does not specifically imply that the level of service provides municipal level fire protection and the customer agrees that such level of fire protection is not provided. Cost of installation of any hydrants will be the responsibility of the developer or the requesting Fire protection Agency and shall not be reimbursed by the Utility.

F. LIMITATION OF OTHER CITY SERVICES

The extension of water and/or sewer lines to properties located outside of the corporate limits of the City of El Paso does not imply the provision of any other service of the City of El Paso and the customer agrees that no other services, including but not limited to: police, fire protection, garbage collection and street maintenance are provided.

G. CONDITIONAL SERVICE CONNECTIONS

When service is required to a property within the outside-city area that is not adjacent to water main and/or a sewer line from which adequate service can be provided and when, in the opinion of the Utility, it is not feasible to construct a main that would provide adequate service, the Utility may grant permission to the customer to take "conditional" service at the nearest existing adequate main. The customer shall pay the appropriate charges as provided in Rules and Regulations No. 7, computed as though the main were adjacent to the property. The customer shall pay all cost of installation and maintenance of a pipeline from or the nearest main that would provide adequate service to the water meter and/or sewer connection to this property and assume all responsibility and liability therefore and the payment of all costs and damages growing out of the installation, operation or failure of said pipeline. Such a connection and pipeline shall be installed and used as a temporary arrangement only; and, at such time as an adequate main may be installed adjacent to the property and on written demand of the Utility, the customer will have installed a regular service at his expense and will discontinue the use of the temporary connection and pipeline will pay the Utility the appropriate charges for a regular service.

SECTION IX DISCONTINUANCE OF SERVICE

The Utility shall have the right, with notice to the customer, except in emergency situation where immediate termination of service is necessary to preserve or protect the public health or safety when service may be terminated without notice, to discontinue the water and/or sewer service and to apply any of the customer's WATER SERVICE



GUARANTEE or DEPOSIT to amounts owed to the Utility for non-payment of service charges; for the excessive waste of water; for the violation of any applicable plumbing code; for the piping of service along or across streets, alleys or to the property of others without the prior written consent of the Utility; for using a service without applying for and signing the proper service contract; for supplying service to property other than that which was identified by the owner or applicant for service at the time such service was initially provided. ~~than that upon which the appropriate FRONTAGE CHARGE has been paid;~~ for violation of the provisions relating to service outside of the Corporate Limits of the City of El Paso, Texas as set out in these Rules and Regulations No. 11; for furnishing false or erroneous information in any application for service; or when any existing water and/or sewer service shall become inactive; or upon the violation of any provision of these Rules and Regulations No. 11, or any lawful rule or regulation of the Utility or the City of El Paso. Provided, however, the Utility shall have the authority to immediately discontinue the customer's meter or sewer service with notice should any violation of these rules and regulations cause and immediate threat to the public health or safety or the environment. Such service shall remain discontinued until all errors are rectified and/or violations have ceased.

#### SECTION X EXISTING AGREEMENTS

All agreements to serve customers outside of the corporate limits of the City of El Paso which are in force and effect at the date of this resolution shall remain unaltered as to terms and conditions of service. Such Contracts include but are not limited to: Fort Bliss, The Lower Valley Water Authority, and Clint, Texas.

#### SECTION XI STORMWATER MANAGEMENT

Pursuant to City of El Paso Ordinance 016668 establishing a Municipal Drainage System, the Public Service Board Stormwater Utility will develop a Stormwater Management Plan.

A. SERVICE AREA

Service area means all land located within the City Limits of the City and any other land areas in the City's extraterritorial jurisdiction as provided by the Municipal Drainage Utility Systems Act which, as a result of topography or hydraulics, contribute to overland flow into the water sheds served by the drainage system of the City.

B. ANNEXED LAND

Upon the effective dates of completed annexation of additional lands into the City, each such annexed additional land shall become part of the service area. Land annexed for limited purposes shall become part of the service area upon annexation for full purposes.

C. REGIONAL STORMWATER MASTER PLANNING

The Public Service Board will work with the County, Villages, Corp of Engineers, Texas Water Development Board and other local, state and federal agencies in developing a regional stormwater master plan for El Paso County to ensure a comprehensive plan to address and properly manage stormwater.

#### SECTION XII SAVINGS

These rules and regulations are a part of the other rules and regulations of the Public Service Board and, save and except as amended hereby, the remaining provisions of the Public Service Board's Rules and Regulations shall remain in full force and effect.

#### SECTION XIII EFFECTIVE DATE

These rules and regulations shall be and become effective from and after their adoption hereby and shall remain in effect until amended or changed by the Public Service Board.

PASSED, APPROVED and ADOPTED this 9<sup>th</sup> day of December, 1992, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 11, SECTION VII(E), REVISED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of May, 1999.

RULES AND REGULATIONS NO. 11, SECTIONS I(B), II(A)(1)(b), II(a)(4)(e), II(B)(2), II(B)(8), and II(B)(10)(d), REVISED, APPROVED, AND ADOPTED; SECTIONS II(B)(11) and II(B) (12) ADDED, APPROVED AND ADOPTED this 13<sup>th</sup> day of December, 2000.

RULES AND REGULATIONS NO. 11, SECTION V, REVISED, APPROVED, AND ADOPTED this 23<sup>rd</sup> day of January, 2002.

RULES AND REGULATIONS NO. 11, SECTION XI, SECTION XII, SECTION XIII, ADDED, REVISED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of December, 2007.

RULES AND REGULATIONS NO. 11, SECTION II (B)(3)(c), ADDED, REVISED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of December, 2012.

RULES AND REGULATIONS NO. 11, SECTION VII (F), ADDED, REVISED, APPROVED, AND ADOPTED this 8<sup>th</sup> day of January, 2020, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 11, SECTION I (B), SECTION II (A)(5), (B)(3)(b,b,c), (9)(b), SECTION IX, ADDED, REVISED, APPROVED, AND ADOPTED this 13<sup>th</sup> day of January, 2021, by the Public Service Board of the City of El Paso, Texas.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

#### **PUBLIC SERVICE BOARD**

Kristina Mena~~Christopher Anteliff~~, Chair

**ATTEST:**

**APPROVED AS TO FORM:**

Terri Garcia~~Ivonne Santiago~~, Secretary-Treasurer  
Kochler, General Counsel

Daniel Ortiz~~Lee Ann B.~~

