

## 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

A sewer service charge shall be collected from each user connected to the sewer system of the El Paso Water Utilities of the City of El Paso, Texas ("Utility"). The 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 5 allowance hundred cubic feet (5 CCF) will be included in the minimum charge. The following charges will be assessed:

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

<u>Meter Size</u>	<u>Minimum Monthly Bill</u>
Less than 1"	\$28.82
1"	\$66.29
1 ½"	\$141.08
2"	\$177.52
3"	\$392.36
4"	\$604.32
6"	\$936.02
8"	\$1,631.02
10"	\$3,148.70

#### B. COMMODITY CHARGE

All customers must pay a commodity charge of \$3.93 per CCF for sewer service. 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 defined in Rules and Regulations No. 5.

C. Until the customer establishes an AWC base, new customers' commodity charges will be calculated using the class average AWC by meter size for their respective class.

**D. WASTEWATER CONNECTION FEES RELATED TO ANNEXATION FEES Implemented in 1999 (Ordinances 014262, 014200) and 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 Utility's water system. All water connection fees shall increase 3% annually in accordance with the applicable City of El Paso Ordinance. The current and calculated fees are listed in the tables below.

<b>1999 Annexation Fee for Eastside</b>				
<b>(Effective 12/1/23 through 11/30/24)</b>				
Meter Size	Water Demand (GPM)	Water	Wastewater	Total
< 1"	15 - 25	\$ 1,262	\$ 224	<b>\$ 1,486</b>
1"	37	\$ 3,157	\$ 559	<b>\$ 3,716</b>
1 1/2"	75	\$ 6,312	\$ 1,118	<b>\$ 7,430</b>
2"	120	\$ 10,099	\$ 1,789	<b>\$ 11,888</b>
3"	240	\$ 20,198	\$ 3,578	<b>\$ 23,776</b>
4"	375	\$ 31,559	\$ 5,591	<b>\$ 37,150</b>
6"	750	\$ 63,118	\$ 11,180	<b>\$ 74,298</b>
8"	1400	\$ 117,400	\$ 20,796	<b>\$ 138,196</b>
10"	2000	\$ 167,895	\$ 29,740	<b>\$ 197,635</b>

<b>1999 Annexation Fee for Westside</b>			
<b>(Effective 9/1/23 through 8/31/24)</b>			
Meter Size	Water Demand (GPM)	Water	Total
< 1"	15 - 25	\$ 1,823	<b>\$ 1,823</b>
1"	37	\$ 4,560	<b>\$ 4,560</b>
1 1/2"	75	\$ 9,117	<b>\$ 9,117</b>
2"	120	\$ 14,587	<b>\$ 14,587</b>
3"	240	\$ 29,175	<b>\$ 29,175</b>
4"	375	\$ 45,585	<b>\$ 45,585</b>
6"	750	\$ 91,171	<b>\$ 91,171</b>
8"	1400	\$ 169,578	<b>\$ 169,578</b>
10"	2000	\$ 242,514	<b>\$ 242,514</b>

<b>2005 Annexation Fee for Eastside</b>				
<b>(Effective 3/1/23 through 2/28/24)</b>				
Meter Size	Water Demand (GPM)	Water	Wastewater	Total
< 1"	15 - 25	\$ 964	\$ 558	<b>\$ 1,522</b>
1"	37	\$ 2,380	\$ 1,379	<b>\$ 3,759</b>
1 1/2"	75	\$ 4,818	\$ 2,792	<b>\$ 7,610</b>
2"	120	\$ 7,709	\$ 4,467	<b>\$ 12,176</b>
3"	240	\$ 15,417	\$ 8,934	<b>\$ 24,351</b>
4"	375	\$ 24,089	\$ 13,960	<b>\$ 38,049</b>
6"	750	\$ 48,179	\$ 27,920	<b>\$ 76,099</b>
8"	1400	\$ 89,613	\$ 51,931	<b>\$ 141,544</b>
10"	2000	\$ 128,156	\$ 74,267	<b>\$ 202,423</b>

<b>1999 Annexation Fee for Eastside</b>				
<b>(Effective 12/1/24 through 11/30/25)</b>				
Meter Size	Water Demand (GPM)	Water	Wastewater	Total
< 1"	15 - 25	\$ 1,300	\$ 230	<b>\$ 1,530</b>
1"	37	\$ 3,252	\$ 576	<b>\$ 3,828</b>
1 1/2"	75	\$ 6,501	\$ 1,152	<b>\$ 7,653</b>
2"	120	\$ 10,402	\$ 1,843	<b>\$ 12,245</b>
3"	240	\$ 20,804	\$ 3,685	<b>\$ 24,489</b>
4"	375	\$ 32,506	\$ 5,758	<b>\$ 38,264</b>
6"	750	\$ 65,012	\$ 11,516	<b>\$ 76,528</b>
8"	1400	\$ 120,922	\$ 21,419	<b>\$ 142,341</b>
10"	2000	\$ 172,931	\$ 30,632	<b>\$ 203,563</b>

<b>1999 Annexation Fee for Westside</b>			
<b>(Effective 9/1/24 through 8/31/25)</b>			
Meter Size	Water Demand (GPM)	Water	Total
< 1"	15 - 25	\$ 1,878	<b>\$ 1,878</b>
1"	37	\$ 4,697	<b>\$ 4,697</b>
1 1/2"	75	\$ 9,391	<b>\$ 9,391</b>
2"	120	\$ 15,025	<b>\$ 15,025</b>
3"	240	\$ 30,050	<b>\$ 30,050</b>
4"	375	\$ 46,953	<b>\$ 46,953</b>
6"	750	\$ 93,906	<b>\$ 93,906</b>
8"	1400	\$ 174,665	<b>\$ 174,665</b>
10"	2000	\$ 249,790	<b>\$ 249,790</b>

<b>2005 Annexation Fee for Eastside</b>				
<b>(Effective 3/1/24 through 2/28/25)</b>				
Meter Size	Water Demand (GPM)	Water	Wastewater	Total
< 1"	15 - 25	\$ 992	\$ 575	<b>\$ 1,567</b>
1"	37	\$ 2,451	\$ 1,421	<b>\$ 3,872</b>
1 1/2"	75	\$ 4,962	\$ 2,876	<b>\$ 7,838</b>
2"	120	\$ 7,940	\$ 4,601	<b>\$ 12,541</b>
3"	240	\$ 15,880	\$ 9,202	<b>\$ 25,082</b>
4"	375	\$ 24,812	\$ 14,379	<b>\$ 39,191</b>
6"	750	\$ 49,624	\$ 28,758	<b>\$ 78,382</b>
8"	1400	\$ 92,301	\$ 53,489	<b>\$ 145,790</b>
10"	2000	\$ 132,000	\$ 76,495	<b>\$ 208,495</b>

## SECTION II

Charges for services less than the normal 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 a source other than the Utility 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 \$40.11 per month, plus \$3.93 per hundred cubic feet of the total actual or estimated sewage volume for all users.

## SECTION IV – Deduct Meter

The sewer service charge is based on water consumption and if a significant portion of the water is not returned to the sanitary sewer system, the user may install a Utility approved meter (deduct meter) to measure the water that does not return to the sewer system. Monthly sewer charges will be calculated using the difference between the water supply meter and the deduct sewer meter. Meter installations as described herein must be made at the user's expense, must be approved for placement, and must be fully accessible to the Utility as needed for readings and functionality checks.

The sewer service fee is \$46.19 per month, plus a fixed monthly charge based on meter size and \$3.93 per hundred cubic feet of sewage.

## SECTION V – Biological Oxygen Demand (“BOD”)

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 in accordance with the Rules and Regulations, and upon the quantities of sewage determined by the same methods used to calculate the regular sewage charge. When such discharge is permitted under the terms and conditions of an existing discharge permit, the surcharge shall be 27 cents for each pound of Biological Oxygen Demand (“BOD”) in excess of 300 parts per million (ppm), plus an additional 29 cents for each pound of suspended solids in excess of 300 ppm. Refer to Rules and Regulations No. 9 for the definition of BOD.

The Utility shall conduct a cost review and make any necessary adjustments to the surcharges to properly reflect the cost to the Utility of treating over strength wastes or as required by the Texas Commission on Environmental Quality or Environmental Protection Agency.

## SECTION VI - Enforcement

Any entity or individual responsible for discharges into the sanitary sewer system that exceeds the normal quality or strength without paying the surcharge set forth under Section V above, shall be subject to the enforcement action set forth in Section 15.12.120-2 of the City of El Paso Municipal Code, as well as any additional enforcement action as set forth in the Public Service Board's Rules and Regulations and the City of El Paso Municipal Code, as they may now read or may hereinafter be amended. Enforcement actions may include the discontinuance of service and pursuing any and all remedies under the law.

## SECTION VII

The following are the permit fees for Wastewater Discharge Permits:

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

Categorical Industries and Non-categorical Industries are terms defined or used in Rules and Regulations No. 9 and under other applicable laws and regulations.

#### SECTION VIII – Outside City Rate

All of the aforementioned charges apply for sewer service provided to customers 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 IX - Reclaimed Rate

Except as specified in specific contractual arrangements, the following charges will apply to all reclaimed water delivered to customers:

Reclaimed Water Rate ..... \$3.09 per CCF

#### SECTION X – Fixture Rate

If a Local Government Landscape and Irrigation Account, as defined in Rules and Regulations No. 5, has a restroom facility, water fountains, or other plumbing fixtures which are isolated from major facilities, the Utility shall charge a flat monthly fee of \$20.68 for every such fixture connected to the sanitary sewer system as determined by the President/CEO or his designee.

#### SECTION XI

These Rules and Regulations shall be and become effective from and after their adoption by the Public Service 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 XII

These Rules and Regulations are 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 provision, paragraph, section, subsection, sentence, clause or phrase of these Rules and Regulations No. 6 or the application of same to any person or set of circumstances is for any reason invalidated by any court of competent jurisdiction, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these Rules and Regulations No. 6. The remaining provisions, paragraphs, words or sections shall not be affected and shall continue in full force and effect.

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.

RULES AND REGULATIONS NO 6. SECTION I (A, B, D), SECTION III, SECTION IV, SECTION V, SECTION VII, SECTION X, SECTION XI, SECTION XII, SECTION XIII REVISED, APPROVED AND ADOPTED the 12<sup>th</sup> day of January 2022, 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 II, SECTION III, SECTION IV, SECTION V, SECTION VI, SECTION VII, SECTION VIII, SECTION IX, SECTION X, SECTION XI, SECTION XII REVISED, APPROVED AND ADOPTED the 11<sup>th</sup> day of January 2023, 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 IX, REVISED, APPROVED AND ADOPTED the 10<sup>th</sup> day of January 2024, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

PUBLIC SERVICE BOARD:

  
Ivonne Santiago, Chair

ATTEST:

  
Charlie Intebi, Secretary-Treasurer

APPROVED AS TO FORM:

  
Daniel Ortiz, General Counsel