

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"	\$17.51
1"	\$40.29
1 ½"	\$85.74
2"	\$107.89
3"	\$238.48
4"	\$367.31
6"	\$568.91
8"	\$991.34
10"	\$1,913.78

B. COMMODITY CHARGE

A commodity charge for sewer service that applies to all customers is \$2.20 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 \$24.38 per month, plus \$2.20 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 \$28.07 per month, plus a fixed monthly charge based on meter size and \$2.20 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 ..... \$2.10 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 \$12.57 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 \$12.57 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:**

*Kristina D. Mena*

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Kristina Mena, Chair

**ATTEST:**

*Terri Garcia*

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Terri Garcia, Secretary-Treasurer

**APPROVED AS TO FORM:**

*Daniel Ortiz*

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Daniel Ortiz, General Counsel