PUBLIC SERVICE BOARD MEETING
AGENDA ITEM
REGULAR MEETING

Wednesday, February 14, 2024

SUBJECT

Consider and adopt a resolution amending Rules and Regulations No. 7

BACKGROUND

On January 10, 2024, the Public Service Board requested that Rules and Regulations No. 7 be amended to include a definition of the term "Developer". The proposed amendment to Rules and Regulations No. 7 includes a proposed definition of the term "Developer" and updates the language related to engineered plans for clarity.

STRATEGIC OBJECTIVES SUPPORTED

Strengthen Financial Viability

EVALUATION PROCESS

This proposed amendment to Rules and Regulations No. 7 includes the definition of the term "Developer" as used through the Rule and capitalization of the term throughout the language of the entire Rule.

FINANCIAL IMPLICATIONS

None

PROPOSED ACTION REQUESTED

Consider and adopt a Resolution amending Rules and Regulations No. 7 with proposed definition changes and other necessary amendments.

SUPPORTING DOCUMENTATION PROVIDED

- Rules and Regulations No. 7 with Proposed Changes

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).

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 the laws of the state of Texas.

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.

TABLE OF CONTENTS FOR RULES AND REGULATIONS No.7

SECTION I
GENERAL 1
A. TABLE OF CONTENTS 1
B. DEFINITIONS 3
C. NEUTRAL GENDER 6
SECTION II WATER SERVICE DEPOSITS AND CHARGES
A. MONTHLY CHARGES AND COMMODITY CHARGES 6
B. WATER BILL DEPOSIT 6
1. Amount of Deposit 6
2. Conditions of Deposit 7
C. WATER SERVICE CONNECTION CHARGES 7
1. Description and Amount of Charges 7
2. Limits of Water Service Connection 9
3. Requirements of Customer Service Extension 9
4. EPWU Inspection Fee 9
D. STANDBY FIRE PROTECTION SERVICE 9
1. Private Fire Lines and Hydrants 9
2. Public Fire Hydrants 10
E. CONSTRUCTION WATER SERVICE 10
1. Construction Water Service 10
2. Fire Hydrant Meters 10
F. LINE EXTENSION CHARGES 11
1. Line Extension Charges for Small Tracts 11
2 Line Extension Charges for Other Areas 11
G. REFUNDS 11
1. Refunds on Lines Larger Than 8-inches in Diameter 11
H. SPECIAL DEPOSITS FOR OFF-SITE EXPANSION FACILITIES 12
1. Deposit Amounts 12
2. Refund Amounts 12
I. CONSTRUCTION BY CUSTOMER 12
1. Conditions of Construction by Customer 12
2. Final Acceptance by Utility 13

J. CONSTRUCTION IN EASEMENTS 13
K. ENGINEERING 13
1. Developer/Customer Engineering Water Plans 13
2. Field Surveys and Inspections 14
3. Conditions for Construction 14
L. BACKFLOW PREVENTION ASSEMBLY VIOLATIONS 14
M. PREMISES WITH PRIVATE WELLS 14
N. FIRE HYDRANT TESTING 15
O. TIME PAYMENT OF CHARGES (PROMISSORY NOTE) 15

SECTION III. SEWER SERVICE DEPOSITS AND CHARGES
A. MONTHLY CHARGES 15
B. SEWER BILL DEPOSIT 15
1. Amount of Deposit 15
2. Conditions of Deposit 16
C. SEWER SERVICE CONNECTION CHARGE 16
1. General Description 16
2. Amount of Sewer Connection Charge 16
D. LINE EXTENSION CHARGES 16
1. Line Extension Charges for Small Tracts 16
2. Line Extension Charges for Other Areas 16
E. REFUNDS 17
1. General 17
2. Refunds for Lines Larger Than 8-inches in Diameter 17
F. SPECIAL DEPOSITS FOR THE OFF-SITE FACILITIES 17
1. Deposit Amounts 17
2. Refund Amounts 17
G. Construction by Customer 18
1. Conditions of Construction by the Customer 18
2. Final Acceptance by the Utility 18
H. CONSTRUCTION IN EASEMENTS 18
I. ENGINEERING 19
1. Developer/Customer Engineered Sanitary Sewer Plans 19
2 Field Surveys and Inspections 19
3. Conditions for Construction 19
J. TIME PAYMENT OF CHARGES (PROMISSORY NOTE) 20

SECTION IV RECLAIMED WATER SERVICE DEPOSITS AND CHARGES
A. MONTHLY CHARGES AND COMMODITY CHARGES 20
B. RECLAIMED WATER BILL DEPOSIT 20
1. Amount of Deposit 20
2. Conditions of Deposit 21
C. RECLAIMED WATER SERVICE CONNECTION CHARGES 21
1. Description and Amount of Charges 21
2. Limits of Reclaimed Water Service Connection 21
3. Requirement for Customer Service Extension 21
D. CONSTRUCTION RECLAIMED WATER SERVICE 21
E. REFUNDS 21
F. SPECIAL DEPOSITS FOR OFF-SITE EXPANSION FACILITIES 21
G. CONSTRUCTION BY CUSTOMER 22
H. CONSTRUCTION IN EASEMENTS 22
I. ENGINEERING 22

SECTION V SEVERABILITY 22

SECTION VI SAVINGS 22

SECTION VII EFFECTIVE DATE 22

B. DEFINITIONS

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

Backflow:
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.

Backflow Prevention Assembly(bies):
An assembly that has been manufactured in full compliance with the American Water Works Association ("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.

Back Siphonage:
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.

Customer(s):
An individual water and/or sewer user or users who are included in the Utility billing files.

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

Developer: a person, entity or governmental entity undertaking the platting, division or improvement of land that require the provision of water and sewer services. The term "Developer" is intended to include the terms "subdivider".

EPWater:

See definition of Utility below.

EPWU: See definition of Utility below.

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.

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

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.

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, excluding Esperanza Water Customers

Out of City Service Policies (Policies):
Policies governing extension of Water Service 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(s):
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 authority and control of management and operation 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 Utility 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.

Refund(s):
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 Service Connection Charge:
A non-refundable payment to the Utility for costs associated with installation of a service line and appurtenances.

Sewer Service:
A property is deemed to have sewer service available if a qualifying sewer collector line is in place in the public rights-of-way, PSB or utility easements adjacent and contiguous to the property.

Sewer Service Lateral(s) - Customer:
The pipes, fittings and appurtenances within the property connected to the Sewer Service Lateral – EPWU or to the Utility's sewer collector lines located within PSB or utility easement. This Lateral allows the Customer's Wastewater (sewage) to drain (or be pumped, if necessary) from the Sewer Service Lateral – Customer into the Sewer Service Lateral – EPWU or into the Utility's Wastewater collection and treatment (sewer) system.

Sewer Service Lateral(s) - EPWU:
The pipes, fittings and appurtenances connected to the Utility's sewer collector line and extending within the public Dedicated Rights-of-Way up to the clean out or property line. This lateral allows the Customer's Wastewater (sewage) from the Sewer Service Lateral-Customer to drain (or be pumped, if necessary) into the Utility's Wastewater collection and treatment (sewer) system.

Sewer Service Tap:
The connection point at which the Sewer Service Lateral-Customer or Sewer Service Lateral-EPWU connects to the public main line.

Standby Fire Protection Service 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(s):
Subdivision(s) shall be defined in the City of El Paso Municipal Code.

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.

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(s):
A property is deemed to have water service available if a qualifying water main is in place in the public rights-of-way, PSB or utility easement adjacent and contiguous to the property.

Water Service Lateral - 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 or the bonnet box (Fire lines).

Water Service Lateral -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 Laterals - EPWU 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(s):
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 DEPOSIT

1. Amount of Deposit
A Deposit shall be collected from all users of the Utility's water lines and systems of the 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 a Customer's credit history is unfavorable, the Utility may require a deposit in excess of the scheduled amount, based on the total of the two highest monthly bills on file. The bill Deposit will be applied to the final bill. Any excess Deposit will be refunded at the end of service. Deposits do not earn interest, and no Customer shall be entitled to interest on Deposits.

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"*	----------	$4,380	---------	$4,800
1"*	----------	$4,590	---------	$5,010
1-1/2"	$6,660	$7,350	$6,850	$7,540
2"	$9,420	$9,540	$9,110	$9,230
3"	$14,980	$15,410	$12,930	$13,360
4"	$15,060	$16,280	$12,950	$14,170
6"	$15,610	$16,860	$13,450	$14,690
8"	$17,860	$19,100	$13,670	$14,910

Water Services 1-1/2" and larger requires a bypass; cost for the bypass is included in the Water Service Connection Charge noted in the above table.

*Remote Frequency (RF) Meters

1. RF meters are to be installed at remote areas, medians and/or other high traffic areas where access to obtain readings can be difficult.
2. RF meter are to be installed for all ¾" and 1" meters.

Fire line Services	
Meter Size	Fee
2 1/2"	$7,020
**3"	$7,120
4"	$7,460
6"	$8,640
8"	$9,480
10"	$10,060

**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. Fire line 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"	$6,280
2"	$8,560
3"	$10,200
4"	$10,140
6"	$11,390
8"	$12,780

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 require horizontal boring across a Dedicated Right-of-Way, as defined in Rules and Regulations No.1, will be required to pay boring fees in addition to the Water Service Connection Charge.

Boring Fees	
Meter Size	Boring Fee
¾”	$15,000
1”	$15,000
1-1/2"	$15,000
2"	$15,000
3"	$20,000
4"	$20,000
6"	$25,000
8"	$25,000
10”	$25,000

Water Service Connection Charges for properties located outside of the corporate limits of the City of El Paso and outside the corporate limits of the Village of Vinton will carry an additional cost to cover the El Paso County Road Cut Fee as follows:

A. Road Inspection 7 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.^{2} or less)	$250.00
4.	Paved ROW (over 75 ft.^{2})	$400.00

B. Road Entry & Access Permit Fees (REAP)-Road cuts that disturb more than 300 square feet:

1.	Unpaved ROW (Per yd.^{2})	$1.93
2.	Asphaltic Pavement Cost (Per yd.^{2})	
	a. Residential & Collector Streets	
	i. 100 yd.^{2} or less	$6.50
	ii. over 100 yd.^{2}	$5.20
	b. Arterial & Other Streets	
	i. 100 yd.^{2} or less	$7.65
	ii. Over 100 yd^2	$6.12
3.	Concrete pavement Cost (Per Yd.^{2})	
	a. Concrete Road Pavement	
	i. 100 yd.^{2}	$11.51
	ii. Over 100 yd.^{2}	$9.21
	b. Concrete Driveways & Sidewalks	$5.68

Water Service Connection Charges for properties located outside of the corporate limits of the City of El Paso and within the corporate limits of the Village of Vinton will carry an additional cost to cover the Village of Vinton's Streets and Maintenance Fee as follows:

1.	Temporary Traffic Control – Duration less than 3 days	$17
2.	Temporary Traffic Control – Duration 3-15 days	$50
3.	Temporary Traffic Control – Duration 16-30 days	$160
4.	Temporary Traffic Control – For each month after first 30 days	$90
5.	Temporary Traffic Control – Lane/sidewalk rental (After expiration permit)	$100
6.	Paving Cut Permit	$69

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 meter to the property to be served, including without limitation construction and maintenance costs.

3. Requirements for Customer Service Extension

The separation between a Water Service Laterals-EPWU and a sanitary Sewer Service Laterals-EPWU from the property line to the water or sanitary sewer mains shall be as outlined in the City of El Paso's Plumbing Code. Customer service Line Extensions (by the applicant) 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. Water Service Laterals-EPWU are not allowed to be constructed parallel to public Dedicated Rights-of-Way or easements; only perpendicular extensions to public Dedicated Rights- of-Way or easements 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 Water Service 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.

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 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 Fire Lines and Hydrants:

Fire hydrants needed to provide standby fire protection for new development or redevelopment directed by the City of El Paso Fire Department shall be paid by the applicant. Standby Fire Protection Service shall be available to property when the following conditions have been satisfied: (1) all other Water Service Charges and deposits required for the property have been paid; (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 Protection 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 public fire hydrants required to provide Standby Fire Protection Service for new development or redevelopment shall be paid by the applicant after approval by the Utility. The applicant must also to enter into a Development Agreement or Limited Scope Development Agreement with EPWU. EPWU will pay costs related to public fire hydrants required to provide Standby Fire Protection Service to existing developments inside the City limits found to be inadequately protected based on applicable studies by the City of El Paso Fire Department and not due to redevelopment.

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 or other approved Backflow Prevention Assemblies shall be maintained at all times of operation. The Customer will pay the estimated costs for the installation and removal of the connection in advance and will also pay for the water used in accordance with Rules and Regulations No. 5, as well as all costs related to repairs or maintenance of the 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 connection is operated in such a fashion as to require removal at the discretion of the Utility. 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 pay for the water used in accordance with Rules and Regulations No. 5.

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 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. 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.

e. Readings will be taken monthly from the fire hydrant meter. Consumption will be billed monthly.

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 excess deposit amounts will be promptly refunded to the Customer.

g. The Utility's Planning and Development Section will issue the forms and procedures necessary to implement these charges, rates, rules and regulations.

h. Costs to replace damaged, stolen or lost fire hydrant meters will be charged to the Customer of record for the meter. The charge will be the replacement cost of the fire hydrant meter.

F. LINE EXTENSION CHARGES

1. Line Extension Charges for Small Tracts

a. A Customer or Customers desiring Water Service to a small tract must pay the cost of the lines required to reach their property.

b. 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 may be eligible for Refunds in accordance with Rules and Regulations No.7, Section II (G).

2. Line Extension Charges for Other Areas

a. The Line Extension charge for Water Service to new Subdivisions and all other areas 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 all lines, valves, manholes, paving repair and other required appurtenances. Additionally, lines in all Dedicated Rights-of-Way to the property, including boundary streets, shall be included as part of the cost. Off-Site Facilities, as defined in Rules and Regulations No.1, or approach mains that are necessary to provide service shall also be included as part of the cost. The Customer or D~~d~~eveloper 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 costs will be as provided for in Rules and Regulations No.7, 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 participate in the cost of the pipe as provided for in Rules and Regulations No.7, Section II(G)(1).

b. 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.

G. REFUNDS

The Customer or D~~d~~eveloper shall be entitled to a Refund if he/she is required to construct or pay to construct water lines larger than 8-inches in size. Contracts providing for Refunds must be executed between the Utility and the Customer or D~~d~~eveloper due the Refund prior to the construction of the facilities. No refund shall be made unless such contract has been duly and timely executed. The amount to be refunded to the Customer or D~~d~~eveloper shall be determined as provided for below:

1. 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 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 the current Refund Rate of $48.47. Refunds will be paid by the Utility upon completion of facilities constructed by the Customer or

Dd~~d~~eveloper and final acceptance by the Utility.

H. SPECIAL DEPOSITS FOR OFF-SITE EXPANSION FACILITIES

1. Deposit Amounts

The Customer or Dd~~d~~eveloper 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 Facilities as defined Rules and Regulations No.1. 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 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 Dd~~d~~eveloper who first requested the service, as an up-front infrastructure improvements deposit (Special Deposit). 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 Dd~~d~~eveloper 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 between the Customer or Dd~~d~~eveloper and the Utility, which will provide for the refund of either a portion or all of the costs reflected in the Special Deposit.

No interest will be paid on Special Deposit. In no instance shall the Utility refund more than the original cost of the facilities constructed and paid for by the Customer or Dd~~d~~eveloper.

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 Dd~~d~~eveloper 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 reviewed and approved by the Utility, provided all of the following conditions are fully satisfied:

a. The Dd~~d~~eveloper or Customer shall post an acceptable Performance Bond with the Utility, in accordance with Texas Local Government Code, Section 212.073, to ensure completion of the project on all such projects where the Utility's contribution exceeds $100,000 or the amount under Texas Local Government Code, Section 212.073, as it may be amended, setting the dollar amount at which performance bonds are required on 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 Dd~~d~~eveloper without requesting Refunds or Utility participation in the cost related to lines smaller than 8-inches. This cost does not include fire hydrants and service connections; and

c. The Dd~~d~~eveloper or Customer 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) that the firm doing the work is an independent contractor and will hold the City of El Paso, the PSB and the Utility harmless from any and all damages or claims, which 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 Dd~~d~~eveloper or his agent in amounts required on similar Utility contracts; and

d. The Dd~~d~~eveloper and/or the Dd~~d~~eveloper's Surety on a required Performance Bond accept(s) the responsibility for the repair and maintenance of the facilities which are installed under the Developer Agreement for a period of 365 days after acceptance by the Utility.

2. Final Acceptance by the Utility

Upon completion, the D~~d~~eveloper shall provide the Utility with a letter stating that the mains have been completed, that all related bills have been fully paid, and requesting the Utility to assume ownership. No permanent services will be connected until a final acceptance letter has been provided by the Utility.

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 acceptance to the D~~d~~eveloper.

J. CONSTRUCTION WITHIN EASEMENTS

It is the Utility's intent to construct water mains in public Dedicated Rights-of-Way. 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 requirements. No building or permanent structure shall be constructed except for paving or landscaping and other similar facilities determined by the Utility to be acceptable in the PSB or utility easement.

When service is desired for more than six (6) water meters to one (1) tract of land not separated by Dedicated Right-of-Way, and when the actual buildings to be served are more than 100 feet from a Dedicated Right-of-Way, 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, the PSB and the City of El Paso harmless from damages which may be caused by the existence of lines in said easement; and
(3) the Customer pays the total cost of the lines required in said easement plus the normal Line Extension Charges for lines constructed or to be constructed in the Dedicated Rights-of-Way 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 if he/she agrees to hold the Utility, the PSB and the City of El Paso harmless from any such damages which may occur.

K. ENGINEERING

1. Developer/Customer Engineered Water Plans

The Dd~~d~~eveloper or Customer's engineered water plans must meet TCEQ and EPWU requirements and the plans must be submitted to EPWU for written approval prior to commencing any work. ~~engineer prepares their own plans, the plans must meet TCEQ and EPWU requirements and the plans must be submitted to EPWU for written approval prior to commencing any work.~~ Water Line 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 County of El Paso. The Dd~~d~~eveloper shall submit a hard copy and/or electronic media compatible with the Utility's Computer-Aided Design (CAD) system. The Utility will use these as a basis for the design of other extensions and other facility installations.

The Developer or Customer is not required and shall not submit their own plans if any capital improvement infrastructure, master plan land studies, or any on-site oversized facilities are required to serve any areas adjacent to the Subdivision. ~~/Customer submittal of their own plans shall not apply if any capital improvement infrastructure, master plan land studies, or any on-site oversized facilities are required to serve any areas adjacent to the Subdivision.~~

The Utility will provide review of design drawings prepared by consulting engineers on behalf of Dd~~d~~evelopers/Customers. The applicant/~~d~~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.

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, and inspection of related construction work to assure compliance with Utility standards.

3. Conditions for Construction

The Dd~~d~~eveloper 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 Dd~~d~~eveloper 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 Dd~~d~~eveloper 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 Dd~~d~~eveloper 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 known 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. 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. Discontinuation 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 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; or
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 the Utility is requested to test a fire hydrant, for the design of fire suppression systems or other reasons, in accordance with AWWA standards, the charge shall be as 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 Charges 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, accrued interest and filing charges shall be declared immediately due. 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.

A processing charge of $60.00 per Promissory Note shall be added to the cost of all Promissory Notes for the handling of the payments in the manner prescribed herein, which includes the cost of filing a Time Payment Contract and the subsequent lien release in the El Paso County Clerk's office. The 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.

Monthly payments will begin 30 calendar days after the effective date of the Time and Payment Contract. 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 Promissory 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. SEWER BILL DEPOSIT

1. Amount of Deposit

A Deposit shall be collected from all users of the Utility sewer lines and systems as a condition of service at the time of application for Sewer 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 a Customer's credit history is unfavorable, the Utility may require a Deposit in excess of the scheduled amount, based on the total of the two highest monthly bills on file. The bill Deposit will be applied to the final bill. Any excess Deposit will be refunded at the end of the service. Deposits do not earn interest and no Customer shall be entitled to interest on Deposits.

C. SEWER SERVICE CONNECTION CHARGE

1. General Description

The Sewer Service Lateral-EPWU shall extend (or be caused to extend) and connect to the outlet in the public line when one has been provided. If no connecting outlet was provided in the public line, the Utility will connect the Sewer Service Lateral-EPWU 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 Lateral-EPWU and a sanitary Sewer Service Lateral-EPWU from the property line to the water or sanitary sewer mains shall be as outlined in the City of El Paso's Plumbing Code. Sewer Service Lateral-EPWU are not allowed to be constructed parallel to public Dedicated Rights-of-Way or easements; only perpendicular extensions to the public Dedicated 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 Service 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.

2. Amount of Sewer Connection Charge

When the Utility has provided a Sewer Service Lateral-EPWU 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 Sewer Service Lateral-EPWU 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 Lateral-EPWU shall be installed in accordance with the City of El Paso Plumbing Code and located at the center of the property lot, unless otherwise requested by the Customer.

D. LINE EXTENSION CHARGES

1. Line Extension Charges for Small Tracts

a. A Customer or Customers desiring sanitary Sewer Service must pay for all costs related to extending the lines required to reach their property.

b. 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 be eligible for Refunds in accordance with Rules and Regulations No. 7, Section III(E).

2. Line Extension Charges for Other Areas

a. The Line Extension Charge for Sewer Service to new Subdivisions and all other areas 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 all lines, manholes, paving repair and other required appurtenances. Additionally, lines in all dedicated streets that are adjacent to the property, including boundary streets, shall be included as part of the cost. Off-site Facilities, as defined in Rules and Regulations No.1, or approach mains that are necessary to provide service shall also be included as part of the cost. The Customer or Dd~~d~~eveloper 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 Rules and Regulations No.7, 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 Rules and Regulations No.7, Section III (E) herein.

b. 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 Dd~~d~~eveloper shall be entitled to a refund if he/she is required to construct or pay to construct sewer lines larger than 8-inches in size. Contracts providing for Refunds must be executed between the Utility and the Customer or Dd~~d~~eveloper due the refund prior to the construction of the facilities. No refund shall be made unless such contract has been duly executed. The amount to be refunded to the Customer or Dd~~d~~eveloper shall be determined as provided below, in Section 2.

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 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 Refunds Rate of $45.38. Refunds will be paid by the Utility upon completion of facilities constructed by the Customer and final acceptance by the Utility.

F. SPECIAL DEPOSITS FOR OFF-SITE FACILITIES

1. Deposit Amounts

The Customer or Dd~~d~~eveloper 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 Facilities as defined in Rules and Regulations No.1. 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 total cost of these facilities shall be paid by the Customer or Dd~~d~~eveloper who first requested the service, as an up- front infrastructure improvements deposit (Special Deposit). In addition, the requested area must be contiguous to existing development and sewer infrastructure.

2. Refund Amounts

A refund amount shall be established by the Utility such that the Customer or Dd~~d~~eveloper 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 Dd~~d~~eveloper which will provide for the refund of a portion, or all of the costs reflected in the Special Deposit.

No interest will be paid on Special Deposit. In no instance shall the Utility refund more than the original cost of the facilities constructed and paid for by the owner or Dd~~d~~eveloper.

G. CONSTRUCTION BY CUSTOMER

1. Conditions of Construction by the Customer

To satisfy the provisions of Rules and Regulations No.7, Section III(D) a Customer or Dd~~d~~eveloper may construct or contract with others to construct sewer mains required to serve his Subdivision or area in accordance with the plans and specifications reviewed and approved by the Utility, provided all of the following conditions are fully satisfied:

a. The Dd~~d~~eveloper or Customer shall post an acceptable Performance Bond with the Utility in accordance with Texas Local Government Code, Section 212.073, to ensure completion of the project on all such projects where the Utility's contribution exceeds $100,000 or the amount, Texas Local Government Code, Section 212.073 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 Dd~~d~~eveloper without requesting Utility participation or Refunds.

c. The Dd~~d~~eveloper or Customer 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, the PSB 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 Customer or Dd~~d~~eveloper or his agent in amounts required on similar Utility contracts.

d. The Customer or Dd~~d~~eveloper and/or the Customer's Surety or Dd~~d~~eveloper'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 Dd~~d~~eveloper 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. No permanent services will be connected until the final acceptance letter has been provided by the Utility.

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 acceptance to the Dd~~d~~eveloper.

H. CONSTRUCTION WITHIN EASEMENTS

It is the Utilities intent to construct sewer mains in public Dedicated Rights-of-Way. 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, except for paving or landscaping and other similar facilities determined by the Utility to be acceptable, in the PSB or utility easement.

When service is desired for more than six (6) separate sewer connections on one (1) tract of land not separated by public Dedicated Rights-of-Way and when the actual buildings to be served are more than 100 feet from a public Dedicated Rights-of-Way, 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, PSB and the City of El Paso harmless from damages which may be caused by the existence of lines in said easement; and (3) the Customer pays the total cost of the lines required in said easement plus the normal Line 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 provided with service if he/she agrees to hold the Utility, the PSB and the City of El Paso harmless from any such damage which may occur.

I. ENGINEERING

1. Developer/Customer Engineered Sanitary Sewer Plans

Developer or Customer's engineered sanitary sewer plans must meet TCEQ and EPWU requirements and the plans must be submitted to EPWU for written approval prior to commencing any work. ~~engineer prepares their own plans, the plans must meet TCEQ and EPWU requirements and the plans must be submitted to EPWU for written approval prior to commencing any work.~~ 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 Dd~~d~~eveloper or Customer shall submit a hard paper copy and/or electronic media compatible with the EPWU's Computer-Aided Design (CAD) system. The EPWU will use these as a basis for the design of other extensions and other facility installations.

Developer~~/Customer submittal of their own plans shall not apply if capital improvement infrastructure, master plan land studies, or any on site oversized facilities are required to serve~~

~~any areas adjacent to the Subdivision.~~ or Customer is not required and shall not submit their own plans if any capital improvement infrastructure, master plan land studies, or any on-site oversized facilities are required to serve any areas adjacent to the Subdivision.

The Utility will provide review of design drawings prepared by consulting engineers on behalf of a ~~d~~Ddeveloper/Customer. The applicant/Dd~~d~~eveloper/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.

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 and inspection of related construction work to assure compliance with Utility standards.

3. Conditions for Construction

The Dd~~d~~eveloper/Customer shall have the Dedicated Right-of-Way 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 Dd~~d~~eveloper/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 Dd~~d~~eveloper/Customer 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 Dd~~d~~eveloper/Customer regardless of whether 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 Charges 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 Promissory 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, accrued interest and filing charges, shall be declared immediately due. An amended lien, if necessary, may be filed against the property for these additional amounts should the maker of the Promissory 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.

A processing charge of $60.00 per Promissory Note shall be added for handling payment In the manner prescribed herein, which includes the cost of filing a Time Payment Contract and the subsequent lien release in the County Clerk's office. The 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.

Monthly payments will begin 30 calendar days after effective date of the Time Payment Contract. 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 DEPOSIT

1. Amount of Deposit

A Deposit shall be collected from all users of the Utility's Reclaimed Water lines and systems 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 a Customer's credit history is unfavorable, the Utility may require a Deposit in excess of the scheduled amount, based on the total of the two highest monthly water bills on file. The bill Deposit will be applied to the final bill. Any excess Deposit will be refunded at the end of the service. Deposits do not earn interest, and no Customer is entitled to interest on Deposits.

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 based on a "one Reclaimed Water meter for one-Yard Meter of equal size" basis. 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 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.

3. Requirements for Customer Service Extension

The property related to the Customer requested 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 of El Paso and the County of El Paso requirements, PSB 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.

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 or other approved Backflow Prevention Assembly shall be maintained 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. REFUNDS

Refunds will be made in accordance with Rules and Regulations No.7, Section II(G) and Section III(E).

F. SPECIAL DEPOSITS FOR OFF-SITE EXPANSION FACILITIES

Special deposits will be made in accordance with Rules and Regulations No.7, Section II(H) and Section III(F).

G. CONSTRUCTION BY CUSTOMER

To be made in accordance with Rules and Regulations No.7, Section II(I) and Section III(G).

H. CONSTRUCTION IN EASEMENTS

To be made in accordance with Rules and Regulations No.7, Section II(J) and Section III(H).

I. ENGINEERING

Will be done in accordance with Rules and Regulations No.7, Section II(K) and Section III(I).

SECTION V SEVERABILITY

These Rules and Regulations are part of the other Rules and Regulations of the PSB 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. 7 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. 7. The remaining provisions, paragraphs, words or sections shall not be affected and shall continue in full force and effect.

SECTION VI 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 PSB's rules and regulations shall remain in full force and effect.

SECTION VII EFFECTIVE DATE

These Rules and Regulations No. 7 shall be and become effective from and after their adoption hereby and shall remain in effect until amended or changed by the PSB. Changes to any fees or rates resulting from approval of the budget are effective on the 1st day of March 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), 11~8)(1), III(C)(2), and II I(1)(1) 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 l(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 AN D 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 December11th, 2013.

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

RULES AND REGUALTIONS NO. 7 SECTION II C(1), E(2)(e), I(2), SECTION III E(2), ADDED. REVISED, APPROVED, ADOPTED this 9th day of January 2019.

RULES AND REGULATIONS NO. 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 8th day of January 2020, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 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(1,2), D, E, F, G, H , I, SECTION V, SECTION VI, SECTION VII ADDED. REVISED, APPROVED, ADOPTED this 13th day of January 2021, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 7 SECTION I (A, B, C), SECTION II (A, B, C, D, E, F, G, H, I, J, K, L, M, N, O), SECTION III (A, B, C, D, E,F, G, H, I, J), SECTION IV (A, B, C, D, E, F, G, H, I), SECTION V, SECTION VI, SECTION VII ADDED. REVISED, APPROVED, ADOPTED this 12th day of January 2022, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 7 SECTION I (A, B), SECTION II (C(1), E(1, 2) F, G(1), H(1), I(1), K(1), M, N, O), SECTION III (D(2), E, F, G, I, J), SECTION IV (C, E, F, G, H, I), SECTION V, SECTION VI, SECTION VIIADDED, REVISED, APPROVED, ADOPTED this 11th day of January 2023, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 7 SECTION II (C(1), F (1)(c), F (2)(b), G(1), I(1), K(1), SECTION III (D(c), (D)(2)(b), E (2), G (1)(c), I (1), REVISED, APPROVED, ADOPTED this 10th day of January 2024, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 7 SECTION I (B), SECTION II (K)(1), SECTION III (I)(1) REVISED, APPROVED, ADOPTED this 14th day of February 2024, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

Public Service Board

_____

Ivonne Santiago, Chair

ATTEST:

_____

APPROVED AS TO FORM:

_____

Charlie Intebi, Secretary-Treasurer **Daniel Ortiz, General Counsel**