

RULES AND REGULATIONS NO.12

RULES AND REGULATIONS
GOVERNING THE FURNISHING AND CONTROL
OF RECLAIMED WATER BY
THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118M, TEXAS REVISED CIVIL STATUTES, 30 TEXAS ADMINISTRATIVE CODE CHAPTER 210, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952, AS AMENDED; NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING RULES FOR THE FURNISHING AND CONTROL OF RECLAIMED WATER SERVICE WITHIN AND OUTSIDE OF THE CORPORATE BOUNDARIES OF THE CITY OF EL PASO ARE HEREBY ESTABLISHED.

SECTION I GENERAL

A. TABLE OF CONTENTS

The following headings or captions are adopted as the Table of Contents for Public Service Board Rules and Regulations No. 12.

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B. DEFINITIONS

Whenever the following terms, or pronouns used in their place, occur in these Rules and Regulations No. 12, or in any documents that these Rules and Regulations No. 12 govern, the intent and meaning shall be interpreted as follows:

Air-Gap Separation:

A physical separation between the free flowing discharge end of a water supply pipeline and an open or non-pressure receiving vessel. The separation shall be at least double the

diameter of the supply pipe measured vertically above the overflow rim of the vessel, and in no case less than one inch. The design shall be approved by the EPWU and the TCEQ.

Approved Use:

The use of Reclaimed Water in conformance with a User Agreement and in compliance with all other applicable laws.

Approved Use Area:

The site designated in a User Agreement to receive Reclaimed Water.

Backflow Control Device:

A backflow control device approved by the EPWU and TCEQ used to protect the Potable Water System from contamination that may originate downstream of the device.

Construction Use:

An Approved Use of Reclaimed Water to support construction activities, such as soil compaction and dust control.

Cross-Connection:

Any unprotected actual or potential connection between any part of a Potable Water System and any source or system containing water or substance that is not or cannot be approved by the EPWU as safe, wholesome and potable. By-pass arrangements, jumper connections, swivel or changeover devices, valves, or other devices through which backflow could occur shall be considered to be cross-connections.

Drawings:

The plans, working drawings, detail drawings, profiles, or typical cross sections, approved by the EPWU, that show locations, character, dimensions or details of the work.

EPWU:

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

General Public:

Any person who may come in contact with Onsite or Offsite Facilities or Approved Use Areas.

Industrial Use:

An Approved Use of Reclaimed Water for industrial or commercial uses as authorized under 30 TAC §210.10

Irrigation Use:

An Approved Use of Reclaimed Water for landscape, horticultural, or agricultural irrigation as defined and allowed under 30 TAC §210.8.

Nonpotable Water:

All water (including Reclaimed Water) that has not been approved by the TCEQ for human consumption.

Offsite Facilities:

All Reclaimed Water distribution, storage, or delivery facilities upstream of the Point of Connection to an Approved Use Area.

Onsite Facilities:

All Reclaimed Water distribution facilities downstream of the Point of Connection.

Point of Connection:

The location where the Offsite Facilities connect to the Onsite Facilities, which shall be the downstream end of the EPWU's Reclaimed Water service meter. The EPWU's meter will normally be set in a location that abuts a curb line or property line of the Approved Use Area.

PSB:

The Public Service Board. The Board of Trustees created by Ordinance 752, which is the governing body of, and has the complete management and control of, the EPWU, consisting of five (5) members, including the Mayor of El Paso, appointed by the City Council of El Paso.

Reclaimed Water:

Domestic wastewater that is under the direct control of the EPWU and which has been treated to a quality suitable for beneficial use.

Service:

The furnishing of Reclaimed Water to a User through a metered connection to the Onsite Facilities.

TCEQ:

The Texas Commission on Environmental Quality

User:

Any person or entity, or authorized representative thereof, owning a site with an Approved Use Area who is issued a User Agreement.

User Agreement:

A contractual agreement between a User and the EPWU that establishes the terms for the delivery and use of Reclaimed Water at an Approved Use Area.

Violation:

Noncompliance with these Rules and Regulations No. 12, 30 TAC §210, or a User Agreement by any User. Each day that a violation continues shall constitute a separate violation.

Water Right (Surface, Underground):

A legal right acquired under the laws of Texas to impound, divert, or use ground or surface water. A water right is a real property right.

C. NEUTRAL GENDER

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

SECTION II ADMINISTRATIVE PROCEDURES

A. APPLICATION FOR ONSITE RECLAIMED WATER SERVICE

A potential User desiring Reclaimed Water service shall file an application form for Reclaimed Water service as supplied by the EPWU. The form shall be signed by the potential User. The application shall request the following information:

1. The potential User's relationship to the site (legal owner, tenant, lessee, etc.);

2. The current land use of the site;
3. The proposed land use of the site;
4. The type of Reclaimed Water use proposed;
5. The address and description of the property to be served;
6. Any special conditions for service;
7. Technical information pertinent to the design and type of Reclaimed Water use, including, but not limited to, the following:
 - a. Proposed Reclaimed Water meter size (inches)
 - b. Gross area to be served through the Reclaimed Water meter (acres)
 - c. Peak flow through the meter (gpm) along with supporting calculations (assistance from the EPWU may be necessary)
 - d. Estimate of the annual Reclaimed Water requirement (acre-feet or million gallons)
 - e. Time of day, day of week when Reclaimed Water would normally be used (consistent with the Water Conservation Ordinance)
 - f. A complete and correct copy of any permit or permit application that may be required under 30 TAC §210.5;
8. A sketch of the site delineating the proposed Approved Use Area;
9. The location and size of all service connections; and,
10. The nearest major streets.

B. EVALUATION OF APPLICATION

Upon receipt of an application, the EPWU shall review the application and make such investigations relating to the proposed service as deemed appropriate. The investigations may include a site visit with the potential User to determine the feasibility of serving Reclaimed Water to the site. The EPWU shall prescribe specific requirements to the User as to the design of the facilities, the manner of construction, the method of operation, and conditions of service. A determination shall be made of the completeness of the information and whether the information is consistent with these Rules and Regulations No. 12, the requirements of the TCEQ, and all other applicable laws.

C. ISSUING OF USER AGREEMENT

If an application is approved, a User Agreement shall be executed by the User and the EPWU. The User Agreement shall incorporate the following terms and others as may be appropriate:

1. Rules and Regulations No. 12;
2. Design requirements;
3. Construction requirements;
4. Operational requirements;

5. Service conditions;
6. Monitoring and Reporting; and
7. Any additional requirements to ensure continued operation of Onsite Facilities in a manner that protects public health and to comply with applicable law.

D. RECORDS AND REPORTING

1. The following records shall be maintained:
 - a. By the EPWU:
 - i. The quantity of Reclaimed Water delivered to the User during the billing period; and
 - ii. The quality of Reclaimed Water delivered to the User.
 - b. By the User:
 - i. The date and quantity of Reclaimed Water used by User for uses other than irrigation;
 - ii. Any failure of Onsite Facilities;
 - iii. Any Violation;
 - iv. Any change in ownership of an Approved Use Area or Reclaimed Water Supervisor; and
 - v. Alterations to Onsite Facilities.
 - vi. All User reports shall be sent to the Biosolids and Water Reuse Manager, P.O. Box 511, El Paso, Texas, 79961.
2. All records shall be made to the EPWU or the PSB, as may be appropriate, upon request. The records shall be maintained at the Approved Use Area for a period of three (3) years.

E. ENFORCEMENT

After an investigation, if the EPWU determines that a Violation has occurred, the EPWU shall immediately notify the User. It shall be the responsibility of the User to initiate action to correct the conditions causing the Violation. If, in the opinion of the EPWU, the Violation constitutes an immediate danger to the public health, Reclaimed Water service shall be terminated immediately. Service shall be resumed after the cause of the violation has been corrected to the satisfaction of the EPWU. If the Violation is not determined to constitute an immediate danger to the public health, then a schedule for completing the corrections shall be negotiated between the User and the EPWU. Corrections not made in accordance with the schedule may result in the termination of Reclaimed Water service.

A User may appeal the EPWU's determination on a Violation by following the appeal procedure in Section VII(F) of these Rules and Regulations No. 12.

SECTION III SYSTEM RESPONSIBILITIES

A. PERMIT REQUIREMENTS

The EPWU shall be responsible for notification and permitting for the use of Reclaimed Water from the TCEQ pursuant to 30 TAC §210.

B. PROTECTION OF PUBLIC HEALTH

The EPWU may take any action, including termination of Reclaimed Water service, at such times it deems proper, relative to construction or operation of the Onsite or Offsite Facilities to safeguard public health.

C. OFFSITE FACILITIES

All Offsite Facilities shall be owned, constructed, operated, and maintained by the EPWU.

D. ONSITE FACILITIES

The User shall own, construct, operate, and maintain all Onsite Facilities in accordance with these Rules and Regulations No. 12 and all Regulatory Agency requirements. The use of Reclaimed Water from the Haskell R. Street Wastewater Treatment Plant used for the irrigation of golf courses shall require additional Onsite Facilities as described in the User Agreement.

E. ONSITE POTABLE WATER SYSTEM PROTECTION

The User shall install and annually inspect an approved Backflow Control Device on all Potable Water Systems that serve water to Approved Use Areas. Required locations and the annual inspection for such devices shall be reviewed and approved by the EPWU. Personnel authorized for Backflow Control Device selection, installation, inspection, and testing shall be "General Testers" who have successfully passed a TCEQ approved course pursuant to 30 TAC §290.44(h)(4)(A-E).

F. SURVEILLANCE

It is the responsibility of the User to provide surveillance and supervision of the Onsite Facilities in a manner that assures compliance at all times with these Rules and Regulations No. 12. It is the responsibility of the EPWU to provide surveillance and supervision of the Offsite Facilities in a manner that assures compliance at all times with these Rules and Regulations No. 12.

G. APPROVED USES

These Rules and Regulations No. 12 address the use of Reclaimed Water for turf and landscape irrigation, compaction and dust control for construction, and non-food processing industrial processes. Other proposed uses will be reviewed on a case-by-case basis by the EPWU and the TCEQ. Only those uses specified in a User Agreement are Approved Uses.

H. APPROVED USE AREAS

Reclaimed Water may only be used in Approved use Areas. In all cases, the EPWU's approval of any proposed use area will be contingent upon the proposed Approved Use Area. Only those Approved Use Areas specified in the User Agreement are Approved Use Areas.

I. TRANSFERS

Reclaimed Water delivered to a User for use on User's Approved Use Area shall not be given, sold, traded, or in any way transferred to another use area without the written approval of the EPWU.

J. RECLAIMED WATER SUPERVISOR

The User shall designate a Reclaimed Water Supervisor who shall be directly responsible to the User for the proper operation of the Onsite Facilities. The Reclaimed Water Supervisor shall be the primary contact between the User and the EPWU, and the EPWU will assist in the training of the Reclaimed Water Supervisor. The User shall notify the EPWU of the name and telephone numbers, daytime and nighttime, of the Reclaimed Water Supervisor and shall inform the EPWU if a change is made.

K. MONITORING AND REPORTING

The User and EPWU will conduct periodic monitoring for water use, site and soil conditions, and salinity at reclaimed water sites. The EPWU will provide monitoring reports to Users to report findings.

SECTION IV SYSTEMS DESIGN

A. DESIGN APPROVAL

Prior to the construction or retrofitting of Onsite Facilities, the design drawings and specifications must be submitted to the Biosolids and Water Reuse Manager for approval. Approval shall be contingent upon evidence that all applicable design requirements have been satisfied.

B. DESIGN RESPONSIBILITY

The User shall be responsible for the design of the new or retrofitted Onsite Facilities. The preparation of drawings and construction specifications shall be carried out by persons or firms approved by the EPWU.

C. POTABLE/NON-POTABLE SYSTEMS SEPARATION

The Potable and Reclaimed Water systems shall at all times be separated by an air gap. No direct connection of any type between the two system types will be allowed. Introduction of Potable Water into a Reclaimed Water system shall be accomplished only through an approved air gap separation.

D. POINT OF CONNECTION FOR SERVICE

The EPWU will establish the Points of Connection for all Reclaimed Water services. The User shall be responsible for extending the onsite service line to the Point of Connection.

E. PIPING

All piping used in conveying Reclaimed Water shall be of adequate size and structural integrity to ensure that leaks or ruptures will not occur. Lines crossing roadways or other areas receiving regular vehicular traffic must be buried to a depth of at least 24 inches and sleeved. Rigid pipe able to withstand the planned vehicle loads shall be used for such installations.

F. IRRIGATION SYSTEM LAYOUT

All Onsite Facilities irrigation systems shall be designed to minimize discharge or spray onto areas that are not Approved Use Areas. Part-circle sprinklers shall be used adjacent to roadways, sidewalks, and boundary lines to confine the discharge from the irrigation system to the Approved Use Area.

G. STORAGE FACILITIES

All storage tanks used for storing Reclaimed Water shall be of adequate design and structural integrity to ensure that leaks or ruptures will not occur in the course of normal use. Unless specifically allowed otherwise, storage tanks shall be contained within a fence or other enclosure that will restrict access by the general public to these facilities at all times. Outlet control with positive shut-off shall be provided at each storage facility. All pond storage facilities shall be constructed in accordance with 30 TAC §210.7.

H. DISTRIBUTION VEHICLES

Vehicles used for distributing Reclaimed Water for soil compaction and/or dust control shall be provided with an adequate tank and plumbing system to ensure that leaks and ruptures will not occur in the normal course of use. Control valves shall be provided such that Reclaimed Water can be applied in a controlled fashion on the Approved Use Area and completely retained during transit to all other areas. Spray heads or other nozzles shall be provided and configured such that the Reclaimed Water is uniformly applied and runoff, ponding, or windblown spray conditions are minimized. Each tank shall be equipped with an approved air-gap separation.

I. TEMPORARY CONNECTIONS TO POTABLE WATER SYSTEM

In those areas where Reclaimed Water is not immediately available for use and Onsite Facilities have been constructed, and the User has obtained a User Agreement, a temporary connection to the EPWU's Potable Water System may be allowed with written approval from the EPWU in accordance with the terms of the User's User Agreement. Only the EPWU shall perform the work of making any connections to the Potable Water System. All temporary connections to the EPWU's Potable Water System shall also conform with requirements specified in Rules and Regulations No. 1 for the protection of the water supply. At the time when the EPWU determines that Reclaimed Water is available, the EPWU shall notify any User with a temporary connection of the availability of Reclaimed Water and schedule a mutually acceptable time for making the conversion to Reclaimed Water.

SECTION V SYSTEMS CONSTRUCTION

A. CONSTRUCTION INSPECTION

The EPWU shall inspect the construction of Onsite Facilities to verify that the facilities are constructed in conformance with the approved drawings. The User shall give the EPWU a notice of at least four (4) working days before starting the construction at the Onsite Facilities work and obtain approval to begin work. Inspection by the EPWU's personnel shall not substitute for inspection by the City of El Paso Public Inspection Department. A Plumbing Permit may be required by the City of El Paso.

B. AREAS OF RESPONSIBILITY

The responsibility for providing a Backflow Control Device at the User's Potable Water service connection shall be determined by the EPWU at the time an application for Reclaimed Water service is filed. The User shall be responsible for testing and maintaining all Backflow Control Devices in accordance with the EPWU's policy for testing and maintaining such devices on Potable Water Systems.

C. CONNECTIONS TO EXISTING EPWU FACILITIES

The User shall not make a connection to existing EPWU facilities or cause interruption of Reclaimed Water service in any portion of the EPWU system unless it has been approved by the EPWU. If it becomes necessary to interrupt service to an existing system, this interruption shall be done at a time determined by the EPWU and under the EPWU's direction and inspection.

D. INSPECTION ACCESS

The EPWU shall have access at all times to the work site during construction, and shall be provided with whatever information is requested regarding the progress, workmanship, and character of materials used in the work. The EPWU shall have the authority to suspend the work wholly or in part for such time as it may deem necessary due to failure on the part of the User to carry out any EPWU directive or any provision of the approved drawings and specifications. The User shall immediately comply with the written order of the EPWU to suspend the work wholly or in part. The work shall be resumed when methods or defective work are corrected and approved in writing by the EPWU. Reclaimed Water service may be denied if a User fails to comply with a written order of the Biosolids and Water Reuse Manager.

E. MATERIALS OF CONSTRUCTION

1. Valves

All Reclaimed Water valves shall be in serviceable condition and free from leaks and structural faults. Where appropriate, all valves shall be installed in suitable valve boxes complete with locking and hinged covers as approved by the EPWU. All quick-coupling valves shall be operated with a special coupler key with an Acme thread for opening and closing the valve. This provision may be modified and approved in writing by the EPWU in those cases where an existing onsite Potable Water System is currently equipped with quick-coupling valves that are not operated with an Acme-threaded key.

2. Piping
All Reclaimed Water piping shall be in serviceable condition and free from leaks and structural faults. All joints shall be structurally sound and free from leaks.
3. Storage Tanks
All Reclaimed Water storage tanks, whether fixed or mounted on distribution vehicles, shall be structurally sound and free from leaks and equipped with an appropriate air gap device.

F. IDENTIFICATION AND POSTING

1. Facilities Identification
 - a. Buried Piping: For all new or replacement pipe for Onsite or Offsite Facilities, all piping 12" in diameter and smaller shall be manufactured in purple. For pipe larger than 12" in diameter, it shall be one of the following: manufactured in purple, painted purple, taped with purple metallic tape, or bagged in purple, and as approved by the EPWU on a case-by-case basis. If materials and/or warning tape are not available, other identification methods may be approved by the EPWU.
 - b. Exposed Piping: All exposed piping and piping within a building shall be either purple pipe or painted purple. All exposed piping should be stenciled in white with a warning reading "Non-Potable Water". The EPWU must review and approve any proposal that calls for above-ground Reclaimed Water pipe to be painted as a means for complying with the color requirement. Other proposed methods for identifying above-ground piping must be reviewed and approved by the EPWU on a case-by-case basis.
 - c. Above Grade Valves and Related Components: All new or existing valves and related components installed above grade and protected from the elements shall be painted purple or manufactured in purple. All new or existing valves and related piping components not protected from the elements shall be manufactured in purple, if available, or alternatively identified purple by another means as approved by EPWU.
 - d. Below Grade Valves and Related Components: All new or retrofitted valves and related components for piping 12" diameter or less shall be manufactured in purple, if available. If unavailable or if valves and components are for pipe larger than 12" in diameter, it shall be one of the following: manufactured in purple, painted purple, taped with purple metallic tape, or bagged in purple. All valves of any type installed below grade shall be housed in a purple locking box.
 - e. Each storage tank shall be covered and identified by a painted label or sign as containing Reclaimed Water. The warning shall contain the words "CAUTION - RECLAIMED WATER, DO NOT DRINK" or similar warning with black or white letters at least two inches high in English and in Spanish on a purple background. In addition, at least one sign shall be posted on the fence surrounding the storage tank. The label and sign shall be so placed that they can be seen readily by all operations personnel using the facilities.
 - f. Each distribution vehicle shall be identified by painted labels or signs as containing NON-POTABLE WATER in English and Spanish. They shall be placed so that they can be seen readily by all operations personnel using the distribution vehicle.
 - g. Identification requirements for new or retrofitted Onsite Facilities within an industrial or commercial facility shall be determined on a case-by-case basis.

2. Posting of Approved Use Areas

Users shall post their Approved Use Areas in conformance with the EPWU's approval. The posting shall be on appropriate signs shall be "CAUTION - RECLAIMED WATER USED FOR IRRIGATION (or other specified use) - DO NOT DRINK" with black or white letters at least two inches high in English and Spanish on a purple background. Other wordings may be used with approval of the EPWU. Posting of and Approved Use Areas inside industrial or commercial facilities will be determined on a case-by-case basis.

G. FINAL INSPECTION AND TESTING

1. Final Inspection

A User shall request final inspection of a User's Onsite Facilities in writing after completion of construction work and upon receiving the EPWU's approval of record drawings. This request shall include the scheduling of a cross-connection control test and an operational test. The tests shall be scheduled in coordination with the EPWU.

2. Cross-Connection Control Testing

An EPWU-witnessed cross-connection control test shall be conducted to verify that no direct connection exists between the Potable Water System and the Onsite Facilities. The test shall be conducted as follows:

The onsite Potable Water System(s) shall be shut down at or near the Point(s) of Connection. After shutting the onsite Potable Water System(s) down, all outlets of the Potable Water System(s) shall be opened and the Onsite Facilities shall be pressurized for a minimum of two hours. An innocuous, colored dye may be injected into the Onsite Facilities during the test to aid in observing possible cross-connection flows. The outlets on the Potable Water System(s) shall then be inspected. Flow from any Potable Water outlet shall be deemed to indicate a cross-connection condition. (Note: Initial flows that result from the Potable Water Systems' depressurization can be ignored for the purpose of this test.)

3. Operational Testing

Prior to final acceptance by the EPWU, all Onsite Facilities shall be required to successfully pass an operational test. The purpose of the test is to ensure that the Onsite Facilities satisfy the intent of these Rules and Regulations No. 12 relative to the safe and proper use of the Reclaimed Water. Any required corrections shall be noted and submitted to the User by the EPWU in writing with a follow-up inspection prior to final acceptance.

H. RECORD DRAWINGS

Record Drawings of the final installed Onsite Facilities shall be submitted by the User and approved by the EPWU prior to User requesting Reclaimed Water service. The Record Drawings shall be completed in a legible and workmanlike manner. One complete set shall be maintained onsite at all times. The requirement for Record Drawings may be waived at the discretion of the Biosolids and Water Reuse Manager. When required, the Record Drawings shall include, but not be limited to, the locations and depth of the following:

1. Points of Connection including meters;
2. Points of line severing;

3. Routing of pressure lines;
4. Gate, sprinkler control, and quick-coupling valves;
5. Routing of control wires;
6. Control stations;
7. Type and size of materials used and markings;
8. Backflow Control Devices, including type, on the Potable Water System; and
9. Potable Water lines and exterior drinking fountains. If none exist, so state.

I. FINAL SERVICE APPROVAL

The EPWU shall grant the User final approval for Reclaimed Water service after approval of the Record Drawings, the cross-connection control test, and the operational test and following completion of all corrections required by the EPWU as a result of the tests.

SECTION VI SYSTEMS OPERATIONS

A. PERSONNEL TRAINING

The User shall train all Onsite Facilities operations personnel consistent with the worker training and safety plan approved by the Executive Director of the TCEQ, pursuant to 30 TAC §510.4(a)(3)(G).

B. ONSITE INSPECTION

Periodic unannounced inspections of the Onsite Facilities of a User may be made during operational hours by the EPWU. The purpose of an inspection is to identify Violations and obtain compliance. The User shall cooperate with the inspection and assist in the performance of any operational tests as requested. The EPWU shall not unduly interfere with User's operations during the onsite inspections.

C. PERIODS OF IRRIGATION

The operation of Onsite Facilities used for irrigation shall be during periods of minimal use of the Approved Use Area by the general public. Such periods of operation shall be in accordance with the City Code of the City of El Paso, Section 15.13.020 and within the irrigation period specified in the User Agreement.

D. CONSTRUCTION USE

Reclaimed Water used for the purpose of soil compaction and/or dust control shall not be stored or applied in a manner that causes runoff or ponding. If such conditions occur, the method of application shall be altered to correct them and prevent any further runoff or ponding. Control valves on the water distribution vehicles and other controlling devices shall be properly used to prevent the application of Reclaimed Water outside the Approved Use Area onto surfaces including, but not limited to, street pavements, sidewalks, and drainage courses.

E. SPECIFIC OPERATION RESTRICTIONS

1. Runoff/Ponding Conditions

Excessive runoff and ponding of Reclaimed Water shall be avoided. Only minor incidental runoff and temporary ponding will be permitted. If excessive runoff and ponding occurs, the User shall modify the Onsite Facilities or the management/operation of the Onsite Facilities to control the runoff or ponding. It is the responsibility of the User to ensure that runoff and ponding of the Reclaimed Water is minimized. The EPWU shall determine whether runoff and ponding on the site is being maintained to an acceptable minimum level.

2. Unapproved Uses/Areas
The use of Reclaimed Water for any purpose other than those approved in the User Agreement is prohibited. The use of Reclaimed Water in areas other than those approved in the User Agreement is prohibited.
3. Unprotected Drinking Fountains
All drinking fountains located within the Approved Use Area shall be protected from contact with Reclaimed Water.
4. Hose Bibs
All hose bibs and faucets shall be painted purple and designed to prevent connection to a standard water hose. Hose bibs shall be located in locked, below grade vaults which shall be clearly labeled as being of non-potable quality. As an alternative to the use of locked, below grade vaults with standard hose bibs services, hose bibs may be placed in a non-lockable service box which can only be operated by a special tool so long as the hose bib is clearly labeled with a sign. The sign shall have a minimum size of eight inches by eight inches and shall be in both English and Spanish, "RECLAIMED WATER, DO NOT DRINK" or similar warning.
5. Quick Couplers
All new or existing quick couplers shall have purple locking valve covers.

SECTION VII SPECIAL CONDITIONS

- A. SEVERABILITY
If any part of these Rules and Regulations No. 12, or its application to any person is held void, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these Rules and Regulations No. 12.
- B. WATER RIGHTS
The delivery of Reclaimed Water by the EPWU and its use by a User and does not constitute a transfer by the EPWU or an acquisition by the User of a Water Right.
- C. AUTHORITY AND PRECEDENCE
The design and operation of all Onsite Facilities and all Reclaimed Water uses shall meet the requirements of all applicable Federal, State, and local law, except these Rules and Regulations No. 12 shall not take contain requirements contained more stringent than those specified in Federal, State, or local law.
- D. ENFORCEMENT
The EPWU shall enforce these Rules and Regulations No. 12. These Rules and Regulations No. 12 shall apply equally to any User. There shall be no variance from these Rules and Regulations No. 12 except upon authorization by the PSB.
- E. AMENDMENTS
These Rules and Regulations No. 12 may be amended by a PSB resolution at any regular or special meeting for cause determined by the PSB. Any amendments so made are immediately incorporated into these Rules and Regulations No. 12 and will be administered as such.
- F. RIGHT OF APPEAL
The User may appeal in writing any action of the EPWU to the PSB in accordance with the procedures established in PSB Rules and Regulations No. 8. Any User who does not appeal such a ruling or action in accordance with these procedures within 60 days of the date of the issuance of the action shall waive any right to contest such action. The PSB, at its own discretion, may either affirm, reverse, or modify the ruling made by the EPWU. Any modification of the ruling of the

EPWU by the PSB shall be consistent with these Rules and Regulations No. 12, or, if not consistent, shall constitute a variance from these Rules and Regulations No. 12. The reasons for such a variance shall be stated in the minutes of the PSB.

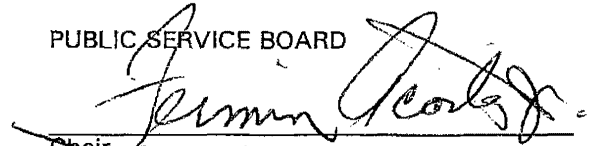
SECTION VIII EFFECTIVE DATE

These Rules and Regulations No. 12 shall be and become effective from and after their adoption hereby and shall remain in effect until amended or changed by the Public Service Board.


PASSED AND APPROVED at regular meeting of the Public Service Board of the City of El Paso Texas, this 13th day of March, 1996, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A. Government Code, Sections 551.001 et. seq.

RULES AND REGULATIONS NO. 12, Heading, Table of Contents, Sections I(B), II(A,B&C), III(A,E,G &K), IV(G), V(F) and VI(A&E), REVISED, APPROVED AND ADOPTED the 12th day of January, 2005, by the Public Service Board of the City of El Paso, Texas.

PUBLIC SERVICE BOARD


Chair Fermin Acosta, Jr.

ATTEST:


Secretary-Treasurer Ruben Guerra

APPROVED AS TO FORM:


Robert D. Andron, General Counsel