

**CERTIFICATE OF ORDER**

**STATE OF TEXAS**  
**COUNTY OF WALLER**  
**BROOKSHIRE MUNICIPAL WATER DISTRICT**

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We, the undersigned officers of the Board of Directors (the "Board") of **BROOKSHIRE MUNICIPAL WATER DISTRICT** (the "District"), hereby certify as follows:

The Board convened in regular session, open to the public, on Monday, August 15, 2022, at 6:00 p.m., at 4004 6<sup>th</sup> Street, Brookshire, Texas, and the roll was called of the members of the Board, to-wit:

Stephanie Green	President
LaKethia Connor	Vice President
Erin Jackson	Secretary
Michael Whitaker, Jr.	Assistant Secretary
Shirley Williams	Investment Officer

All members of the Board were present, except none, thus constituting a quorum. Whereupon other business, the following was transacted at such Meeting: A written

**ORDER AMENDING RATE ORDER**


was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Order be adopted; and after full discussion, such motion, carrying with it the adoption of such Order prevailed, carried, and became effective by the following vote:

**AYES:** 5      **NOES:** 0      **ABSTENTIONS:** 0

A true, full and correct copy of the aforesaid Order adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Order has been duly recorded in the Board's minutes of such Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such Meeting pertaining to the adoption of such Order; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board are duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of such Meeting, and that such Order would be introduced and considered for adoption at such meeting, and each of the officers and members consented, in advance, to the holding of such Meeting for such purpose; and such Meeting was open to the public and public notice of the time, place, and purpose of such Meeting was given, all as required by Chapter 551 of the Texas Government Code and Section 49.063 of the Texas Water Code, as amended.

SIGNED this 15 day of August, 2022.

  
Secretary, Board of Directors

  
President, Board of Directors

(DISTRICT SEAL)



**BROOKSHIRE MUNICIPAL WATER DISTRICT**  
**RATE ORDER**

Adopted .....December 5, 2006  
Effective .....January 1, 2007  
Amended.....March 5, 2007  
Effective .....March 15, 2007  
Amended..... August 4, 2008  
Effective ..... August 4, 2008  
Amended.....December 17, 2012  
Effective .....January 1, 2013  
Amended..... July 1, 2013  
Effective ..... July 1, 2013  
Amended.....April 7, 2014  
Amended.....February 2, 2015  
Amended..... November 17, 2015  
Effective .....January 1, 2016  
Amended.....February 6, 2017  
Effective .....February 6, 2017

Amended.....April 4, 2017  
Effective .....April 4, 2017  
Amended..... July 22, 2019  
Amended.....January 21, 2020  
Effective .....January 21, 2020  
Amended.....May 18, 2020  
Effective .....May 18, 2020  
Amended.....September 21, 2020  
Effective .....September 21, 2020  
Amended..... November 30, 2020  
Effective ..... November 30, 2020  
Amended..... July 19, 2021  
Effective ..... August 16, 2021  
Amended.....December 6, 2021  
Effective .....February 1, 2022  
Amended..... August 15, 2022  
Effective .....September 8, 2022

**ORDER AMENDING RATE ORDER**

**THE STATE OF TEXAS** §  
**COUNTY OF WALLER** §  
**BROOKSHIRE MUNICIPAL WATER DISTRICT** §

**WHEREAS**, Brookshire Municipal Water District, Waller County, Texas (the "District"), provides water and wastewater services to residential and commercial establishments within the District;

**WHEREAS**, it is necessary that fees, charges and conditions be established for service from the District's water and wastewater system;

**WHEREAS**, the Board of Directors (the "Board") has carefully considered the matter and is of the opinion that the following conditions should be established for service from the District's water and wastewater system;

**WHEREAS**, the District has previously adopted various orders pertaining to rates, rules and regulations for its water and wastewater system (the "Rate Order");

**WHEREAS**, pursuant to the provisions of the Texas Water Code, the Texas Commission on Environmental Quality (the "TCEQ") has jurisdiction over and adopts rules regulating the water supply system of the District;

**WHEREAS**, the Board determined that it is in the best interest of the District and its customers to amend its previous Rate Order by making certain amendments in compliance with the rules of the of the TCEQ;

**WHEREAS**, on August 4, 2008, the Board determined that it was necessary to amend the Rate Order to clarify billing and collection procedures, as well as updating several service fees and charges;

**WHEREAS**, on December 17, 2012, the Board determined it was necessary to make certain revisions and amendments concerning grease traps, backflow assembly prevention, inspection fees, and procedures for dealing with credit and refund requests;

**WHEREAS**, on July 1, 2013, the Board determined that it was necessary to reduce the amount of the fees associated with disconnection of services;

**WHEREAS**, on April 7, 2014, the Board determined that it was necessary to address lead content requirements in plumbing fixtures;

**WHEREAS**, on February 2, 2015, the Board determined that it was necessary to make certain revisions;



**WHEREAS**, on November 11, 2015, the Board determined that it was necessary to make certain adjustments related to water and sewer rates, customer deposits, certain inspection fees, and fees associated with late payments, reconnection after termination and meter tampering, effective as of January 1, 2016;

**WHEREAS**, on February 6, 2017, the Board determined that it was necessary to make certain adjustments related to the base water and wastewater rates for Commercial Users;

**WHEREAS**, on April 4, 2017, the Board determined that it was necessary to make certain revisions to the Rate Order concerning grease, sand and lint trap requirements;

**WHEREAS**, on July 22, 2019, the Board determined that it was necessary to make certain revision to the Rate Order to clarify the process for installing, testing and inspecting backflow prevention assemblies as set forth in Article IV, Section 3 of the Rate Order;

**WHEREAS**, on January 21, 2020, the Board determined that it was necessary to make certain revisions to the Rate Order regarding charging a fee to Users for testing meter accuracy;

**WHEREAS**, on May 18, 2020, the Board determined that it was necessary to make certain revisions to the Rate Order relating to maintenance and ownership of fire lines installed by a Customer as well as to establish a separate monthly charge for fire lines installed by a Customer;

**WHEREAS**, on September 21, 2020, the Board determined that it was necessary to make certain revisions to the Rate Order regarding the District's requirements for metering connections to the District's water distribution system;

**WHEREAS**, on November 30, 2020, the Board determined that it was necessary to make certain revisions to the Rate Order clarifying the District's requirements for metering connections to the District's water distribution system;

**WHEREAS**, on July 19, 2021, the Board determined that it was necessary to make certain adjustments related to the District's water and sewer rates, effective as of August 16, 2021;

**WHEREAS**, on December 6, 2021, the Board determined that it was necessary to make certain adjustments to clarify that private wells and septic tanks are prohibited unless otherwise approved and to clarify responsibility for water taps and sewer tap connections, effective as of February 1, 2022; and

**WHEREAS**, on August 15, 2022, the Board determined that it was necessary to make certain adjustments related to the District's water and sewer rates, effective as of September 8, 2022.

**NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF BROOKSHIRE MUNICIPAL WATER DISTRICT THAT:**

## ARTICLE I

### DEFINITIONS AND MEANINGS

**Section 1. Definitions.** The following words or phrases shall have the meanings indicated below:

A. "Backcharge" – shall mean a billing made to collect an expense incurred in a previous billing period. A Backcharge may be an adjustment due to an error, or it may be to collect an expense that was not billable until a later period due to timing issues.

B. "Bulk Water User" – shall mean a User of the District's water services who has agreed to a limited duration service agreement and does not intend to be a permanent User.

C. "Bulk Water Service" – shall mean service granted to a Bulk Water User for either special events, as approved by the District, mobile food trucks/carts or other situations where Customers will utilize the District's water service for a limited duration of time.

D. "Commercial User" – shall mean any structure designed for business purposes including office buildings, hotels, retail stores, warehouses, service stations, recreational centers, and all other establishments not generally considered as residential structures or defined herein as a residential structure.

E. "Customer" – shall mean any person, partnership, corporation, non-profit corporation, trust or other legal entity served by the District's System with water and/or wastewater services to a residence or business establishment owned or occupied by such person, partnership, corporation, non-profit corporation or legal entity.

F. "Fire Line" – shall mean a water supply line installed or constructed for the sole purpose of providing water during a fire or other emergency.

G. "Health Hazard" – as defined in Texas Administrative Code Title 30 Section 290.38(35), shall mean a cross-connection, potential cross-connection, or any other situation involving any substance that can cause death, illness, spread of disease, or that has a high possibility of causing such effects if introduced into the District's Water System, including but not limited to the health hazards reflected in Texas Administrative Code Title 30 Section 290.47(f) Appendix F: Assessments of Hazards and Selection of Assemblies.

H. "Multi-Family Residential User" – shall mean all multiplex (apartments, condominiums, duplexes, etc.) residential connections which are served by a master meter.

I. "Non-Taxable User" – means a User that is exempt from ad valorem taxation by the District pursuant to the provisions of the Property Tax Code.

- J. "Out-of-District User" – shall refer to any Customer that is not located within the boundaries of the District.
- K. "Operator" – shall mean the person, company or corporation which is employed by or under contract with the District to operate the District's System, and reports monthly to the District on the operations of the District's System and performs any additional services as set forth by the Board of the District.
- L. "Plumbing Code" – means the International Plumbing Code.
- M. "Public Space User" – means any User of the District's System for public or homeowner association esplanades, lakes, recreational areas or green spaces ("Public Spaces").
- N. "Separate Connection" – shall mean each residential unit designed for occupancy by a separate family, including each separate unit located within a single multi-unit building, and each commercial unit designed for use by a separate business, including separate establishments within a single building.
- O. "Single-Family Residential User" – shall mean any single-family structure within the District designed for occupancy as a residence whether by the owner or by a renter or lessee, including any single-family residence, townhouse, multiplex, apartment building, or other structure generally considered to be and used solely for residential purposes and which is separately metered.
- P. "Tampering Charges" – shall mean the charges for which the District shall have a claim against that person, or those persons, responsible for making any unauthorized use of the District's System, whether for making connections, disconnections, or adjustments to such System, and whether or not the District's System and/or equipment has been damaged, disfigured or changed.
- Q. "Tap Fee" – shall mean the fee paid to the District to obtain a water meter and sewer inspection for any dwelling. The amount of the Tap Fee shall be established in the District's Rate Order and may be modified or changed at any time.
- R. "Water Distribution System" – shall mean the water facilities of the District and all extensions and additions thereto, whether now in place or hereafter constructed.
- S. "Wastewater Collection System" – shall mean the wastewater collection facilities the District and all extensions and additions thereto, whether now in place or hereafter constructed.
- T. "System" – shall collectively mean the District's Water Distribution System and/or Wastewater Collection System and all extensions and additions thereto, whether now in place or hereafter constructed.

U. "User" – shall mean an individual(s) or an entity who has executed a service agreement with the District which will entitle them to water and/or wastewater treatment services from the District.

## ARTICLE II

### TAP FEES, CONNECTION AND SERVICE POLICIES

#### **Section 1. Policies Governing Initial Connections.**

A. Initiation of Water and Sanitary Wastewater Connections. Each person desiring a water and wastewater service connection to the District's System shall be required to pay such fees as set forth in this Rate Order. No service shall be established or re-established until such fees are paid. All service connections are subject to the provisions of the District's Rules and Regulations as described in Article IV and all other rules, regulations and policies of the District.

B. Separate Connection Required. Each Single-Family Residential User, Multi-Family Residential User, Commercial User and any other type of connection receiving water service from the District's System shall be separately metered and separately billed to the Customer. No more than one (1) meter per Single-Family Residential User shall be allowed for each platted tract unless otherwise approved by the Board. Commercial Users, including, but not limited to, strip-shopping centers and business complexes, are required to install one (1) meter per business unit, unless otherwise approved by the Board. Individual lift stations/grinder permanent pumps shall not be permitted, unless otherwise approved by the Board. Installation of all sewer taps shall be the responsibility of the customer. Each Single-Family Residential User and Commercial User shall be connected to the District's sewer system separately unless otherwise approved by the Board. The amount of Multi-Family User sewer connections shall be determined by the Board upon review and recommendation of the District's Engineer.

C. Proof of Residency. Evidence of the Customer's residency within the District must be proven by providing the District's Administrative Office with a copy of the Customer's valid driver's license or other form of valid Texas identification including but not limited to a valid State-issued identification card or passport, and a copy of the Customer's closing statement, lease agreement or other similar documentation upon application for water and wastewater service as part of the application process as reflected in Exhibit "A."

D. Service Agreements. Prior to receiving service from the District to new construction or to buildings containing new plumbing fixtures, or prior to having service reconnected to any building after termination of water service, a User must execute a Service Agreement in the form attached to the Rate Order as Exhibit "B."

E. Platting Requirement. Prior to initially connecting to the District's System, a Single-Family Residential User, Non-Single Family Residential User, Non-Taxable User or Public Space

User shall submit to the District's Administrative Office proof that the User's property has been platted in accordance with the subdivision ordinances of the City of Brookshire (the "City"). Acceptable proof of platting includes a copy of the recorded plat, or a certificate from the City that the property has been platted or that the property is legally exempt from the platting process.

F. Plans of Certain Users. Plans and specifications for the internal water and wastewater facilities of each User (other than a single-family structure), including, without limitation, grease and lint traps and sample wells, must be submitted to and approved by the District's Engineer prior to the commencement of construction of said facilities. Under no circumstances shall a connection be made to the District's System by any User other than a Single-Family Residential User until such User's water and wastewater facilities (including grease and lint traps and sampling wells) have been submitted to and approved by the District's Engineer. The District has adopted the Plumbing Code as amended, insofar as it applies to water supply and sewage collection systems, and such shall govern the method of installation, pipe sizing, fixture count and all general requirements. Grease traps, lint traps, and sample wells shall be required to District's standards. Any person, contractor, firm or corporation responsible for work not meeting these standards shall correct the deficiencies without delay. Parties responsible for the installation of illegal systems may be refused permits for future work until all corrections are made. Any installation found to be in violation of District specifications after the inspection is completed may be required to be corrected, based on the severity of the offense and a review by the Board of the District. Water service to illegal installations shall be terminated ten (10) days after notification unless proper corrections are made.

G. Easements. Before service is provided to any User or, once provided but before reconnection is made, the person requesting such service shall grant an easement of ingress and egress to and from the meter for such maintenance and repair as the District, in its judgment, may deem necessary. Meters must be installed within the easement.

H. Customer Service Inspection ("CSI") Certification. Before the District will provide water and wastewater service to any new improvement, new construction, or any other major renovation or expansion, a customer service inspection certification, in the form attached as Exhibit "C," must be signed by a Certified CSI Inspector or State Licensed Plumbing Inspector and must be submitted to the District.

I. Purchase of Bulk Water. Bulk water is available by completing a bulk water application, as attached hereto as Exhibit "D" from to the District's Administrative Office. The proposed location of service, estimated date or dates of usage, and the estimated quantity of water needed must be stated in the application. The applicant must agree to pay the District's costs and expenses of monitoring such use, as determined by the District. All service shall be monitored by the District's Operator, or as designated by the District. A deposit with the District's Administrative Office in the sum of \$1,200.00, of which \$50 will be non-refundable as an application processing

fee (for estimated usage of up to 100,000 gallons) or a deposit set by the District for estimated usage over 100,000 gallons. A meter must also be obtained from the District.

All purchased water must be used within the boundaries of the District and be used in accordance with all of the terms of the Rate Order. Bulk Water Users shall be responsible for any damage to, including loss or theft, of the meter, valves, wrenches, hoses, water lines and any other appurtenances relating to the use of Bulk Water. Security deposits shall be returned when all loaned items are returned with any damages. Deposit will be returned less amounts deducted for any damages. Value of items loaned but not returned shall be deducted from security deposits at actual replacement cost plus 15%. All unpaid invoices will be deducted from the security deposit.

**Section 2. Tap Fees.**

All Tap Fees shall be paid prior to the District providing service to the User. All water taps and meters to the District's System shall be installed by the District's Operator.

A. Single-Family Residential Users Water Tap. Prior to installing a water tap to the District's System, tap fees in the following amounts shall apply:

- (1) For a 3/4" meter, the tap fee shall be \$900.00 (\$1,300.00 for a long-tap).
- (2) For a 1" meter, the tap fee shall be \$1,200.00 (\$1,650.00 for a long-tap).
- (3) For a 1 1/2" meter, the tap fee shall be \$1,950.00 (\$2,400.00 for a long-tap).
- (4) For a 2" meter, the tap fee shall be \$2,050.00 (\$3,100.00 for a long-tap).
- (5) In the case of taps larger than 2", the tap fee shall be determined on an individual basis.

Long-tap charges shall apply if the District is required to bore under a roadway to make the water tap. If the bore is greater than forty feet (40') (for pipe not exceeding six inches (6") in diameter), then the User will be charged an additional \$15.00 for each foot.

B. Impact Fees. A one-time water and wastewater impact fee must be paid to the District in the amount of \$3,590.00 (\$1,619.00 for water; \$1,971.00 for wastewater) per Non-Taxable User, or \$3,142.00 (\$1,619.00 for water, \$1,523.00 for wastewater) for Single-Family Residential User. Non-Single Family Residential Users (including Commercial Users) must pay all impact fees before installation of water tap. Connections to the District's water System shall not be allowed prior to receiving an approved certificate of occupancy as issued by the City. All water and wastewater connections shall be inspected by the District's Operator or District subcontractor.

All Commercial Users and other non-residential Users must contact the District's Administrative Office for the amount of impact fees due.

C. Non-Single Family Residential Users (includes Commercial Users). Prior to connection to the District's water System, a tap fee in the following amount shall be paid to the District: three (3) times the District's actual cost of installing the tap, meter, and necessary service lines, and repairing or restoring any yards, sidewalks, property, landscaping, streets or other improvements affected by the installation (as determined by the District's Administrative Office).

The District's Administrative Office will produce an estimate of the Tap Fee (the "Estimated Tap Fee"), which will be sent to the User. The User shall deposit the amount of the Estimated Tap Fee, plus twenty percent (20%), prior to the installation of the tap. If the Tap Fee is greater than the Estimated Tap Fee paid by the User, the difference must be paid by the User before the District will provide service to the User. If the Tap Fee is less than the Estimated Tap Fee paid by the User, a refund for the difference shall be issued to the User.

D. Non-Taxable Users. Non-Taxable Users shall pay the Estimated Tap Fee, plus the User's pro rata share of the District's actual cost of the facilities necessary to provide District services to Non-Taxable Users that are financed or to be fully or partially financed by the District's tax bonds, as determined by the District's consultants and approved by the Board (the "Facilities Fee"). The Facilities Fee will then be provided to the User.

The User shall pay the Estimated Tap Fee, Facilities Fee, plus twenty percent (20%), prior to installation of the tap. If the Tap Fee is greater than the Estimated Tap Fee paid by the User, the difference must be paid by the User before the District will provide service to the User. If the Tap Fee is less than the Estimated Tap Fee paid by the User, a refund for the difference shall be issued to the User.

E. Public Space User. A User requesting a tap for a Public Space shall pay a tap fee equal to the District's cost to install the tap, meter and any necessary service lines and the cost of repairing or restoring any yards, sidewalks, streets or other improvements affected by the installation (as determined by the District's Administrative Office)

### **Section 3. Inspections and Fees.**

A. CSI Certification. A CSI is an examination of the private water distribution facilities for the purpose of providing or denying water service and is not a plumbing inspection as defined and regulated by the Texas State Board of Plumbing Examiners ("TSBPE").

For all types of service, either an inspector licensed by the TSBPE or a water supply specialist licensed by the TCEQ may perform a customer service inspection. Notwithstanding any other provision of the Rate Order, a CSI Certification, substantially in the form as set out in Exhibit "C" hereto, shall be completed and filed with the District's Administrative Office prior to providing continuous water service to new construction or on any existing service when the District has reason to believe that cross connections or other potential contaminant hazards or illegal lead material exist, or after any material improvement, correction, or addition to the private water

distribution facilities. A CSI Certification shall also be required prior to commencement of water service for a water connection made to a property where a previous structure has been removed and a User intends on replacing such structure.

A CSI may be conducted by the District's Operator at the request of the Customer; the Customer must pay the District the CSI fee prior to the performance of the inspection and certification by the District's Operator. The CSI fee for this inspection shall be \$85.00 for Residential Users and \$150.00 for Commercial Users. If the CSI is made in connection with new construction, the fee will be collected with the Tap Fee.

Copies of properly completed CSI Certificates shall be kept on file by the District's Administrative Office and made available, upon request, for TCEQ review. CSI Certificates shall be retained for a minimum of ten (10) years. Failure to provide a CSI Certificate in accordance with Article II, Section 3 shall constitute a violation of these Rules and Regulations and such violation shall be subject to the enforcement provisions set forth in Article VIII of the Rate Order and Texas Administrative Code §290.46(j).

**B. Pre-Facility and Final Builder/Facility Inspection and Fees.** All builders or contractors for property owners within the District must contact the District's Administrative Office prior to starting any work on property within the District to schedule a pre-facilities inspection of the property. Customer needs to post property address before the pre-facility inspection can be performed. If any District System is found to be damaged or cannot be located, the District shall make necessary repairs or locate at the expense of the District. After the inspection and after any and all necessary work by the District is completed, the builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the Final Site Survey. The cost for each pre-facility inspection is \$75.00.

Upon receipt of instruction from a builder or contractor to transfer an account to an initial User, the District's Operator shall make a final builder/facility inspection of the property and make note of the condition of the District's System, including but not limited to the water tap, meter and all other District facilities on the property. The District's Operator will repair any damaged District facilities, and the builder will be held responsible for all costs incurred. After the final builder/facility inspection and after any and all necessary work is completed, the builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the Facility Inspection. The cost for each final builder/facility inspection shall be \$100.00.

If any re-inspection of the property is required to ensure that the District's System is repaired, relocated or adjusted, a fee shall be charged for each such re-inspection before service will be transferred to a subsequent User. The cost for each re-inspection shall be \$75.00.



Payment of any pre-facility inspection, final builder inspection or re-inspection fees, shall be made on or before the 30<sup>th</sup> day after the date of the invoice of said charges prior to service connection. The District may withhold the provision of service to the property or to other property owned by any User, property owner, builder or contractor who has failed to timely pay for the Backcharges or any inspection or re-inspection fee, including specifically the provision of additional taps. The District shall follow the notification procedures set forth in the Rate Order prior to withholding the provision of service.

D. Wastewater Connection Inspection. All connections to the District's Wastewater System shall be made in accordance with the District's Rate Order. All connections to the District's Wastewater System shall be inspected by a representative of the District prior to being covered in the ground. The District's Administrative Office and the District's Operator must be notified prior to the connection. After the connection, the District's Administrative Office shall again be notified and the District's Operator shall inspect the work prior to commencement of water service. The fees for each inspection is \$75.00 for Single-Family Residential Users and \$150.00 for all other Users. All re-inspections shall be \$150.00.

In the event a wastewater connection is made and covered without an inspection by a representative of the District, water service at such location shall be terminated until such time as an inspection has been performed and the connection passes inspection.

A wastewater connection inspection shall also be required prior to commencement of water service for a wastewater connection made to a property where a previous structure has been removed and a User intends on replacing such structure.

All connections must comply with the Plumbing Code.

E. Backflow Prevention Assembly Certification and Inspection Fee. Inspection of backflow prevention assemblies installed prior to the initial Customer Service Inspection shall be included as part of the Customer Service Inspection. Users shall be responsible for the annual inspection of any backflow prevention assemblies that require annual Test Reports as required by Article IV herein. The District shall have the discretion to determine if a backflow prevention assembly requires more than one (1) inspection per year.

F. Swimming Pool Inspection and Fee. Every User who plans to construct or install a swimming pool within the District shall notify the District's operator in writing prior to commencing construction of the pool. Upon notification by the User of the intention to construct or install a swimming pool, the User shall pay an inspection fee of \$150.00 to the District. After the notification is received, the District's operator shall ensure that all drains from the swimming pool are not connected to the District's sanitary sewer system. After the drains have been installed, the User shall notify the District's operator, who shall make an inspection of all swimming pool drains to verify that the proper connection is made, before service is authorized for said swimming pool.

G. Hot Tub Inspection and Fee. Every User who plans to construct or install a hot tub within the District shall notify the District's operator in writing prior to commencing construction of the hot tub. Upon notification by the User of the intention to construct or install a hot tub, the User shall pay an inspection fee of \$150.00 to the District. After the notification is received, the District's operator shall ensure that all drains from the hot tub are not connected to the District's sanitary sewer system. After the drains have been installed, the User shall notify the District's operator, who shall make an inspection of all hot tub drains to verify that the proper connection is made, before service is authorized for said hot tub.

H. Meter Test Fee. The District will have a water meter accuracy test performed upon written request from the User served by such meter. If such meter test reveals a meter to be accurate, the User requesting the testing will be charged a fee of \$110.00; otherwise, such costs shall be paid by the District.

**Section 4. Surcharge for Service.** In fairness to all Users within the District, and to honor its contractual obligations and commitments, the District has the right to monitor the use of water and the discharge of wastewater to determine if Users are exceeding the amount of capacity committed to serve their land or buildings. As one method of enforcement, the District has determined to reserve the right to impose a surcharge on any User who uses water or discharges wastewater in excess of the amount reserved to such User or tract. Accordingly, in addition to the other charges specified herein, the District has the right to impose an additional charge of \$0.05 per gallon of water used in excess of one hundred percent (100%) of the amount of capacity reserved to the tract by any utility commitment letter any time after the Users exceed one hundred percent (100%) of their reserved capacity for two (2) successive months.

**Section 5. Plumbing Restrictions and Policies.** Pursuant to Chapter 290 of the Texas Administrative Code, the District adopts the following plumbing regulations, which apply to all Users of the District's potable water distribution System. In addition, all plumbing must be done in strict adherence to the Plumbing Code as adopted by the District. All installations regarding plumbing to residential and commercial structures must be conducted by a licensed plumber (e.g. holding a valid Master's Plumbing License in the State of Texas).

A. Prohibition on Use of Specified Materials. The use of the following plumbing materials is prohibited in any and all improvements and new construction connected to the District's System after May 24, 1994:

- i. Any pipe or pipe fitting which contains more than 0.25% lead; and
- ii. Any solder or flux which contains more than 0.2% lead.

B. Plumbing Fixtures. A User is not permitted to install any plumbing fixture which is not in compliance with the Plumbing Code as adopted by the District.

C. Plumbing Inspections. A plumbing inspection may only be performed by those individuals with the following credentials:

- i. Plumbing Inspectors and Water Supply Protection Specialists licensed by the TSBPE and TCEQ; and
- ii. Proof of valid general liability insurance.

D. Notice of Unacceptable Plumbing Practices. An "unacceptable plumbing practice" is defined as those practices which may contaminate or pollute the District's drinking water System. If an unacceptable plumbing practice is discovered, the Customer shall eliminate the unacceptable plumbing practice within thirty (30) days from the date of discovery to prevent possible contamination of the District's water supply System. The existence of a serious threat to the integrity of the District's water supply System shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists, or when sufficient additional safeguards have been taken, and a plumbing inspection confirming correction of unacceptable plumbing practices has been submitted to the District.

### **ARTICLE III**

#### **WATER AND WASTEWATER RATES**

##### **Section 1. Water Rates.**

A. Single-Family Residential. After initial occupancy, each Single-Family Residential User within the District shall be charged for water service from the District on a monthly basis according to the water used in accordance with the following schedule:

Amount of Payment	Water Usage
\$20.75 (minimum monthly charge)	0 – 2,500 gallons
\$3.50 per 1,000 gallons	2,501 – 5,000 gallons
\$3.65 per 1,000 gallons	5,001 – 7,500 gallons
\$3.75 per 1,000 gallons	7,501 – 10,000 gallons
\$4.00 per 1,000 gallons	10,001– 15,000 gallons
\$4.50 per 1,000 gallons	15,001– 20,000 gallons
\$5.25 per 1,000 gallons	Over 20,000 gallons

B. Multi-Family Residential User (includes apartments). Each Multi-Family Residential User within the District shall be charged for water service from the District on a monthly basis according to the water used in accordance with the following schedule:

Amount of Payment	Water Usage
\$20.75 (minimum monthly charge per unit)	0 - 2,500 gallons
\$4.00 per 1,000 gallons	2,501 – 5,000 gallons
\$4.15 per 1,000 gallons	5,001 – 7,500 gallons
\$4.25 per 1,000 gallons	7,501 – 10,000 gallons
\$4.50 per 1,000 gallons	10,001– 15,000 gallons
\$5.00 per 1,000 gallons	15,001– 20,000 gallons
\$5.75 per 1,000 gallons	All over 20,000 gallons

C. Commercial Users. Each Commercial User within the District shall be charged for water service from the District on a monthly basis according to the water used in accordance with the following schedule:

Amount of Payment	Water Usage
\$46.50 (minimum monthly charge per unit)	0 – 5,000 gallons
\$7.75 per 1,000 gallons	5,001– 15,000 gallons
\$8.25 per 1,000 gallons	15,001– 50,000 gallons
\$9.25 per 1,000 gallons	50,001–100,000 gallons
\$10.25 per 1,000 gallons	All over 100,000 gallons

D. Non-Taxable User. All Non-Taxable Users within the District shall be charged for water service from the District on a monthly basis according to the water used.

E. Bulk Water User. Each Bulk Water User within the District shall be charged for the water service from the District on a monthly basis at a rate of \$5.00 per 1,000 gallons.

F. Public Space User. Water service shall be provided to public esplanades, lakes, recreational areas or green spaces within the District at the same rate as a Commercial Users. In order to promote conservation of the District's water supply, Public Space Users will pay an increased rate to be set by the District if the District determines that the Public Space User's water usage is excessive, inefficient, and/or wasteful.

G. Out-of-District Builder Service. The rate for out-of-district water service to property located outside the boundaries of the District where the District has petitioned the City for consent to annex the property shall be two (2) times the rate of in-district service through the date of final adoption of the Order Annexing Land into the District with respect to said property.

H. Meter Re-Read. Upon written request from the User served by such meter, the District will re-read the meter to verify the amount of water used by such User for the month. Should the User submit a second meter re-read request for a given month, the User will be charged a fee of \$35.00.

I. Bluebonnet Groundwater Conservation District. Any assessments on water usage made by the Bluebonnet Groundwater Conservation District ("Bluebonnet GCD") shall be charged at the rate set by Bluebonnet GCD, plus an administrative fee of ten percent (10%). Such charges may be assessed independently from other water charges provided in the Rate Order.

J. Fire Lines. Fire lines installed by Users shall be subject to the same fees, charges and rules as set out herein for Commercial Users, except no usage charges shall apply to such fire lines. The District will not require a meter on the fire lines. Monthly service charges shall be as follows:

Fire Line Size Monthly Charge	
4" or smaller	\$ 50
6"	\$ 150
8"	\$ 175
10"	\$ 200
12"	\$ 225

After a fire line has been installed, the User shall at all times keep such line and all related facilities free of damage. Upon notification by a District's authorized representative, the User shall repair such damage within 10 days. In the event User fails to repair any such damage causing a loss of water, the District may terminate service to such line in accordance with its normal procedures for termination of service. The District shall not be responsible for any liability or damages resulting from termination of service. The Operator is authorized to inspect all fire lines and related facilities. In the event the Operator determines a loss of water has occurred at a fire line, User shall be assessed charges based on the estimated amount of water lost due to such damage at the rates stated in Article III, Section 1. Any such charges shall be added to User's next regular invoice.

**Section 2. Wastewater Charges.**

A. Single-Family Residential User. Each Single-Family Residential User within the District shall pay a monthly wastewater service charge as follows:

Amount of Payment	Water Usage
\$23.50 (minimum monthly charge)	0–2,500 gallons
\$3.90 per 1,000 gallons	2,501–5,000 gallons
\$4.05 per 1,000 gallons	5,001 – 7,500 gallons
\$4.20 per 1,000 gallons	7,501 – 10,000 gallons
\$4.50 per 1,000 gallons	10,001– 15,000 gallons
\$5.15 per 1,000 gallons	15,001– 20,000 gallons
\$6.15 per 1,000 gallons	Over 20,000 gallons

B. Multi-Family Residential User (includes apartments). Each Multi-Family Residential User within the District shall pay a monthly wastewater service charge as follows:

Amount of Payment	Water Usage
\$23.50 (minimum monthly charge per unit)	0 – 2,500 gallons
\$4.40 per 1,000 gallons	2,501 – 5,000 gallons
\$4.55 per 1,000 gallons	5,001 – 7,500 gallons
\$4.70 per 1,000 gallons	7,501 – 10,000 gallons
\$5.00 per 1,000 gallons	10,001– 15,000 gallons
\$5.65 per 1,000 gallons	15,001– 20,000 gallons
\$6.65 per 1,000 gallons	Over 20,000 gallons

C. Commercial Users. Each Commercial User within the District shall be charged for wastewater service from the District on a monthly basis according to the water used as follows:

Amount of Payment	Water Usage
\$53.00 (minimum monthly charge per unit)	0 – 5,000 gallons
\$8.50 per 1,000 gallons	5,001– 15,000 gallons

\$9.15 per 1,000 gallons	15,001– 50,000 gallons
\$10.45 per 1,000 gallons	50,001–100,000 gallons
\$11.75 per 1,000 gallons	All over 100,000 gallons

D. Non-Taxable User. All Non-Taxable Users within the District shall be charged for wastewater service from the District on a monthly basis according to the water used.

E. Public Space User. Wastewater service shall be provided to public esplanades, lakes, recreational areas or green spaces within the District at the same rate as a Commercial User. In order to promote conservation of the District's water supply, Public Space Users will pay an increased rate to be set by the District if the District determines that the Public Space User's water usage is excessive, inefficient, and/or wasteful.

F. Out-of-District Builder Service. The rate for out-of-District wastewater service to Developers of property located outside the boundaries of the District where the District has petitioned the City to annex the property shall be two (2) times the rate of in-District service through the date of final adoption of the Order Annexing Land into the District with respect to said property.

**Section 3. Regulatory Assessment.** Pursuant to Section 5.701 of the Texas Water Code, each User of the District's System is hereby assessed a charge of one-half of one percent (.5% or .005) of the District's charge for water and wastewater service. This assessment is included in the rate schedules listed above and will be forwarded to the TCEQ, as required by Section 5.701, and used to pay costs and expenses incurred in its regulation of water districts.

**Section 4. No Free Service.** No free service shall be granted to any User for services furnished by the District's System whether such User is a charitable or eleemosynary institution, a political subdivision, or municipal corporation, and all charges for water and wastewater service shall be made as required herein. Additionally, it is not a defense to paying for services that the District failed to properly bill the User. If a subsequent bill has been provided to the User which accurately shows the correct usage and/or the amount owed to the District, then the User shall be obligated to pay such corrected invoice.

**Section 5. Required Service.** No service shall be given from the District's System unless such Users agree to take both water and wastewater service, except as otherwise approved by the District's Board or if only one (1) of these services is available at the time of request.

## ARTICLE IV

### WATER SYSTEM POLICIES

**Section 1. Prohibited Connections.** No direct connection from the District's Water System shall be made to any User where an actual or potential contamination exists without an air gap separation between the drinking water supply and the source of a potential contamination. Where an air gap separation is impractical, individual "internal" air gaps or mechanical backflow preventions devices shall be required at the meter.

No water connection from the District's Water Distribution System shall be made to any condensing, cooling, or industrial process or any other system of non-potable usage over which the District does not have sanitary control, unless the said connection is made in accordance with the requirements this section.

**Section 2. Backflow Prevention Assemblies.** The following procedures are in accordance with Texas Administrative Code, Title 30 Chapter 290:

A. A backflow prevention assembly device shall be installed on any connection which poses a Health Hazard and any other connection which the District or the District's Operator reasonably believes poses a threat to the District Water System, pursuant to Texas Administrative Code Rule §290.47. Water service provided for lawn sprinkler systems, swimming pool and spas supply, reflection pool supply or other such applications, all as defined in Texas Administrative Code Title 30, Part 1, must incorporate a backflow prevention device in accordance with the Plumbing Code for the particular designated use.

B. Effective January 1, 1996, all backflow prevention assemblies shall be tested upon installation by a Certified Backflow Prevention Assembly Tester and certified to be operating within the specifications required by the Plumbing Code. The User is responsible for ensuring that any required backflow assembly is tested upon installation and that a copy of the Backflow Prevention Assembly Test and Maintenance Report (the "Test Report"), as described in Exhibit "E," has been submitted to the District's Administrative Office. Test Reports shall be retained by the District for a minimum of three (3) years, which the District is required to provide to the TCEQ upon request pursuant to Texas Administrative Code, Title 30, Section 290.46.

C. Backflow Prevention Assemblies which are installed as protection against a Health Hazard must also be tested and certified to be operating within specifications at least annually by a Certified Backflow Prevention Assembly Tester. If the District requires the installation of a backflow prevention assembly in order to prevent a Health Hazard, then the District, in its sole discretion, may immediately terminate service to the User. In such an event, water service will not be restored until the backflow prevention assembly has been installed and tested and a Test Report provided to the District.



D. If the District determines that a backflow prevention assembly must be installed, replaced or repaired pursuant to the Rate Order for reasons other than to eliminate a Health Hazard, the User must install the backflow prevention assembly and provide a Test Report for such installation within ten (10) working days after receipt of notice from the District that such installation or inspection is required. All re-inspections required to ensure installation shall be at the User's cost plus 15%.

**Section 3. Prohibition Against Cross-Connections.** No cross-connection between the District's Water System and a private water system is permitted. Where an actual air gap is not maintained between the District's Water System and a private water supply, an approved reduced pressure-zone backflow prevention assembly must be properly installed and such assembly must be annually inspected pursuant to Article IV, Section 2 above. If any User fails to submit a Test Report for such inspection, service to such User will be discontinued until inspection is completed.

**Section 4. Damages to District Property.** Anyone that is determined to have damaged District property or if Customer requests to replace District equipment shall be liable for costs associated with repair and/or replace of said property in the following amounts:

- |    |           |  |
|----|-----------|--|
| 1. | Parts     | District's cost plus ten percent (10%) |
| 2. | Labor     | District's cost plus ten percent (10%) |
| 3. | Equipment | District's cost plus ten percent (10%) |

**Section 5. Clean-out Caps.** In the event a User needs a clean-out cap replaced or repaired, a fee of \$75.00 shall be assessed.

**Section 6. Penalty for Violation.** The failure of a User to comply with the terms of this Article shall be considered a violation of the Rate Order. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's water supply, the District, in its sole discretion, may, in addition to all other legal remedies available to it, including those remedies set out in Article VIII of the Rate Order, immediately terminate service or, at the User's sole cost and expense, install the plumbing fixtures or assemblies necessary to correct the unacceptable plumbing practice. If the District terminates service in order to preserve the integrity of the District's water supply, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken. Any and all expenses associated with the enforcement of this Section shall be billed to the User.

## ARTICLE V

### BILLING AND COLLECTION POLICIES

#### **Section 1. Payment and Fees.**

A. Charges and Due Date. Charges for water and wastewater service shall be billed monthly. All bills are due on the 1<sup>st</sup> of each month and shall be payable no later than the 16<sup>th</sup> day after the due date for said charges.

B. Late Payment Fee. Unless payment is received on or before the 16<sup>th</sup> day after the due date of said statement, such account shall be considered delinquent and a late charge of ten percent (10%) of the unpaid balance and a \$5.00 late notice fee shall be assessed against the account. A \$25.00 fee will be assessed for each door tag issued. Failure to receive bill does not waive late payment fees.

C. Delinquent Builder Fees. The District shall have the right to withhold installation of tap until such time as all delinquent fees charged to a particular builder shall have been paid.

D. Returned Checks. The District will assess a \$50.00 penalty fee to any Customer for any check given to the District that must be returned for any reason. This penalty will be assessed each time that the check is returned or upon notification by the Customer that the check will be returned. The District shall have the right to require that payments due under this Section be in the form of cash, money order, or credit card. After three (3) returned checks, User shall be required to pay by cash, money order or credit card. Payments due under this Section are non-refundable.

E. Final and Connect Fees. Upon written notice from Customer of a request to close a service account, the District shall conduct a final meter read within three (3) days to determine the total amount of water used to be included in the Customer's final bill. The Customer shall be charged a \$15.00 fee for such final meter reading.

Prior to the District providing service to a new service account, the District shall conduct an initial meter read in order to determine the total amount of water used to be included in the Customer's initial bill. The Customer shall be charged a \$15.00 fee for such initial meter reading.

#### **Section 2. Security Deposits.** Security deposits shall be required as follows:

A. Single-Family Residential User Deposits. Each Customer establishing service shall be required to complete and execute a customer service application and to pay, prior to the District providing service, a security deposit. The security deposit required for any connection made to the District's System by a Single-Family Residential User who owns the property shall be \$100. If the Single-Family Residential User is renting or leasing the property, the Single-Family Residential User must make a security deposit of \$175.00. Such sums shall be required prior to

service being initiated and shall be held by the District as a deposit to assure prompt payment of all charges for utility service.

B. Multi-Family Residential User and Commercial User Deposits. Each Customer establishing a commercial or multi-family residential account shall be required to complete and execute a customer service application and to pay, prior to the District providing service, a security deposit, as determined by the District. In the event usage study data is not provided, then the below scale will be used until an average is established.

<u>Deposit</u>	<u>Meter Size</u>
Commercial \$150	1/2"
Commercial \$200	3/4 - 5/8"
Commercial \$300	1"
Commercial \$450	1 1/2"
Commercial \$600	2"
Commercial \$900	3"
Commercial \$10,000	4"
Commercial \$13,000	6"
Commercial \$15,500	8"
Commercial \$17,000	10"

C. Full Payment Required. Service shall be initiated upon payment of the security deposit and all other fees and charges.

D. Refund of Deposit. Following payment of the final bill and payment of all fees and charges owed to the District, the balance of the security deposit, if any, shall be refunded by check mailed to the Customer. No interest shall be payable to the Customer on any security deposit.

E. Requests for Credit. Customer's requesting a credit or refund of any amount billed by the District shall submit a request in writing to the General Manager of the District. The General Manager will consider requests for credit or refund on a case by case basis.

## ARTICLE VI

### TERMINATION POLICIES

#### Section 1. Termination and Reconnection of Service.

A. Termination. Charges for service shall be billed monthly. All bills shall be payable no later than the 16<sup>th</sup> day after the due date of said charges. Unless payment of the monthly bill is received on or before the 16<sup>th</sup> day after the due date or unless payment of any Backcharges is received on or before the 16<sup>th</sup> day after the due date of the invoice, such account shall be considered delinquent and a one-time late charge equal to ten percent (10%) of the unpaid balance shall be charged. The District may, in its discretion, disconnect service for failure to pay all charges and

Backcharges, including penalties, by the third (3<sup>rd</sup>) day of the following month after the due date of the bill; provided, however, that prior to disconnecting services, the District shall send written notice by United States first class mail to the User or entity at the appropriate address and provide the User or entity with an opportunity to contest, explain or correct the charges, services, or disconnection. The written notice shall inform the User or entity of the amount of the delinquent payment, the date service will be disconnected or additional service withheld if payment is not made.

B. Termination for Rate Order Violation. Any User who has opened an account with the District and who violates any provision of the Rate Order, in addition to being subject to the penalties described in Article VIII, shall be subject to having water and wastewater service terminated; provided, however, that prior to disconnecting service for such violation, the District shall give written notice, by first class United States mail or door tag, to such User of the pending termination and shall give such User the opportunity to contest, explain, or correct the violation of the Rate Order with the District's General Manager.

C. Termination for No Account. The District has no obligation to provide services before the User has opened a service account with the District and if there is no account the District may terminate services to such a User. If service to a User is terminated under this subsection, a service account with the District shall be opened prior to restoration of service. If service to a User is terminated under this subsection and the User reconnects to the District's System without properly opening a District account and paying the service initiation fee, services to such User may again be terminated by the District and, in addition to opening a service account, the User shall be subject to the reconnection provisions of subsection D.

D. Termination and Reconnection Fees. If payment in full is not received from the User by the disconnect date as defined in Subsection A, a fee of \$70.00 shall be collected before services are restored to such User; provided, however, if the District takes out the water meter in connection with a disconnection or termination of services, a fee of \$100.00 (in addition to aforementioned \$70.00) shall be collected before services are restored. A fee of \$50.00 for reinstallation of the meter (in addition to the aforementioned \$70.00 and \$100.00 fees) shall be collected before services are restored. In addition, an additional deposit of \$75.00 will be assessed and required to be paid before service is restored to the User. Such sum shall be held by the District as a deposit to assure prompt payment of all charges for water and wastewater service. No interest shall be allowed on such deposit.

If any User connects to the District's System without authorization of the District, the District shall disconnect said connection; in such event, before services are established, such User must comply with the applicable provisions of and pay all associated fees outlined in Article II before service is provided. An additional \$100.00 will be assessed for unauthorized connection to the District's System as well as any amount needed to repair damage to the District's System caused by the

unauthorized tap or disconnection of same, plus costs incurred by the District to disconnect the unauthorized connection.

If the District's meter and/or adjacent connections are tampered with, then the User shall be assessed a charge in the amount of \$100.00 for tampering with the District's equipment, plus the cost to repair each broken lock and curb stop, plus a ten percent (10%) administrative fee. All charges must be paid in cash, money order, or credit card prior to reconnection of service.

## ARTICLE VII

### WASTEWATER DISCHARGE POLICIES

#### **Section 1. Quality of Wastewater.**

A. Domestic Waste. Only ordinary liquid and water-carried waste that is amenable to biological treatment and that is discharged from sanitary conveniences of buildings connected to a public wastewater system shall be discharged into the District's wastewater lines. Waste resulting from any process of commerce or industry may not be discharged into the District's wastewater lines except as authorized pursuant to subsection B below.

B. Commercial and Industrial Waste. All discharges other than waste described in subsection A are subject to the District's Industrial Waste Ordinance as determined by the District Operator and Engineer, a copy of which is attached as Exhibit "F."

**Section 2. Grease, Sand and Lint Traps.** The District shall require the owner of any establishment that discharges certain types of waste into the District's wastewater System to install a trap to prevent the entry of the discharge into the System and a sampling well to allow for periodic sampling of the discharge from the establishment. Discharges requiring a trap and sampling well include, but are not limited to, grease, oil, sand or flammable waste. Other discharges requiring a trap and sampling well shall be determined by the District's Operator and Engineer on a case-by-case basis based on the Operator's and Engineer's conclusion that the discharge in question will harm the District's System if allowed to enter the District's System.

Any person responsible for a discharge requiring a trap and sampling well shall provide equipment and facilities of a type and capacity approved by the District, locate the trap in a manner that provides ready and easy access for cleaning and inspection, and maintain the trap in effective operating condition. For restaurants and similar developments, the District will require as a minimum (1) one trap and one (1) sampling well per restaurant. Each trap and sampling well required to be installed hereunder shall be subject to initial inspection and approval by a District representative; the fee for this initial inspection shall be \$100.00.

The District's Operator or other duly authorized representative of the District shall be authorized to conduct periodic inspections of all grease traps or any related facilities within the District that are subject to this Order to ensure that grease traps are being maintained in effective operating

condition, and that all necessary manholes, inspection chambers and related facilities are being maintained and are fully operational. Any time an owner of a grease trap files a "Liquid Waste Manifest" form with the Health and Human Services Department, a copy of the form shall be sent to the District. The Customer must also maintain copies of his/her manifest records on-site.

In the event a grease trap or any related facilities are found in an unserviceable condition or in need of cleaning or maintenance, the District's Operator or other duly authorized representative of the District shall give written notice to the person responsible for the discharge for which the grease trap is required that advises such person of the deficiencies and requesting prompt attention to the matter. The District's Operator shall conduct such follow-up inspections as may be necessary until the grease trap is in effective operating condition. The fee for this re-inspection shall be \$100.00. In addition, the District shall assess a fine of \$500.00 to any party that fails any inspection, with a one (1) time waiver of such fee for the first failed inspection. A monthly surcharge of \$75.00 per month will be added to the District's commercial wastewater rates for each grease trap installed.

Any person responsible of violation of this section must pay all associated fees and take necessary action to correct the violation within ten (10) days of notice. The District shall revoke service should the violation continue to exist.

## **ARTICLE VIII**

### **ENFORCEMENT AND CIVIL PENALTIES**

**Section 1.**     **Penalties for Violation.** Any person, corporation, or other entity who:

- A.     violates any Section of the Rate Order;
- B.     makes unauthorized use of District services or System;
- C.     causes damage to District System;
- D.     uses or permits the use of any septic tank or holding tank within the District, without permission from the District;
- E.     uses or permits the use of any private water well or holding tank within the District, without permission from the District;
- F.     reconnects to the District's System after termination of service by the District without having paid all outstanding charges due to the District;
- F.     violates the District's Rules and Regulations Governing Water and Wastewater Lines and Water and Wastewater Connections;
- G.     violates the District's Water Conservation Plan and/or the District's Drought Contingency Plan, a copy of which is attached as Exhibit "G"; or

- H. constructs facilities or buildings which are not included in the approved plans for development;

shall be subject to a penalty of up to \$10,000.00 for each breach of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate breach. This penalty shall be in addition to the other penalties provided by the laws of the State of Texas and to any other legal rights and remedies of the District as may be allowed by law.

## ARTICLE IX

### MISCELLANEOUS

**Section 1.** **Amendments.** The Board of the District has and specifically reserves the right to change, alter or amend any rate or provision of the Rate Order at any time.

**Section 2.** **Incorporation by Reference.** The Amended and Restated Rules and Regulations Governing Water and Sanitary Wastewater Facilities, Service Lines, and Connections are hereby adopted and incorporated as if set forth herein.

**Section 3.** **Severability.** The provisions of the Rate Order are severable and if any provision or part of the Rate Order or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of the Rate Order and application of such provision or part of the Rate Order shall not be affected thereby.

**Section 4.** **Headings.** The section and paragraph headings used herein are for reference only and are not to be construed as part of the text of the section or paragraph.

**Section 5.** **Effective Date.** The Rate Order shall become effective immediately.

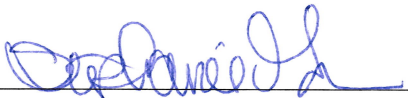
**Section 6.** **Superseding Orders.** The Rate Order supersedes all prior orders, resolutions and other actions of the Board concerning fees and charges for water and wastewater services.

## ARTICLE X

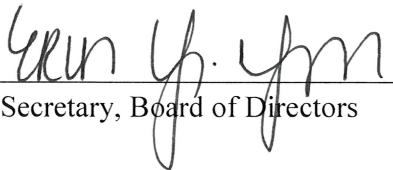
### REPEAL OF PREVIOUS ORDERS

All previous orders adopted by the Board pertaining to the subject matter hereof are each hereby repealed in their entirety as of the effective date hereof.

SIGNED, PASSED and APPROVED this 15<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors

(DISTRICT SEAL)



- Exhibit "A" – Application for Water and Wastewater Service
- Exhibit "B" – Application for Service / Annexation
- Exhibit "C" – Customer Service Inspection Certification
- Exhibit "D" – Bulk Water Application
- Exhibit "E" – Backflow Prevention Assembly Certified Test Report
- Exhibit "F" – Industrial Waste Order
- Exhibit "G" – Water Conservation Plan and/or Drought Contingency Plan
- Exhibit "H" – Rate Order Fees, Deposits and Penalties



**EXHIBIT "A"**

**Brookshire Municipal Water District**

PO Box 1850 ▪ 4004 6<sup>th</sup> St. ▪ Brookshire, TX 77423 ▪ P (281) 375-5010 F (281) 934-4877

**APPLICATION FOR WATER, SEWER and GARBAGE SERVICE**

**Aplicación Para Servicio De El Agua y La Basura**

**Applications for new water service must be received by 3:30 p.m. for same day service. Applications received after 3:30 p.m. will be processed the following business day.**

Date: \_\_\_\_\_  
(Fecha)

Date for Service to Begin: \_\_\_\_\_  
(Fecha Para Comenzar el Servicio)

**Type of Property at Service address:**  House  Mobile Home (circle one) **Existing on Lot / Move In on Lot**  
(Tipo de propiedad)  Apartment  Commercial: (type of commercial) \_\_\_\_\_

**Use of the existing building:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Should you need additional space please add on a separate piece of paper with your name & address.)  
I am fully aware that there may be additional fees associated with changing the use of the existing building. I will take full  
(Initial) responsibility for any charges associated with change of use. Nonpayment of fees will result in disconnection of service.

Responsible Party: \_\_\_\_\_  
(Partido Responsable)

Service Address: \_\_\_\_\_ Plumbing Permits Pulled? **Y / N**  
(Dirección de Servicio)

Name of Mobile Park: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(Dirección de Envío)

Home/Cell Phone: \_\_\_\_\_ Other Phone: \_\_\_\_\_  
(Teléfono)

Driver's Lic # or ID #/State: \_\_\_\_\_ Expires: \_\_\_\_\_  
(No. de Licencia de Conducir) (Expiración)

Own  Rent Do you wish to make the following monthly contributions? **Y / N**  
(Propio) (Renta) Brookshire Volunteer Fire Dept. - \$1.00

Property Owners Name and Phone: \_\_\_\_\_  
(Nombre Del Dueño de la Propiedad)

\_\_\_\_\_  
(Initial) I am fully aware that there may be water left on or leaks that may cause damage to this address. I will take full responsibility for any damages and water usage that may occur to the restoration of my water Service.

\_\_\_\_\_  
(Initial) I am fully aware a 24 hour call is require for any inspection.

*In accordance with the Texas Open Records Act, the BMWD must comply with written requests for release of "personal information" regarding utility customer accounts. However, Section 182.054 provides that a government-operated utility may not disclose personal information in a customer's account record if the customer requests that the information be kept confidential.*

\_\_\_\_\_  
I give permission for my account information to be made public.

\_\_\_\_\_  
(Initial) I wish for my account information to be kept confidential.

*I hereby declare and affirm, to the best of my knowledge and belief, that all statements and answers as stated herein are full, complete, and true. I, undersigned, fully understand that I am responsible to pay for utility service or other charges which may become due to the BMWD at this address. All persons who sign this application shall be severally liable for any water, sewer, and garbage service charges incurred at this service.*

\_\_\_\_\_  
Applicant Signature

Date: _____	<b><u>For Office Use Only</u></b>	S/O No: _____
Account # _____		CSI S/O Date: _____
Deposit Amount: \$ _____	Rec'd: Ck#: _____	MO#: _____
	Cash: _____	CC: _____
TX Photo ID verified & copied _____		
Service Agreement Rec'd _____	Proof of Ownership Rec'd _____	
Addition: _____	Block: _____	Lot: _____
City Limits: _____	Property #: _____	Service Classification: _____

**Application for Service / Annexation**

Date of Application: \_\_\_\_\_

Type of Application: \_\_\_\_\_ Residential \_\_\_\_\_ Commercial

**Street Address of Property:** \_\_\_\_\_

Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

(If the property is not platted, please provide a legal description of the property in the form of metes/bounds and a map, along with applicable deposit made payable to the District.)

Waller County Appraisal District Account Number: \_\_\_\_\_

Is the property located within the District? \_\_\_\_\_

(If the property is not located within the District, annexation shall be required for service.)

**Applicant's Name:** \_\_\_\_\_

Applicant's Address/City/St/Zip: \_\_\_\_\_

Applicant's Office Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Applicant's Cell Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

**Legal Property Owner:** \_\_\_\_\_

Owner's Address/City/St/Zip: \_\_\_\_\_

Owner's Home Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Owner's Cell Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Name and Address of title-holder to referenced property: \_\_\_\_\_

(If Applicant is not Legal Property Owner, please complete the attached Application Authorization Form.)

Type of Service Requested (check all that apply): \_\_\_\_\_ In District \_\_\_\_\_ Out of District/Annexation  
\_\_\_\_\_ Water \_\_\_\_\_ Wastewater \_\_\_\_\_ Irrigation

Intended use of the property after construction: \_\_\_\_\_

(Please include additional pages if more space is needed.)

Wastewater/water capacity required: \_\_\_\_\_

Type of Wastewater to be collected by the District wastewaters system: \_\_\_\_\_

Estimated No. and Size of Meters required: \_\_\_\_\_

No. of Water/Sewer Users: \_\_\_\_\_

Estimated date utility construction is expected to begin: \_\_\_\_\_

Estimated proposed acreage in development: \_\_\_\_\_

Estimated total taxable value: \_\_\_\_\_ Land \_\_\_\_\_ Improvements

Estimated number of lots: \_\_\_\_\_

Estimated commercial value: \_\_\_\_\_

Estimated value of house and lot: \_\_\_\_\_

Does the Project have/need a building permit from the City of Brookshire? \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**Applicant agrees that it shall notify the District if any of the above information (including ownership of the tract) should change during the Application process.**

**For District Use Only**

Engineer's recommendation: \_\_\_\_\_

Operator's recommendation: \_\_\_\_\_

Is annexation required? \_\_\_\_\_

Amount of deposit paid: \_\_\_\_\_

Amount of service recommended: \_\_\_\_\_

Impact Fee required: \_\_\_\_\_

Tap fee required: \_\_\_\_\_

Additional considerations: \_\_\_\_\_

Circle One

Does Applicant now own the property where the project is located?

Y / N

Does Applicant have an earnest money contract to buy it?

Y / N

Is Applicant seeking information about it?

Y / N

What does Applicant plan to do with the property?

Check all that apply

Build new multi-family rental property \_\_\_\_\_

Build new commercial, retail, or office project \_\_\_\_\_

Develop single-family subdivision \_\_\_\_\_

Develop multi-family subdivision \_\_\_\_\_

Develop commercial subdivision \_\_\_\_\_

No immediate plans to build or develop, wants capacity commitment. \_\_\_\_\_

Temporary Service: Purpose is \_\_\_\_\_

Other Situation (Describe fully): \_\_\_\_\_

- **MUST** submit 2 full sets of paper plans and digital set
- **MUST** Attach a legal description (Metes and Bounds) Y / N
- **MUST** Attach a final plat Y / N
- **MUST** Attach a drawn sketch of the location on separate blank sheet. Show streets and cross streets and names of nearby business and address of nearby properties. Y / N

Summaries:

- a. Application Deposit: \$2,500.00
- b. Application Deposit for Development not considered as a change in use from the previously approved Development located on the property: \$750.00
- c. Application Deposit for Development requiring Annexation: \$7,500.00
- d. Impact Fees
- e. Capacity Commitments
- f. Subdivision of property
- g. Inspection fees & connection charges
- h. Application for service
- i. Account Deposit (Determined by meter size)
- j. Plumbing & gas permits (City of Brookshire)

Applicant agrees that it shall notify the District of **any** of the above information (including ownership of the tract) should change during the Application process.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Relationship to Legal Property Owner: \_\_\_\_\_

**EXHIBIT "C"**

**Brookshire Municipal Water District**  
Customer Service Inspection Certificate

Submit all original test forms to:  
P.O. Box 1850  
Brookshire, TX 77423

Name of PWS: Brookshire Municipal Water District PWS I.D. # WQ0010001

Location of Service: \_\_\_\_\_

Reason for Inspection:

- New Construction
- Existing service where contaminant hazards are suspected
- Major renovation or expansion of distribution facilities

I \_\_\_\_\_, upon inspection of the private water distribution facilities connected to the aforementioned public water supply do hereby certify that, to the best of my knowledge:

- | Compliance            | Non-compliance        |   |
|-----------------------|-----------------------|---|
| <input type="radio"/> | <input type="radio"/> | 1. No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate back flow prevention assembly in accordance with Commission regulations.  |
| <input type="radio"/> | <input type="radio"/> | 2. No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow assembly tester. |
| <input type="radio"/> | <input type="radio"/> | 3. No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.   |
| <input type="radio"/> | <input type="radio"/> | 4. No pipe or pipe fitting which contains more than .25% lead exists in private water distribution facilities installed on or after July 1, 1988.   |
| <input type="radio"/> | <input type="radio"/> | 5. No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.   |

I further certify that the following materials were used in the installation of the private water distribution facilities:

Service lines	<input type="radio"/> Lead	<input type="radio"/> Copper	<input type="radio"/> PVC	<input type="radio"/> Other
Solder	<input type="radio"/> Lead	<input type="radio"/> Lead-Free	<input type="radio"/> Solvent weld	<input type="radio"/> Other

I recognize that this document shall become a permanent record of the aforementioned Public Water System and that I am legally responsible for the validity of the information I have provided.

Remarks:

\_\_\_\_\_  
Signature of Inspector

CI0009549  
Registration Number

Inspector  
Title

CSI  
Type of Registration

\_\_\_\_\_  
Date

*This report must be kept on file for a period of 10 years*

Revised 3/2017

**EXHIBIT "D"**

**Brookshire Municipal Water District**

4004 6<sup>th</sup> St ■ Po Box 1850 ■ Brookshire, TX 77423  
■ Ph: 281-375-5010 ■ Fax: 281-934-4877

*If work is performed  
without permit a fine  
will be issued.*

*Non-Transferable  
No Refunds  
Expires in 180 Days*

**Application for Bulk Water/  
Fire Hydrant Meters**

Persons who desire to purchase bulk water from the Brookshire Municipal Water District must submit a completed Bulk Water Application and meet the following requirements:

- **Work must be within the boundaries of the Brookshire Municipal Water District**
- **Post a deposit of \$600.00 WATER USAGE DEPOSIT**
- **\$550.00 METER DEPOSIT**
- **AND \$50.00 NON-REFUNDABLE PROCESSING FEE**

**Total: \$1,200.00**

\*A usage log will be provided to the customer in which the customer must fill out daily and submit to the District daily. Upon posting the above deposits, the Brookshire Municipal Water District will place a fire hydrant meter for your use. When work is complete you need to call the BMWD Office at 281-375-5010 for the meter to be picked up. Upon finalizing the Water Billing account, the remaining amount of deposits will be refunded to the address listed below.

**APPLICANTS NAME:** \_\_\_\_\_

**BILLING NAME:** \_\_\_\_\_

**BILLING ADDRESS:** \_\_\_\_\_

**TELEPHONE** \_\_\_\_\_

**EMAIL:** \_\_\_\_\_

**FIRE HYDRANT ADDRESS:** \_\_\_\_\_

**METER SIZE:** \_\_\_\_\_

**ESTIMATED USAGE:** \_\_\_\_\_

**NOTE: WATER IS NOT ALLOWED TO BE TAKEN OUTSIDE OF THE DISTRICT BOUNDARIES.**

- Water will be sold in 1,000 gallon increments at the current established rate of **\$5.00/1,000 gallons**. Therefore, quantities less than 1,000 gallons will be charged the minimum 1,000 gallon amount
- Applicant holder will be billed on a monthly basis and Payment for invoiced water shall be due upon receipt
- Applicant holder is responsible for **ANY** damage to, including loss or theft, the meter set-up, valves, wrenches, hoses, water lines, and any other appurtenances relating to the use of this application
- The hydrant valve shall be operated with a hydrant wrench only; hydrant valve is to be opened to full position
- Security deposit will be returned when all loaned items are returned without any damage. Deposit will be returned less amounts deducted for any damage. Value of items loaned but not returned will be deducted from security deposit at actual replacement cost plus 15%
- All unpaid invoices will be deducted from the security deposit

**I HEREBY ACCEPT ALL CONDITIONS MENTIONED ABOVE, AND CERTIFY THAT ALL STATEMENT HEREIN RECORDED BY ME ARE TRUE. APPLICANT ACKNOWLEDGES THAT SIGNATURES TRANSMITTED ELECTRONICALLY OR BY FACSIMILE TRANSMISSION HAVE THE SAME LEGAL EFFECT AS ORIGINALS.**

\_\_\_\_\_  
APPLICANTS SIGNATURE

\_\_\_\_\_  
Date

**OFFICE USE ONLY**

Signature of Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt # \_\_\_\_\_



**Texas Commission on Environmental Quality  
Form TCEQ-20700 - Instructions**

**General Instructions:**

The purpose of form TCEQ-20700 Backflow Prevention Assembly Test and Maintenance Report (T&M Form) is to document the results of testing a backflow prevention assembly. The form can be completed in one of two ways:

1. The form can be printed and completed by hand, or
2. The form can be completed electronically through an electronic medium (tablet, laptop computer, etc.). The yellow areas on the form can be completed electronically.

***NOTE: The form is intended to be completed on-site while testing is occurring. If the form is completed electronically, the electronic device must also be on-site for proper use of this form.***

The form must be printed and signed by the Licensed Tester that performed the work, unless TCEQ approved electronic recording keeping is in use. The hardcopy original must be provided to the Public Water System (PWS) as specified in ***Title 30 of the Texas Administrative Code 290.44(h)(4)(c)***.

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**Specific Instructions:**

Please follow the instructions below when completing form TCEQ-20700:

1. Check boxes: If completing the form electronically, all check boxes can be selected to make the desired indication. Selecting a box will insert an "X" in the box.
2. When performing the test, if the "Initial Test" yields acceptable results, do not complete the "Repairs and Materials Used\*" or "Test After Repairs" rows on the form.
3. Remarks: If completing the form electronically, the "Remarks" section of the form is expandable, which means the final report can be more than one page. All pages of the T&M Report must be submitted to the water system.
4. Testing completed by a licensed tester must be documented on one form. Any follow-up testing performed by a different tester must be documented on a separate form.

**Things to remember:**

1. Differential pressure gauges:
  - a. In order to prevent contamination, gauges used on potable water backflow prevention assemblies must **not** be used to test non-potable backflow prevention assemblies.
  - b. Gauges need to be tested for accuracy annually and that date plus the serial number and other gauge information must be correctly recorded on the form. This allows Public water systems to ensure that the gauges are in compliance.
2. Annual testing of backflow prevention assemblies (those installed to protect against health hazards) or differential pressure gauges is to occur no more than 12 months from the last test date.
3. A tester's license is based on the testing procedures described in the University of Southern California's 10th edition manual. These procedures are expected to be used when testing backflow prevention assemblies.
4. Type II assemblies: This form can only accommodate a Type II assembly with a single check bypass.

**BACKFLOW PREVENTION ASSEMBLY TEST AND MAINTENANCE REPORT**

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for recordkeeping \*purposes:

NAME OF PWS:	Brookshire Municipal Water District
PWS ID#:	2370004
PWS MAILING ADDRESS:	PO Box 1850 Brookshire, TX 77423
PWS CONTACT PERSON:	Tonya J. Pierre
ADDRESS OF SERVICE:	

The backflow prevention assembly detailed below has been tested and maintained as required by commission regulations and is certified to be operating within acceptable parameters.

**TYPE OF BACKFLOW PREVENTION ASSEMBLY (BPA):**

<input type="checkbox"/>	Reduced Pressure Principle (RPBA)	<input type="checkbox"/>	Reduced Pressure Principle-Detector (RPBA-D)	Type II	<input type="checkbox"/>
<input type="checkbox"/>	Double Check Valve (DCVA)	<input type="checkbox"/>	Double Check-Detector (DCVA-D)	Type II	<input type="checkbox"/>
<input type="checkbox"/>	Pressure Vacuum Breaker (PVB)	<input type="checkbox"/>	Spill-Resistant Pressure Vacuum Breaker (SVB)		

Manufacturer:	Main:	Bypass:	Size:	Main:	Bypass:
Model Number:	Main:	Bypass:	BPA Location:		
Serial Number:	Main:	Bypass:	BPA Serves:		

Reason for test:	New <input type="checkbox"/>	Existing <input type="checkbox"/>	Replacement <input type="checkbox"/>	Old Model/Serial #	
Is the assembly installed in accordance with manufacturer recommendations and/or local codes?					<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the assembly installed on a non-potable water supply (auxiliary)?					<input type="checkbox"/> Yes <input type="checkbox"/> No

TEST RESULT	Reduced Pressure Principle Assembly (RPBA)			Type II Assembly	PVB & SVB	
	DCVA		Relief Valve	Bypass Check	Air Inlet	Check Valve
	1 <sup>st</sup> Check	2 <sup>nd</sup> Check***				
<b>PASS</b> <input type="checkbox"/> <b>FAIL</b> <input type="checkbox"/>	Held at _____ psid	Held at _____ psid	Opened at _____ psid	Held at _____ psid	Opened at _____ psid	Held at _____ psid
<b>Initial Test</b> Date:     Time:	Closed Tight <input type="checkbox"/>	Closed Tight <input type="checkbox"/>	Did not open <input type="checkbox"/>	Closed Tight <input type="checkbox"/>	Did not open <input type="checkbox"/>	Did it fully open (Yes <input type="checkbox"/> /No <input type="checkbox"/> )
<b>Leaked</b> <input type="checkbox"/>	Leaked <input type="checkbox"/>	Leaked <input type="checkbox"/>	Did not open <input type="checkbox"/>	Leaked <input type="checkbox"/>	Leaked <input type="checkbox"/>	Leaked <input type="checkbox"/>
Repairs and Materials Used**	Main:   Bypass:					
<b>Test After Repair</b> Date:     Time:	Held at _____ psid	Held at _____ psid	Opened at _____ psid	Held at _____ psid	Opened at _____ psid	Held at _____ psid
	Closed Tight <input type="checkbox"/>	Closed Tight <input type="checkbox"/>		Closed Tight <input type="checkbox"/>		

\*\*\* 2<sup>nd</sup> check: numeric reading required for DCVA only

Differential pressure gauge used:	Potable: <input type="checkbox"/>	Non-Potable: <input type="checkbox"/>
Make/Model:	SN:	Date tested for accuracy :

Remarks:	

Company Name:		Licensed Tester Name (Print/Type):	
Company Address:		Licensed Tester Name (Signature):	
Company Phone #:		BPAT License #	
		License Expiration Date:	

**The above is certified to be true at the time of testing.**

\* TEST RECORDS MUST BE KEPT FOR AT LEAST THREE YEARS [30 TAC §290.46(B)]

\*\* USE ONLY MANUFACTURER'S REPLACEMENT PARTS



**BROOKSHIRE MUNICIPAL WATER DISTRICT**

**ORDER REGULATING THE INTRODUCTION OF WASTEWATER INTO  
THE SANITARY SEWER SYSTEM OF THE DISTRICT**

**SECTION A. PURPOSE**

(1) This Order sets forth uniform requirements for Indirect Contributors into the Wastewater Facilities of the District and enables the District to comply with all applicable State and federal laws required by the Clean Water Act of 1977, as amended, and the General Pretreatment Regulations (40 CFR, §403).

(2) The objectives of this Order are:

- (a) To prevent the introduction of Pollutants into the District's Wastewater Facilities which will interfere with the operation of the facilities or contaminate the resulting sludge;
- (b) To prevent the introduction of Pollutants into the District's Wastewater Facilities which will pass through the facilities, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the facilities;
- (c) To provide for equitable distribution of the cost of the District's Wastewater Facilities; and
- (d) To protect both Wastewater Facilities personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

(3) This Order provides for the regulation of Indirect Contributors to the District's Wastewater Facilities through the issuance of permits to certain non-domestic Users and the enforcement of general requirements, authorizes monitoring and enforcement activities, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(4) This Order shall apply to all Users of the District's Wastewater Facilities, whether such Users are located within or outside the boundaries of the District. Except as otherwise provided herein, the Board shall administer, implement and enforce the provisions of this Order.

**SECTION B. DEFINITIONS**

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Order, shall have the meanings hereinafter designated:

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended by the Clean Water Act, 33 U.S.C. 1251, et. seq.
- (2) Amenable to Treatment. Susceptible to reduction in concentration by Treatment routinely provided in the District's Wastewater Treatment Plant, to a level which

is in compliance with federal and State effluent limitations for discharge into Waters of the State.

- (3) Biochemical Oxygen Demand (BOD5). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees Centigrade (20 C) expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (4) Board. The Board of Directors of BROOKSHIRE MUNICIPAL WATER DISTRICT.
- (5) Building Sewer. A privately owned sanitary sewer line conveying Wastewater from the premises of a User to the Wastewater Facilities.
- (6) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (7) CFR. The Code of Federal Regulations, containing a codification of documents of general applicability and future effect, published by the office of the Federal Register, National Archives and Records Administration, as a Special Edition of the Federal Register.
- (8) Chemical Oxygen Demand (COD). A measure of the oxygen consuming capacity of inorganic and organic matter present in water or Wastewater as determined by oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with Biochemical Oxygen Demand.
- (9) Control Manhole or Sample Well. A manhole or sample well which provides access to a Building Sewer for purposes of inspection, sample collection, and flow rate measurement, and is located at some point before the Building Sewer discharge mixes with other discharges in the public sewer.
- (10) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat.
- (11) Daily Composite. Daily composite shall mean the composite of all samples of a user's wastewater that may be taken in any 24-hour period selected by the District. A daily composite shall be determined from not less than 3 grab samples or such higher number of samples as may be required by the District taken over equal time intervals, and may or may not be flow weighted at the option of the District.
- (12) Discharge Permit. The Texas Pollutant Discharge Elimination System permit issued by the Texas Commission on Environmental Quality to the District.
- (13) District. BROOKSHIRE MUNICIPAL WATER DISTRICT.



- (14) District Operations Consultant. Municipal Operations & Consulting, Inc., 312 Spring Hill Drive, Suite #100, Spring, Texas 77386 (281) 367 5511 or such other company or Person as may from time to time be duly appointed by the District.
- (15) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency or be used to refer to the Texas Commission on Environmental Quality in those instances where the duties and/or authority of the EPA have been transferred to the Texas Commission on Environmental Quality.
- (16) Floatable Grease. Grease, oil or fat in a physical state such that it will separate or stratify by gravity in water.
- (17) Garbage. Animal and vegetable wastes and residue from the preparation, cooking, and dispensing of food; and from the handling, processing, storage, and sale of food products and produce.
- (18) Grab Sample. An individual sample collected in less than fifteen (15) minutes.
- (19) Grease. Fatty acids, soaps, fats, waxes, petroleum products, oil, and any material which is extractable by hexane or freon solvent from an acidified sample and which is not volatilized during evaporation of the solvent.
- (20) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (21) Indirect Contributor. A Person who discharges or introduces non-domestic Pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 U.S.C. 1317) into the District's Wastewater Facilities.
- (22) Non-Domestic User. A Person who discharges Non-Domestic Waste, provided that schools, churches and day care centers shall not be considered to be Non-Domestic Users for purposes of this Order.
- (23) Non-Domestic Waste. The water-borne solids, liquids, and/or gaseous wastes (including Cooling Water), excluding Normal Domestic Sewage, resulting from any industrial, manufacturing, trade, business, commercial, or food processing operation or process, or from the development of any natural resource, or any mixture of such solids, liquids or wastes with water or domestic sewage, or any other wastes defined as Industrial Waste under the Act.
- (24) Non-Domestic Waste Charge. The additional charge made on those Non-Domestic Users that discharge into the Sanitary Sewer Non-Domestic Wastes which are Amenable to Treatment but which exceed the concentration levels of Normal Domestic Sewage.

- (25) Interference. The inhibition or disruption of the Wastewater Facilities Treatment processes or operations which causes, or contributes to causing, a violation of any requirement of the Discharge Permit.
- (26) May. The term "may", when used herein, is permissible.
- (27) MGD. Million gallons per day.
- (28) Milligrams Per Liter (mg/l). A weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 (pounds per gallon water) is equivalent to pounds of constituent per million gallons of water. It is the same as parts per million (ppm) for normal Wastewater.
- (29) Monthly Average. Monthly average with respect to any discharge limitation shall mean at the option of the District either: (i) the arithmetic average of all grab samples of a user's wastewater taken during a calendar month, or (ii) the arithmetic average of all daily composite samples of a user's wastewater calculated during a calendar month.
- (30) National Categorical Pretreatment Standard or Pretreatment Standard or Federal Categorical Pretreatment Standard. Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Non-Domestic Users.
- (31) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (32) Normal Domestic Sewage. A combination of the water-carried wastes, exclusive of ground, surface and Storm Waters and Non-Domestic Wastes, normally discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, and institutions in which the average concentration of 5-day BOD and Total Suspended Solids does not exceed 200 mg/l nor does the average concentration of Ammonia-Nitrogen exceed 25 mg/l. .
- (33) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.
- (34) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (35) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, Garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.



- (36) Pretreatment or Treatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the Wastewater Facilities.
- (37) Sanitary Sewer. A public sewer which carries domestic Wastewater and/or Non-Domestic Wastes, and to which storm, surface, and groundwater are not intentionally admitted.
- (38) Shall. The term "shall", when used herein, is mandatory.
- (39) Significant Non-Domestic User. Any industry which discharges to the District's Wastewater Facilities that:
- (a) Is subject to categorical standards; or
  - (b) Discharges a nondomestic wastestream of 5,000 gallons per day (0.005 MGD) or more; or
  - (c) Contributes a nondomestic wastestream which makes up five percent (5%) or more of the current average dry weather hydraulic or organic loading of the Wastewater Facilities; or
  - (d) Has a reasonable potential, in the opinion of the Board, to adversely affect the District's Wastewater Facilities whether by inhibition, pass-through of Pollutants, sludge contamination, or endangerment of personnel of the Wastewater Facilities or any other means.
- (40) Sample -- Composite Sample. A sample prepared from Grab Samples collected no closer together than one hour per sample during hours in which a process wastewater is discharged.
- (41) Spill Discharge. Any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill, a non-customary batch discharge, a discharge at a flow rate or concentration greater than four times the normal monthly average flow rate or concentration for the facility, or a discharge which could otherwise cause a violation of the prohibited discharge standards in Section C of this Order.
- (42) Standard Methods. The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater", as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (43) State. State of Texas.
- (44) Storm Sewer. A public sewer that carries Storm Water, but excludes sewage and polluted Non-Domestic Waste.
- (45) Storm Water. Runoff from rainfall or any other form of precipitation.

- (46) Texas Commission on Environmental Quality. The Texas Commission on Environmental Quality or any successor agency to its powers and duties.
- (47) Texas Open Records Act. The Texas Open Records Act, also known as the Texas Public Information Act is set forth in Chapter 552 of the Texas Government Code.
- (48) Total Suspended Solids (TSS). The total solid matter that floats on the surface of, is suspended in, or settles in water, Wastewater or other liquids, and which is removable by laboratory filtering.
- (49) Trap. A device designed to skim, settle, or otherwise remove Grease, oil, sand, flammable wastes or other harmful substances.
- (50) User. Any Person who, whether as of the date hereof or hereafter, has a Building Sewer connected to the District's sewer, or contributes, causes or permits the contribution of Wastewater into the District's Wastewater Facilities, including those who discharge Holding Tank Waste into the facilities.
- (51) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and Storm Water that may be present, whether treated or untreated, which is contributed or discharged into or permitted to enter the Wastewater Facilities.
- (52) Wastewater Facilities. All facilities of the District for collecting, pumping, treating, and disposing of sewage, sludges and residues.
- (53) Wastewater Treatment Plant. Any District-owned facilities, devices, and structures used for receiving, processing, and treating Wastewater, Non-Domestic Waste, and sludges from the Sanitary Sewers.
- (54) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

#### SECTION C. PROHIBITED DISCHARGES

No User shall contribute or cause to be contributed, directly or indirectly, any Pollutant or Wastewater which will interfere with the operation or performance of the District's Wastewater Facilities. No User shall contribute any of the following substances to any Sanitary Sewer:

- (1) Any inflows or infiltration, including but not limited to, Storm Water, groundwater, roof runoff, sub-surface drainage, Noncontact Cooling Water, or from sources such as downspouts, yard drains, yard fountains or ponds, or lawn sprinklers.



- (2) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, likely to cause fire or explosion or be injurious in any other way to the Wastewater Facilities or to the operation of the Wastewater Facilities. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances in concentrations which the District, the State or EPA has notified, or hereafter notifies, the User is a fire hazard or a hazard to the system.
- (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other Interference with the operation of the Wastewater Treatment Plant including, but not limited to, Garbage containing particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grindings or polishing wastes. The District is entitled to review and approve the installation and operation of any Garbage grinder equipped with a three-fourth (3/4) horsepower or larger motor.
- (4) Any Wastewater having a pH less than 5.0 or higher than 10.0, as determined from a grab sample taken in less than fifteen (15) minutes and measured instantaneously, or Wastewater having any other corrosive property capable of causing damage or hazard to pipes, structures, equipment, and/or personnel of the Wastewater Facilities.
- (5) Any Wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any Wastewater treatment process, which constitute a hazard to humans or animals, which create a toxic effect in the receiving waters of the Wastewater Facilities, or which exceed the limitation set forth in a National Categorical Pretreatment Standard. A toxic Pollutant shall include, but not be limited to, any Pollutant defined or identified pursuant to Section 307(a) of the Act.
- (6) Any Wastewater having a temperature which will inhibit biological activity in the Wastewater Treatment Plant or result in the Interference with the operations of such facility, but in no case Wastewater with a temperature at the designated Control Manhole which exceeds 65°C (150°F) or which causes the temperature of waste at the entrance to the Wastewater Treatment Plant to exceed 40°C (104°F). In addition, no Wastewater with such a temperature that will cause the temperature of Wastewater at the entrance to the Wastewater Treatment Plant to rise more than 10°F per hour.

- (7) Any Pollutants, including oxygen demanding Pollutants (BOD5, etc.) released at a flow rate and/or Pollutant concentration which will cause Interference to the Wastewater Facilities. No sludge discharges.
- (8) A volume of flow which will cause Interference or which exits the Wastewater Treatment Plant into Waters of the State in quantities or concentrations which causes or contributes to causing a violation of any requirement of the Discharge Permit. The design and installation of surge basins shall be subject to the review and approval of the District and to the requirements of all applicable laws.
- (9) Radioactive materials or isotopes of such half-life or concentrations which will permit a transient concentration higher than the maximum allowable as specified by the governing standards of all local, State and federal regulatory agencies.
- (10) Any of the following hazardous metals in concentrations (in terms of milligrams per liter) greater than those listed below:

NOT TO EXCEED (mg/l)

Pollutant	<u>Monthly Average</u>	<u>Daily Maximum</u>
Arsenic	0.15	0.30
Cadmium	0.12	0.24
Chromium	5.00	10.00
Copper	3.00	6.00
Cyanide	0.80	1.60
Lead	1.40	2.80
Mercury	0.016	0.032
Molybdenum	0.17	0.34
Nickel	0.60	1.20
Selenium	0.17	0.34
Silver	0.75	1.50
Zinc	1.70	3.40

- (11) Chlorides greater than 250 mg/l.
- (12) Dissolved sulfides greater than 10 mg/l.
- (13) Sulfates in concentrations which are not Amenable to Treatment.
- (14) BOD5 or Total Suspended Solids in excess of 1000 mg/l or ammonia in excess of 125 mg/l unless a variance is first obtained from the District. BOD5 or Total Suspended Solids in concentrations between 200 mg/l and 1000 mg/l and ammonia in a concentration between 25 mg/l and 125 mg/l and oil and Grease greater than 100 mg/l shall be subject to payment of Non-Domestic Waste Charges pursuant to Section E herein.
- (15) Total dissolved solids greater than 850 mg/l including, but not limited to,



- (a) sodium chloride
  - (b) sodium sulfate
- (16) Inert (nonvolatile) suspended solids greater than 250 mg/l including, but not limited to:
- (a) Fuller's earth
  - (b) lime slurries
  - (c) lime residues
- (17) Any Wastewater containing any fats, wax, Grease, or oils, whether emulsified or not, in excess of 200 mg/l or containing substances which may solidify or become viscous between 32°F and 150°F. These prohibitions include, but are not limited to:
- (a) Floatable Grease of any origin;
  - (b) free or emulsified Grease of petroleum or mineral origin, or both, including, but not limited to:
    - (1) cooling or quenching oil;
    - (2) lubrication oil;
    - (3) cutting oil; or
    - (4) non-saponifiable oil.
- (18) Substances having a chlorine demand in excess of 10 mg/l.
- (19) Substances having a COD demand in excess of 1000 mg/l.
- (20) Fluoride other than that contained in the public water supply, if any.
- (21) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life or the environment, or are sufficient to prevent entry into the sewers for maintenance and repair.
- (22) Any Wastewater with objectionable color not removed in the Treatment process and which may interfere with laboratory analysis including, but not limited to, blood, dye wastes, vegetable tanning solutions, and coffee processing wastes.
- (23) Any substance which might cause the Wastewater Facilities' effluent or any other product of the Wastewater Facilities such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or which might interfere with the reclamation process.
- (24) In no case shall a substance discharged to the Wastewater Facilities cause the Wastewater Facilities to be non-compliant with federal or State sludge use or disposal criteria, guidelines or regulations.

- (25) Any substance which will cause the Wastewater Facilities to violate its Discharge Permit or the receiving water quality standards.
- (26) Any Wastewater which is a hazard to human life or the environment or which creates a public nuisance.
- (27) Trucked or hauled pollutants, except for septic tank waste, recreational vehicle waste, and commercial bus waste at discharge points designated by the District.
- (28) Medical waste, except as specifically authorized by the District in a wastewater discharge permit.
- (29) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (30) Detergents, surface-active agents, or other substances which may cause unusual or excessive foaming in the Wastewater Facilities.
- (31) Hazardous wastes or any substances that, if otherwise disposed, would be hazardous waste under 40 CFR Part 261.

When the District determines that a User is contributing any discharge into the District's Wastewater Facilities in such amounts as to interfere with the operation of the Wastewater Facilities, the District shall: 1) advise the User of the impact of the contribution on the Wastewater Facilities; and 2) develop effluent limitation(s) for such User to correct the Interference with the Wastewater Facilities.

SECTION D. FEDERAL CATEGORICAL PRETREATMENT STANDARDS; INDUSTRIAL USER WASTEWATER DISCHARGE PERMIT

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, such Federal Standards, if more stringent than limitations imposed under this Order for sources in that subcategory, shall immediately supersede the limitations imposed under this Order. The District shall notify all Non-Domestic Users of the applicable reporting requirements under 40 CFR §403.12 and a revised Wastewater discharge permit shall be required of each affected User by the District. The District shall have the authority to amend such permit whenever required by federal, State or local regulatory agencies. A permit issued pursuant to this Order shall be issued by the District's engineer and will be valid for a period of five (5) years. A permit fee of one thousand dollars (\$1,000.00) shall be paid to the District in equal installments of \$200.00 each, with the first of such payments being due and payable on the date of issuance of such permit and continuing thereafter on the same date in each successive year until paid in full.

After the period of time has lapsed for affected Users to obtain a Non-Domestic User Wastewater discharge permit as set forth in this section, it shall thereafter be unlawful for such affected Users to discharge without such permit into any of the District's Wastewater Facilities. All existing affected Non-Domestic Users connected to or contributing to the District's Wastewater Facilities shall obtain a Non-Domestic User Wastewater discharge permit within 60 days after the effective date of this Order.



Non-Domestic Users required to obtain a Non-Domestic User Wastewater discharge permit shall complete and file with the District an application in the form prescribed by the District. Existing affected Users shall apply for such permit within 30 days after the effective date of this Order. Proposed new Non-Domestic Users shall apply at least 90 days prior to connecting to or contributing to the District's Wastewater Facilities. In support of the application, the affected User shall submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and location of User's facility (if different from the address);
2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics including, but not limited to, those mentioned in Section C of this Order as determined by a Texas Commission on Environmental Quality certified analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
4. Time and duration of contribution;
5. Average daily and 30 minute peak Wastewater flow rates, including daily, monthly and seasonal variations, if any;
6. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
7. Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
8. Where known, the nature and concentration of any Pollutants in the discharge which are limited by any District, City, State, or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional Pretreatment is required for the User to meet applicable Pretreatment Standards;
9. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in subparagraph (a) shall exceed 9 months.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the District including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the District.

10. Each product produced by type, amount, process or processes and rate of production;
11. Type and amount of raw materials processed (average and maximum per day);
12. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of Pretreatment system;
13. Any other information as may be deemed by the District to be necessary to evaluate the permit application.

The District will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the District may issue a Non-Domestic User Wastewater discharge permit subject to such terms and conditions as the District deems reasonable and necessary. A permit issued to any person identified as a significant industrial user shall contain at minimum the following: a statement of duration (in no case more than five (5) years); a statement of non-transferability without prior notification to the District and provision of a copy of the existing permit to the new owner or operator; effluent limits based on applicable general pretreatment standards, categorical pretreatment standards, local limits, and state and local law; self-monitoring, sampling, reporting, notification and record keeping requirements; and a statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements as well as any applicable compliance schedule.

#### SECTION E. INDUSTRIAL WASTE CHARGE

In addition to the permit fee set forth above and the Wastewater service charges made by the District, all customers of the District that discharge Non-Domestic Waste into the Sanitary Sewer collection systems or into the District's Wastewater Facilities shall pay the Non-Domestic Waste Charges provided for herein. If the District determines that the volume or the character of Non-Domestic Waste to be treated by the District's Wastewater Facilities will not cause overloading of the Wastewater Facilities, the Person responsible for the discharge of Non-Domestic Waste shall nevertheless pay equitable Industrial Waste Charge sufficient to provide payment for the amortization of all capital expenses for the collection and treatment of Non-Domestic Waste (excluding new capital expenses and a proportionate share of the value of the existing Wastewater Facilities used in handling and treating the Non-Domestic Waste, but taking into account amortization costs resulting from annual tax payments) and operation and maintenance costs including salaries and wages, power costs, cost of chemicals and supplies, allowances for maintenance, depreciation, overhead and administrative and general expense. For such purposes, amortization shall be considered to be completed in a fifteen-year period.



(1) The Non-Domestic Waste Charge shall be calculated by the following formula:

$$C = Q/1000 * (b * (BOD - 200) + n * (N-25) + s * (S - 200) + g * (G - 100)) * 8.34$$

Formula values are:

C = Non-Domestic Waste Charge (in dollars)

Q = Billable quantity (based on water billed or actual measurement of Wastewater discharged) of Wastewater in thousands of gallons.

b = unit cost of treatment chargeable to B.O.D., \$/lb.

n = unit cost of treatment chargeable to ammonia, \$/lb.

s = unit cost of treatment (including sludge treatment) chargeable to suspended solids, \$/lb.

g = unit cost of disposal chargeable to grease, \$/lb.

BOD = concentration of B.O.D. in discharge from industrial user in mg/l, but not less than 200 mg/l.

N = concentration of NH<sub>3</sub>-N in discharge from industrial user in mg/l, but not less than 25 mg/l.

S = concentration of TSS in discharge from industrial user in mg/l, but not less than 200 mg/l.

G = concentration of Oil & Grease in discharge from industrial user in mg/l, but not less than 100 mg/l.

Until revised or amended by the District, the initial coefficients of charge for use in the foregoing formula shall be: b = \$0.80/lb.; n = \$2.34/lb., s = \$0.90/lb., and g = \$0.22/lb.

(2) Those industries defined herein as dry industries, or industries producing waste containing BOD of less than two hundred (200) milligrams per liter (mg/l) and suspended solids of less than two hundred (200) mg/l and NH<sub>3</sub>-N of less than 25 mg/l and Oil and Grease of less than 100 mg/l will pay a sewer service charge at the uniform rate as set forth in the District's Rate Order as same may be amended from time to time.

(3) When either BOD is equal to or exceeds two hundred (200) mg/l, ammonia is equal to or exceeds 25 mg/l, or suspended solids is equal to or exceeds two hundred (200) mg/l, or oil and Grease is equal to or exceeds 100 mg/l, in a delivered waste, the formula provided in subsection (1) above shall be used to determine the Non-Domestic Waste Charges. The amount of BOD to be used in the formula shall equal to the actual amount or two hundred (200) mg/l, whichever is greater. The amount of ammonia to be used in the formula shall equal the actual amount of ammonia or 25 mg/l, whichever is greater. The amount of suspended solids to be used in the formula shall equal the actual amount or two hundred (200) mg/l, whichever is greater. The amount of Oil and Grease to be used in the formula shall equal the actual amount or one hundred (100) mg/l, whichever is greater.

(4) When an industry produces both domestic and processed waste with one connection to the sewer system, the waste so delivered shall be considered as Non-Domestic Waste with the rate being the uniform rate as set forth in the District's Rate Order as same may be amended from time to time, or calculated by the Non-Domestic Waste Charge computations, in compliance with the above, based on the combined volume, BOD, suspended solids content, NH3-N, and Oil and Grease, all as determined by the District.

(5) A permittee may reduce its Non-Domestic Waste Charge rate by greater removal in Pretreatment or plant operation procedure. Once the Pretreatment or plant procedure is established, the permittee must obtain a lower rate consent from the District to reduce the permittee's Non-Domestic Waste Charge rate. However, charges for a higher Non-Domestic Waste Charge rate based on tests by the District may be made without other notice to the permittee.

(6) The District shall review and, if appropriate, adjust the Non-Domestic Waste Charge at least annually to reflect changes in the characteristics of the Non-Domestic Waste based upon the results of sampling and testing. The District shall also review at least annually the basis for determining Non-Domestic Waste Charge and shall adjust the unit Treatment costs in the above formula to reflect increases or decreases in the waste treatment costs based upon the previous year's experience. Increases in Non-Domestic Waste Charge shall be retroactive for two (2) billing periods and shall continue for two (2) billing periods unless subsequent tests determine that the charge should be further increased. The District shall bill its customers in a manner which will show Non-Domestic Waste Charge as a separate item from Wastewater service charges.

#### SECTION F. SPILL PREVENTION PLANS

(1) Each Non-Domestic User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Order. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's sole cost and expense. Detailed plans showing facilities and operation procedures to provide such protection shall be submitted by the User to the District for review, and such User must obtain District approval before construction of the facility. No Non-Domestic User who commences contribution to the District's Wastewater Facilities after the effective date of this Order shall be permitted to introduce Pollutants into the system until accidental discharge procedures have been approved by the District. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Order and any amendments hereto. In the case of an accidental discharge, it is the responsibility of the User to telephone and notify the District Operator of the incident within one hour of becoming aware of the incident and provide the following information: location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Within five (5) days following an accidental discharge, the User shall submit to the District a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District's Wastewater Facilities, fish kills, or any other damage to Persons or property; nor



shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Order or other applicable law.

(3) A notice shall be permanently posted by the User on the User's bulletin board or other prominent place advising employees to telephone and notify the District Operator in the event of a dangerous discharge. It shall be the responsibility of such User to notify all its employees who may cause or suffer such a discharge to occur of such emergency notification procedure.

(4) Any related costs, including fines, fees or court costs, involved in the cleaning up of accidental spills shall be paid by the Non-Domestic User causing such spill. This shall include the costs of cleaning up the District's Wastewater Facilities, and the costs shall include any labor, equipment or materials involved. The cleaning up of the District's Wastewater Facilities shall be completed by the District's operator or other contractor approved by the District.

#### SECTION G. SUPERVISION

If the District or its designated representative determines that a discharge or a proposed discharge into the Wastewater Facilities may deleteriously affect the Wastewater Facilities or receiving waters, or create a hazard to life or health, or create a public nuisance, it may require any one or more of the following:

- (1) Pretreatment to an acceptable condition for discharge into the Wastewater Facilities;
- (2) Control over the quantities and rates of discharge; and
- (3) Non-Domestic waste charge payments sufficient to compensate the District for the cost of handling and treating the waste.

#### SECTION H. PRETREATMENT

(1) The owner of premises from which Non-Domestic Waste is discharged shall provide Grease and sand Traps for the proper handling of liquid wastes containing oil, Grease or sand. The Traps must be of a type and capacity approved by the District to adequately handle the waste and must be located so that they are easily accessible for cleaning, inspection and monitoring.

(2) When Pretreatment of waste is required by the District as a condition for acceptance of the waste into the District's Sanitary Sewer, the owner of the premises from which the waste is discharged shall plan, construct, operate and maintain waste treatment facilities in an efficient manner at his sole cost and expense. Plans for such facilities must be submitted for, and receive, District approval prior to beginning installation or construction. In the event that the installation of Pretreatment facilities is necessary for a User to meet applicable federal Pretreatment standards, the District shall establish and enforce deadlines for the installation of such facilities.

(3) No owner or operator of premises from which Non-Domestic Waste is discharged shall allow the use of extraneous water intermixed for the purposes of diluting the concentration of waste.

(4) Chemicals that emulsify or treat oil in grease in the grease trap shall not be added to the grease trap.

#### SECTION I. INSPECTION SAMPLE WELLS

(1) A Non-Domestic User that discharges waste into the District's Sanitary Sewer or Wastewater Facilities shall provide, at his sole cost and expense, an inspection manhole or sample well in an accessible location on the premises from which such waste is discharged.

(2) An inspection manhole or sample well must be:

- (a) located reasonably near the outlet of each sewer, drain, pipe, or channel that connects with the Sanitary Sewer or Wastewater facility; and
- (b) designed and constructed to prevent infiltration by ground and surface water; and
- (c) constructed to include a flow measuring flume or weir; and
- (d) maintained so that a Person may easily and safely measure volume and obtain flow samples.

(3) Before beginning construction of an inspection manhole or sample well, a Non-Domestic User shall submit plans to the District for review and approval to insure compliance with this section. Plans must include the sewage metering device if one is to be installed.

#### SECTION J. SAMPLING OF WASTE

(1) The District is authorized to require samples of waste discharges from Users at intervals specified in the permit to adequately monitor and control the discharges. In the event the District requires such samples at intervals as specified in the permit, a User shall retain the services of a Texas Commission on Environmental Quality certified commercial laboratory acceptable to the District and pay all costs of sample collection and laboratory services and to determine and report the Wastewater characteristics. If the District requests additional samples over the number specified in the permit, results of the sample analysis shall be at the User's expense if the sample is not in compliance with the allowable pollutant concentrations in this Order or the User's permit; otherwise, the District shall bear the expense of the analysis. Users shall retain records of sampling results at their premises for three years from the date such samples were taken.

(2) Each User subject to federal categorical Pretreatment standards shall submit self-monitoring reports as required by 40 CFR § 403.12.

(3) The District may take samples of waste discharges from Users as often as is necessary to adequately monitor and control the discharges. The cost of such sampling and laboratory analysis shall be paid by the Users.

(4) Samples may be taken manually or by use of mechanical equipment and shall be flow-weighted composites. The District may require a User to install, use and maintain



monitoring equipment. Standard Methods laboratory procedures shall be used for determining concentrations of Non-Domestic Waste.

#### SECTION K. RIGHT OF ENTRY

The District and other authorized representatives or employees of the District, bearing proper credentials and identification, shall be permitted to enter immediately upon any premises in which a Wastewater source is located, or in which any records required to be maintained pursuant to this Order are located, and may at reasonable times have access to and copy any records, and conduct any inspection, observation, measurement, sampling, or testing necessary to enforce this Order. Reasonable times shall mean any time when waste is being discharged or any time during normal operating hours.

#### SECTION L. TRADE SECRETS

All information and data relating to a User which is obtained from reports, questionnaires, monitoring programs or inspections shall be available to the public without restriction to the extent required by the Texas Open Records Act. Any user desiring to restrict the availability of the information submitted to the District shall identify the provision of the Texas Open Records Act pursuant to which the User believes such information may be withheld from the public.

#### SECTION M. FEES

(1) It is the purpose of this section to provide for the recovery of costs from Users of the District's Wastewater Facilities related to the implementation of the program(s) established herein. The applicable charges or fees shall be set forth by the District and may be revised from time to time.

- (2) The District may adopt any one or more of the following charges and fees:
- (a) fees for reimbursement of costs of setting up and operating the District's Pretreatment Program;
  - (b) fees for monitoring, inspections, surveillance procedures, sample collection and analysis costs;
  - (c) fees for reviewing accidental discharge procedures and construction;
  - (d) fees for removal (by the District) of Pollutants otherwise subject to National Categorical Pretreatment Standards;
  - (e) Non-Domestic Waste Charges;
  - (f) other fees as the District may deem necessary to carry out the requirements contained herein.

## SECTION N. NOTIFICATION OF VIOLATION

Whenever the District finds that any User has violated or is violating this Order, the District shall serve notice, either personally or by certified mail, return receipt requested, upon such Person stating the nature of the violation. Within thirty (30) days of service of such notice, a plan for satisfactory correction thereof shall be submitted to the District by such User. If such a plan is not submitted, or if such violation is not corrected within such thirty (30) day period, unless User has perfected his right to review pursuant to Section O below, the District shall proceed with enforcement pursuant to Section S; provided, however, nothing contained in this section or any other section of this Order shall prevent the District or the Board from taking action in an emergency situation pursuant to Section P below.

## SECTION O. REVIEW

Any User objecting to a finding by the Board of a violation of this Order shall have the right as set forth herein to a hearing before the Board. In the event such User disagrees with the District's finding of such violation(s), the User shall, within thirty (30) days of service of such notice by the District, serve notice by certified mail, return receipt requested, on the District, that such User disagrees with the District's finding and, further, that such User requests a hearing before the Board. Such hearing shall be conducted at the next regular or special meeting of the Board which is held not less than ten (10) days following the date of User's service of notice on the District. At such hearing, both sides will be allowed to present such testimony as is reasonably necessary to present a clear understanding of the contested issues. The Board President shall be the presiding officer and may at his discretion request other professional opinions prior to the Board's rendering a decision on the matter of review.

## SECTION P. EMERGENCY RELIEF

Notwithstanding anything contained herein to the contrary, the District may immediately suspend Wastewater treatment service to a User when such suspension is necessary, in the opinion of the Board, in order to stop or prevent an actual or threatened discharge that presents an imminent and/or substantial danger to the health or welfare of Persons, the environment, or the District's Wastewater Facilities or that causes, or would cause, the District to violate any of the terms of its Discharge Permit. The District shall reinstate the Wastewater service upon proof by the User of the elimination of the non-complying discharge.

## SECTION Q. NOTICE

Notice to the District required hereunder shall be served at the following address:

Brookshire Municipal Water District  
c/o Radcliffe Bobbitt Adams Polley PLLC  
America Tower, 2929 Allen Parkway, Suite 3450  
Houston, Texas 77019-7120

## SECTION R. PENALTIES AND CHARGES FOR VIOLATION

Each violation of this Order shall be punishable by a civil penalty as set forth in the District's Rate Order as same may be amended from time to time. Each day's violation shall be

and constitute a separate offense. In addition, the violator may be required to pay such other charges, attorney's fees and court costs as set forth in said Rate Order.

#### SECTION S. ENFORCEMENT

In addition to any remedies set forth in the District's Rate Order, any one or more of the following remedies may be utilized by the District to abate or prevent any violation of this Order:

- (1) Discontinuance of water service.
- (2) Disconnection and sealing of Sanitary Sewer connection.
- (3) The District may and is hereby authorized to:
  - (a) File suit in a court of competent jurisdiction to secure appropriate judicial relief, including, but not limited to, injunctive relief and/or the penalty provided in Section R for the violation by such User of the provisions of this Order.
  - (b) Seek a resolution of the Board authorizing the filing of a lawsuit under the provisions of Sections 7.351 and 7.352 of the Texas Water Code, as amended.

#### SECTION T. SEVERABILITY

All Orders or parts of Orders in conflict herewith are hereby repealed to the extent of such conflict. The invalidity of any section, clause, sentence, provision or provisions of this Order shall not affect the validity of any other part or parts of this Order, which other part or parts shall be given effect as though such invalid section, clause, sentence or provision were omitted.

#### SECTION U. EFFECTIVE DATE

This Order shall be effective upon adoption.

(SIGNATURE PAGE FOLLOWS)

ADOPTED this 9th day of July, 2018.

BROOKSHIRE MUNICIPAL WATER DISTRICT

By: Edith Pedraza Kelley  
President, Board of Directors

ATTEST:

By: [Signature]  
Secretary, Board of Directors





EXHIBIT "G"

BROOKSHIRE MUNICIPAL WATER DISTRICT

ORDER ADOPTING AMENDED WATER CONSERVATION PLAN AND  
PROVIDING FOR IMPLEMENTATION AND ENFORCEMENT THEREOF

On the 16th day of January, 2019, the Board of Directors (the "Board") of Brookshire Municipal Water District (the "District") met with a quorum of Directors present as follows:

Edith Penrice-Kelley	President
Albert Wilkins	Vice President
Havanaugh "Kirk" Glover	Secretary
Stephanie Harris-Green	Investment Officer

When the following business was transacted:

The order set out below ("Order") was introduced and considered by the Board. It was then moved, seconded and unanimously carried that the following Order be adopted:

WHEREAS, the Board has carefully considered the current water conditions in the District and area-wide, and has determined that the adoption of this Water Conservation Plan (the "Plan") by the District is necessary to ensure that an adequate supply of water is maintained; and

WHEREAS, the Board of Directors of the District desires to evidence its approval of this Plan and to adopt such Plan as the official policy of the District.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF BROOKSHIRE MUNICIPAL WATER DISTRICT THAT:

Section 1. Approval of the Plan. The Board of Directors of the District hereby approves and adopts this Plan as set forth in this Order, and the provisions of such Plan shall be implemented immediately and enforced as rules of the District.

Section 2. Declaration of Policy, Purpose and Intent. The purpose of the Plan is to promote the efficient and responsible use of water by (1) implementing structural programs that

result in quantifiable water conservation results, (2) developing, maintaining, and enforcing water conservation policies, (3) adhering to all applicable rules of the Texas Commission on Environmental Quality (the "TCEQ") and/or the Texas Water Development Board, and (4) supporting public education programs that educate customers about water and wastewater facilities operations, water quantity and quality, water conservation and non-point source protection.

Section 3. Service Area. Profile data for the District is provided in Appendix "A" representing the service area making up the District. The profile includes data on the District's service area, including population and customer data, water use data, water supply system data and wastewater data. The profile shall hereafter be updated at least once every five (5) years.

Section 4. Five-year and Ten-year Targets. The District shall use reasonable efforts to reduce water loss and municipal use of water. In doing so, the District has identified the following goals for water savings:

- a. Five-year Target: Within five (5) years of the date hereof, the District shall attempt to reduce the average daily municipal use of water in the District's service area by three (3) gallons per capita per day and to keep the unaccounted water in the system below 10% annually.
- b. Ten-year Target: Within ten (10) years of the date hereof, the District shall attempt to reduce the average municipal use of water in the District's service area by thirteen (13) gallons per capita per day and to keep the unaccounted water in the system below 9% annually.

Notwithstanding the targets identified above, the District shall not be obligated to achieve any water savings in its service area, and the District's failure to do so shall not subject the District to any liability whatsoever.

Section 5. Metering Devices. The District will implement a plan of universal metering of all water delivered by the District, and all such metering devices will be calibrated regularly to ensure reasonable accuracy.

Section 6. Unaccounted Water Usage. The District authorized the District's operator to implement any reasonable program to determine unaccounted uses of water and to make recommendations to the District regarding measures to control such unaccounted uses of water. Such measures may include periodic visual inspections along distribution lines, annual or monthly audits of the water system to determine illegal connections, and investigation of abandoned service connections. The District's operator shall also establish a program of leak detection, repair, and water loss accounting for the water storage, delivery, and distribution system in order to control unaccounted uses of water.

Section 7. Continuing Public Education and Information. The District hereby institutes an educational program, to be implemented immediately, to promote the Plan by the general public which may include any of the following:

- a. Publications of articles in a newspaper or newsletter of general circulation in the District's service area, providing information regarding water conservation;
- b. Direct distributions to all customers of the District of educational and informational material regarding water conservation; and
- c. Additional educational activities consisting of: (i) conducting an informational school program in a school attended by students within the District's service area,



or (ii) conducting an educational program for users at a public place within or accessible to residents within the service area of the District, or (iii) conducting or engaging in such other informational or educational activity designed to further water conservation measure as, in the discretion of the Board of Directors, may be consistent with the purposes and policies of the Plan, or (iv) any combination of the foregoing.

Section 8. Cost-based Rate Structure. The District hereby acknowledges that it adopted an increasing block water rate structure, as reflected in Article III, Sections One through Four that is intended to encourage water conservation and discourage excess use of waste of water. The most recent Rate Order is attached hereto as Appendix "B."

Section 9. Reservoir Systems Operations Plan. The District does not own any reservoirs within a common watershed or river basin and is not required to establish a reservoir system operation plan.

Section 10. Implementation and Enforcement. Without limitation to specific actions stated in this Plan to be taken by the District's operator, the District's operator will administer and enforce the Plan, and will oversee and be responsible for the execution and implementation of all elements of this Plan. The operator shall report to the Board of the District at meetings of the Board regarding actions taken and actions that need to be taken under this Plan.

Section 11. Record Management. The District authorized the District's operator to establish a record management system to record water pumped, water delivery, water sales, and water losses, and which allows for the segregation of water sales and uses into residential, commercial, public and institutional, and industrial user classes.



Section 12. Wholesale Water Customers. The District shall require that each successive wholesale customer develop and implement a water conservation plan or water conservation measures in compliance with all applicable rules of the TCEQ. This requirement will also extend to each successive wholesale customer in the resale of water.

Section 13. Five-year Review. The District shall review and update the Plan every five (5) years, or more frequently, as appropriate, based on an assessment of previous five (5) year and ten (10) year targets and any other new or updated information.

Section 14. Coordination with Regional Water Planning Group. The service area of the District is located within the Region H Water Planning Area, and the District has provided a copy of the Water Conservation Plan to the Region H Regional Water Planning Group.

Section 14. Effective Date. This Order shall become effective on January 16, 2019, and as further provided herein.

[EXECUTION PAGE FOLLOWS]

PASSED, ORDERED AND APPROVED this 16th day of January, 2019.

  
President, Board of Directors

ATTEST:

  
Secretary, Board of Directors

(DISTRICT SEAL)

APPENDIX "A"  
UTILITY PROFILE

## UTILITY PROFILE FOR RETAIL WATER SUPPLIER

Fill out this form as completely as possible.  
If a field does not apply to your entity, leave it blank.

### CONTACT INFORMATION

Name of Utility: Brookshire Municipal Water District

Public Water Supply Identification Number (PWS ID): TX2370004

Certificate of Convenience and Necessity (CCN) Number: 10978

Surface Water Right ID Number: \_\_\_\_\_

Wastewater ID Number: TX0025046

Completed By: John T. Montgomery Title: Compliance Coordinator

Address: P.O. Box 1689 City: Spring Zip Code: 77383

Email: jmontgomery@municipalops.com Telephone Number: 281.367.5511

Date: 9/30/2018

Regional Water Planning Group: H Map

Groundwater Conservation District: HGSD Map

Check all that apply:

- Received financial assistance of \$500,000 or more from TWDB
- Have 3,300 or more retail connections
- Have a surface water right with TCEQ

# Section I: Utility Data

## A. Population and Service Area Data

1. Current service area size in square miles: 2  
 (Attach or email a copy of the service area map.)
  
2. Provide historical service area population for the previous five years, starting with the most current year.

Year	Historical Population Served By Retail Water Service	Historical Population Served By Wholesale Water Service	Historical Population Served By Wastewater Service
2017	5,046		5,500
2016	5,046		5,046
2015	4,232		4,232
2014	4,702		4,702
2013	4,000		4,000

3. Provide the projected service area population for the following decades.

Year	Projected Population Served By Retail Water Service	Projected Population Served By Wholesale Water Service	Projected Population Served By Wastewater Service
2020	6,136	0	6,136
2030	8,492	0	8,492
2040	11,991	0	11,991
2050	16,932	0	16,932
2060	23,907	0	23,907

4. Describe the source(s)/method(s) for estimating current and projected populations.

HGAC



**B. System Input**

Provide system input data for the previous five years.

Total System Input = Self-supplied + Imported – Exported

Year	Self-supplied Water in Gallons	Purchased/Imported Water in Gallons	Exported Water in Gallons	Total System Input	Total GPCD
2017	180,280,300			180,280,300	98
2016	187,777,000			187,777,000	102
2015	193,309,000			193,309,000	125
2014	169,289,000			169,289,000	99
2013	196,928,000			196,928,000	135
<b>Historic 5-year Average</b>	185,516,660	0	0	185,516,660	112

**C. Water Supply System (Attach description of water system)**

1. Designed daily capacity of system \_\_\_\_\_ 2,027,520 gallons per day.

2. Storage Capacity:  
 Elevated \_\_\_\_\_ 950,000 gallons  
 Ground \_\_\_\_\_ 772,000 gallons

3. List all current water supply sources in gallons.

Water Supply Source	Source Type*	Total Gallons
Ground Water Well	Ground	341,280
Ground Water Well	Ground	692,640
Ground Water Well	Ground	213,120
Ground Water Well	Ground	780,480
	Choose One	
	Choose One	

\*Select one of the following source types: *Surface water, Groundwater, or Contract*

4. If surface water is a source type, do you recycle backwash to the head of the plant?  
 Yes \_\_\_\_\_ estimated gallons per day  
 No

## D. Projected Demands

1. Estimate the water supply requirements for the next ten years using population trends, historical water use, economic growth, etc.

Year	Population	Water Demands (gallons)
2018	5,500	185,000,000
2019	5,500	185,000,000
2020	6,136	185,000,000
2021	6,136	185,000,000
2022	6,136	185,000,000
2023	6,136	185,000,000
2024	6,136	185,000,000
2025	7,314	190,000,000
2026	7,314	190,000,000
2027	7,314	190,000,000

2. Describe sources of data and how projected water demands were determined. Attach additional sheets if necessary.

**E. High Volume Customers**

- List the annual water use, in gallons, for the five highest volume **RETAIL customers**. Select one of the following water use categories to describe the customer; choose Residential, Industrial, Commercial, Institutional, or Agricultural.

Retail Customer	Water Use Category*	Annual Water Use	Treated or Raw
Flying J	Commercial	7,013,500	Treated
Brookshire Res. & Rehab Cent	Commercial	2,856,700	Treated
J & J Packing Co. Inc	Commercial	3,466,400	Treated
Loves Travel Stops	Commercial	2,508,200	Treated
Jangwon Cho	Commercial	2,260,500	Treated

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

- If applicable, list the annual water use for the five highest volume **WHOLESALE customers**. Select one of the following water use categories to describe the customer; choose Municipal, Industrial, Commercial, Institutional, or Agricultural.

Wholesale Customer	Water Use Category*	Annual Water Use	Treated or Raw
	Choose One		Choose One
	Choose One		Choose One
	Choose One		Choose One
	Choose One		Choose One
	Choose One		Choose One

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

**F. Utility Data Comment Section**

Provide additional comments about utility data below.



## Section II: System Data

### A. Retail Connections

1. List the active retail connections by major water use category.

Water Use Category*	Active Retail Connections			
	Metered	Unmetered	Total Connections	Percent of Total Connections
Residential – Single Family	1,163		1,163	82%
Residential – Multi-family (units)			0	0%
Industrial	1		1	0%
Commercial	184		184	13%
Institutional			0	0%
Agricultural	75		75	5%
<b>TOTAL</b>	1,423	0	1,423	

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

2. List the net number of new retail connections by water use category for the previous five years.

Water Use Category*	Net Number of New Retail Connections				
	2017	2016	2015	2014	2013
Residential – Single Family					
Residential – Multi-family (units)					
Industrial					
Commercial					
Institutional					
Agricultural					
<b>TOTAL</b>	0	0	0	0	0

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

## B. Accounting Data

For the previous five years, enter the number of gallons of RETAIL water provided in each major water use category.

Water Use Category*	Total Gallons of Retail Water				
	2017	2016	2015	2014	2013
Residential - Single Family	105,239,000	74,648,000	89,318,000	75,859,353	71,180,960
Residential – Multi-family			15,800,000	22,835,100	20,125,000
Industrial		7,079,000	0		2,017,900
Commercial	49,725,000	88,854,000	36,850,000	44,710,628	48,456,130
Institutional					20,179,000
Agricultural	25,000,000	17,196,000	0		8,006,900
<b>TOTAL</b>	<b>179,964,000</b>	<b>187,777,000</b>	<b>141,968,000</b>	<b>143,405,081</b>	<b>169,965,890</b>

\*For definitions on recommended customer categories for classifying customer water use, refer to the online [Guidance and Methodology for Reporting on Water Conservation and Water Use](#).

## C. Residential Water Use

For the previous five years, enter the residential GPCD for single family and multi-family units.

Water Use Category*	Residential GPCD				
	2017	2016	2015	2014	2013
Residential - Single Family	57	41	68	58	48
Residential – Multi-family					

## D. Annual and Seasonal Water Use

1. For the previous five years, enter the gallons of treated water provided to RETAIL customers.

Month	Total Gallons of Treated Retail Water				
	2017	2016	2015	2014	2013
January	15,609,000	16,365,000	15,000,000	14,321,000	13,519,000
February	13,288,000	13,295,000	15,000,000	11,256,000	11,781,000
March	13,011,000	14,069,000	15,000,000	13,058,000	13,978,000
April	12,943,000	15,666,000	15,000,000	12,998,000	12,907,000
May	15,088,000	13,406,000	15,000,000	13,985,000	15,645,000
June	8,925,000	15,816,000	15,000,000	13,786,000	16,336,000
July	18,279,000	16,041,000	15,000,000	14,975,000	18,658,000
August	15,952,000	19,185,000	21,604,000	17,518,000	18,822,000
September	17,616,000	13,614,000	20,302,000	15,239,000	15,019,000
October	14,520,000	17,783,000	16,442,000	14,828,000	14,485,000
November	17,585,000	16,953,000	16,498,000	14,084,000	14,118,000
December	18,279,000	12,802,000	13,463,000	13,241,000	14,189,000
<b>TOTAL</b>	<b>181,095,000</b>	<b>184,995,000</b>	<b>193,309,000</b>	<b>169,289,000</b>	<b>179,457,000</b>



2. For the previous five years, enter the gallons of raw water provided to RETAIL customers.

Month	Total Gallons of Raw Retail Water				
	2017	2016	2015	2014	2013
January					
February					
March					
April					
May					
June					
July					
August					
September					
October					
November					
December					
<b>TOTAL</b>	0	0	0	0	0

3. Summary of seasonal and annual water use.

Water Use	Seasonal and Annual Water Use					Average in Gallons
	2017	2016	2015	2014	2013	
Summer Retail (Treated + Raw)	43,156,000	51,042,000	51,604,000	46,279,000	53,816,000	49,179,400 5yr Average
TOTAL Retail (Treated + Raw)	181,095,000	184,995,000	193,309,000	169,289,000	179,457,000	181,629,000 5yr Average

**E. Water Loss**

Provide Water Loss data for the previous five years.

Water Loss GPCD = [Total Water Loss in Gallons ÷ Permanent Population Served] ÷ 365

Water Loss Percentage = [Total Water Loss ÷ Total System Input] x 100

Year	Total Water Loss in Gallons	Water Loss in GPCD	Water Loss as a Percentage
2017	10,000,000	5	6%
2016	49,336,000	27	26%
2015	51,438,928	33	27%
2014	0	0	0%
2013	0	0	0%
<b>5-year average</b>	22,154,986	13	12%

**F. Peak Water Use**

Provide the Average Daily Water Use and Peak Day Water Use for the previous five years.

Year	Average Daily Use (gal)	Peak Day Use (gal)	Ratio (peak/avg)
2017	493,919	999,255	2.02
2016	506,835	1,050,000	2.07
2015	529,613	1,111,000	2.10
2014	463,805	950,000	2.05
2013	86,821	250,000	2.88

**G. Summary of Historic Water Use**

Water Use Category	Historic 5-year Average	Percent of Connections	Percent of Water Use
Residential SF	83,249,063	82%	0%
Residential MF	11,752,020	0%	0%
Industrial	1,819,380	0%	0%
Commercial	53,719,152	13%	0%
Institutional	4,035,800	0%	0%
Agricultural	10,040,580	5%	0%

**H. System Data Comment Section**

Provide additional comments about system data below.



## Section III: Wastewater System Data

If you do not provide wastewater system services then you have completed the Utility Profile. Save and Print this form to submit with your Plan. Continue with the Water Conservation Plan Checklist to complete your Water Conservation Plan.

**A. Wastewater System Data** (Attach a description of your wastewater system.)

1. Design capacity of wastewater treatment plant(s): 970,000  
gallons per day.
2. List the active wastewater connections by major water use category.

Water Use Category*	Active Wastewater Connections			
	Metered	Unmetered	Total Connections	Percent of Total Connections
Municipal	1,163		1,163	82%
Industrial	1		1	0%
Commercial	184		184	13%
Institutional			0	0%
Agricultural	75		75	5%
<b>TOTAL</b>	1,423	0	1,423	

2. What percent of water is serviced by the wastewater system? 100%
3. For the previous five years, enter the number of gallons of wastewater that was treated by the utility.

Month	Total Gallons of Treated Wastewater				
	2017	2016	2015	2014	2013
January	20,533,200	12,296,400	14,161,000		15,032,500
February	14,198,400	11,371,900	10,961,400		10,937,200
March	15,356,600	19,155,000	16,353,000		11,731,000
April	14,503,200	23,595,800	16,864,200		15,409,200
May	12,690,800	20,668,800	23,568,600		13,445,000
June	16,121,200	17,515,200	21,168,800		11,615,300
July	13,118,600	15,071,800	12,783,200		12,260,500
August	25,053,400	15,703,200	12,930,200		10,656,800
September	12,867,000	12,014,800	14,682,800		11,445,300
October	12,423,000	11,484,000	16,662,000		16,419,600
November	12,563,800	11,815,600	15,909,200		16,071,500
December	16,044,000	16,652,800	16,587,200		11,469,600
<b>TOTAL</b>	185,473,200	187,345,300	192,631,600	0	156,493,500



4. Can treated wastewater be substituted for potable water?

Yes       No

**B. Reuse Data**

1. Provide data on the types of recycling and reuse activities implemented during the current reporting period.

Type of Reuse	Total Annual Volume (in gallons)
On-site irrigation	
Plant wash down	3,500,000
Chlorination/de-chlorination	10,000,000
Industrial	
Landscape irrigation (parks, golf courses)	
Agricultural	
Discharge to surface water	
Evaporation pond	
Other	
<b>TOTAL</b>	<b>13,500,000</b>

**C. Wastewater System Data Comment**

Provide additional comments about wastewater system data below.

You have completed the Utility Profile. Save and Print this form to submit with your Plan. Continue with the [Water Conservation Plan Checklist](#) to complete your Water Conservation Plan.

APPENDIX "B"

RATE ORDER  
(Amended: April 4, 2017)

CERTIFICATE OF ORDER

STATE OF TEXAS  
COUNTY OF WALLER  
BROOKSHIRE MUNICIPAL WATER DISTRICT

§  
§  
§

We, the undersigned officers of the Board of Directors (the "Board") of **BROOKSHIRE MUNICIPAL WATER DISTRICT** (the "District"), hereby certify as follows:

The Board convened in special session, open to the public, on Tuesday, April 4, 2017, at 6:00 p.m., at 4004 6<sup>th</sup> Street, Brookshire, Texas, and the roll was called of the members of the Board, to-wit:

Edith Penrice-Kelley	President
Albert Wilkins	Vice President
Havanaugh "Kirk" Glover	Secretary
Vanessa Johnson	Assistant Secretary
Stephanie Harris-Green	Investment Officer

All members of the Board were present, except the following: \_\_\_\_\_, thus constituting a quorum. Whereupon other business, the following was transacted at such Meeting: A written


ORDER AMENDING RATE ORDER

was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Order be adopted; and after full discussion, such motion, carrying with it the adoption of such Order prevailed, carried, and became effective by the following vote:

AYES: 4      NOES: 1      ABSTAIN: 0

A true, full and correct copy of the aforesaid Order adopted at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; such Order has been duly recorded in the Board's minutes of such Meeting; the above and foregoing paragraph is a true, full, and correct excerpt from the Board's minutes of such Meeting pertaining to the adoption of such Order; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board are duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of such Meeting, and that such Order would be introduced and considered for adoption at such meeting, and each of the officers and members consented, in advance, to the holding of such Meeting for such purpose; and such Meeting was open to the public and public notice of the time, place, and purpose of such Meeting was given, all as required by Chapter 551 of the Texas Government Code and Section 49.063 of the Texas Water Code, as amended.

SIGNED this 4th day of April, 2017.

  
Secretary, Board of Directors

  
President, Board of Directors



**BROOKSHIRE MUNICIPAL WATER DISTRICT**  
**RATE ORDER**

Adopted .....December 5, 2006  
Effective .....January 1, 2007  
Amended .....March 5, 2007  
Effective .....March 15, 2007  
Amended ..... August 4, 2008  
Effective ..... August 4, 2008  
Amended .....December 17, 2012  
Effective .....January 1, 2013  
Amended..... July 1, 2013  
Effective.....July 1, 2013  
Amended .....April 7, 2014  
Amended .....February 2, 2015  
Amended .....November 17, 2015  
Effective..... January 1, 2016  
Amended .....February 6, 2017  
Effective .....February 6, 2017  
Amended .....April 4, 2017  
Effective .....April 4, 2017

**ORDER AMENDING RATE ORDER**

**THE STATE OF TEXAS  
COUNTY OF WALLER  
BROOKSHIRE MUNICIPAL WATER DISTRICT**

§  
§  
§

**WHEREAS**, Brookshire Municipal Water District, Waller County, Texas (the "District"), provides water and wastewater services to residential and commercial establishments within the District:

**WHEREAS**, it is necessary that fees, charges and conditions be established for service from the District's water and wastewater system:

**WHEREAS**, the Board of Directors (the "Board") has carefully considered the matter and is of the opinion that the following conditions should be established for service from the District's water and wastewater system:

**WHEREAS**, the District has previously adopted various orders pertaining to rates, rules and regulations for its water and wastewater system (the "Rate Order"):

**WHEREAS**, pursuant to the provisions of the Texas Water Code, the Texas Commission On Environmental Quality (the "TCEQ") has jurisdiction over and adopts rules regulating the water supply system of the District:

**WHEREAS**, the Board determined that it is in the best interest of the District and its customers to amend its previous Rate Orders by making certain amendments in compliance with the rules of the of the TCEQ:

**WHEREAS**, on August 4, 2008, the Board determined that it was necessary to amend the Rate Order to clarify billing and collection procedures, as well as updating several service fees and charges:

**WHEREAS**, on December 17, 2012, the Board determined it was necessary to make certain revisions and amendments concerning grease traps, backflow assembly prevention, inspection fees, and procedures for dealing with credit and refund requests:

**WHEREAS**, on July 1, 2013, the Board determined that it was necessary to reduce the amount of the fees associated with disconnection of services:

**WHEREAS**, on April 7, 2014, the Board determined that it was necessary to address lead content requirements in plumbing fixtures:



WHEREAS, on February 2, 2015, the Board determined that it was necessary to make certain revisions:

WHEREAS, on November 11, 2015, the Board determined that it was necessary to make certain adjustments related to water and sewer rates, customer deposits, certain inspection fees, and fees associated with late payments, reconnection after termination and meter tampering, effective as of January 1, 2016;

WHEREAS, on February 6, 2017, the Board determined that it was necessary to make certain adjustments related to the base water and wastewater rates for Commercial Users; and

WHEREAS, on April 4, 2017, the Board determined that it was necessary to make certain revisions to the Rate Order concerning grease, sand and lint trap requirements;

**NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF BROOKSHIRE MUNICIPAL WATER DISTRICT THAT:**

## ARTICLE I

### DEFINITIONS AND MEANINGS

**Section 1. Definitions.** The following words or phrases shall have the meanings indicated below:

A. "Commercial User" – shall mean any structure designed for business purposes including office buildings, hotels, retail stores, warehouses, service stations, recreational centers, and all other establishments not generally considered as residential structures or defined herein as a residential structure.

B. "Backcharge" – shall mean a billing made to collect an expense incurred in a previous billing period. A Backcharge may be an adjustment due to an error, or it may be to collect an expense that was not billable until a later period due to timing issues.

C. "Bulk Water User" – shall mean a User of the District's water services who has agreed to a limited duration service agreement and does not intend to be a permanent User.

D. "Bulk Water Service" – shall mean service granted to a Bulk Water User for either special events, as approved by the District and mobile food trucks/carts or other situations where Customers will utilize the District's water service for a limited duration of time.

E. "Customer" – shall mean any person, partnership, corporation, non-profit corporation, trust or other legal entity served by the District's System with water and/or wastewater services to a residence or business establishment owned or occupied by such person, partnership, corporation, non-profit corporation or legal entity.

F. "Multi-Family Residential User" – shall mean all multiplex (apartments, condominiums, duplexes, etc.) residential connections which are served by a master meter.

- G. "Non-Taxable User" – means a User that is exempt from ad valorem taxation by the District under the Property Tax Code, including, but not limited to, schools and churches.
- H. "Out-of-District User" – shall refer to any Customer that is not located within the boundaries of the District
- I. "Operator" – shall mean the person, company or corporation which is employed by or under contract with the District to operate the District's System, and reports monthly to the District on the operations of the District's System and performs any additional services as set forth by the Board of the District.
- J. "Plumbing Code" – means the International Plumbing Code. All installations regarding plumbing to residential and commercial structures must be conducted by a licensed plumber (e.g. holding a valid Master's Plumbing License in the State of Texas).
- K. "Public Space User" – means any User of the District's System for public or homeowner association esplanades, lakes, recreational areas or green spaces ("Public Spaces").
- L. "Separate Connection" – shall mean each residential unit designed for occupancy by a separate family, including each separate unit located within a single multi-unit building, and each commercial unit designed for use by a separate business, including separate establishments within a single building.
- M. "Single-Family Residential User" – shall mean any single-family structure within the District designed for occupancy as a residence whether by the owner or by a renter or lessee, including any single-family residence, townhouse, multiplex, apartment building, or other structure generally considered to be and used solely for residential purposes and which is separately metered. No more than one (1) meter per Single-Family Residential User is allowed for each platted tract.
- N. "System" – shall mean the water and/or wastewater facilities of the District and all extensions and additions thereto, whether now in place or hereafter constructed.
- O. "Tampering Charges" – shall mean the charges for which the District shall have a claim against that person, or those persons, responsible for making any unauthorized use of the District's System, whether for making connections, disconnections, or adjustments to such System, and whether or not the District's System and/or equipment has been damaged, disfigured or changed.
- P. "User" – shall mean an individual(s) or an entity who have executed a service agreement with the District which will entitle them to water and/or wastewater treatment services from the District.



## ARTICLE II

### TAP FEES, CONNECTION AND SERVICE POLICIES

#### Section 1. Policies Governing Initial Connections.

A. Initiation of Water and Sanitary Wastewater Connections. Each person desiring a water and wastewater service connection to the District's System shall be required to pay such fees as set forth in the Rate Order. No service shall be established or re-established until such fees are paid. All service connections are subject to the provisions of the District's Rules and Regulations as described in Article IV and all other rules, regulations and policies of the District. No more than one (1) meter per single-family residence shall be allowed unless otherwise approved by the Board. Neither shall any individual lift stations/grinder permanent pumps shall be permitted unless approved by the Board.

B. Proof of Residency. Evidence of the Customer's residency within the District must be proven by providing the District's Administrative Office with a copy of the Customer's valid driver's license or other form of valid Texas identification and a copy of the Customer's closing statement, lease agreement or other similar documentation upon application for water and wastewater service as part of the application process as reflected in Exhibit "A."

C. Service Agreements. Prior to receiving service from the District to new construction or to buildings containing new plumbing fixtures, or prior to having service reconnected to any building after termination of water service, a User must execute a Service Agreement in the form attached to the Rate Order as Exhibit "B."

D. Platting Requirement. Prior to initially connecting to the District's System, a Single-Family Residential User, Non-Single Family Residential User, Non-Taxable User or Public Space User shall submit to the District's Administrative Office proof that the User's property has been platted in accordance with the subdivision ordinances of the City of Brookshire (the "City"). Acceptable proof of platting includes a copy of the recorded plat, or a certificate from the City that the property has been platted or that the property is legally exempt from the platting process.

E. Easements. Before service is begun to any User or, once begun but before reconnection is made, the person requesting such service shall grant an easement of ingress and egress to and from the meter for such maintenance and repair as the District, in its judgment, may deem necessary. Meters must be installed with the easement.

F. Customer Service Inspection ("CSI") Certification. Before the District will provide water and wastewater service to any new improvement, new construction, or any other major renovation or expansion, a customer service inspection certification, in the form attached as Exhibit "C," must be signed by a Certified CSI Inspector or State Licensed Plumbing Inspector and must be submitted to the District.

G. Purchase of Bulk Water. Bulk water is available by completing a bulk water application, as attached hereto as Exhibit "D" from to the District's Administrative Office. The proposed location of service, estimated date or dates of usage, and the estimated quantity of water needed must be stated in the application. The applicant must agree to pay the District's costs and expenses of monitoring such use, as determined by the District. All service shall be monitored by the District's Operator, or as designated by the District. A deposit with the District's Administrative Office in the sum of \$1,200.00, of which \$50 will be non-refundable as an application processing fee (for estimated usage of up to 100,000 gallons) or a deposit set by the District for estimated usage over 100,000 gallons. A meter must also be obtained from the District.

All purchased water must be used within the boundaries of the District and be used in accordance with all of the terms of the Rate Order. Bulk Water Users shall be responsible for any damage to, including loss or theft, of the meter, valves, wrenches, hoses, water lines and any other appurtenances relating to the use of Bulk Water. Security deposits shall be returned when all loaned items are returned with any damages. Deposit will be returned less amounts deducted for any damages. Value of items loaned but not returned shall be deducted from security deposits at actual replacement cost plus 15%. All unpaid invoices will be deducted from the security deposit.

**Section 2. Tap Fees.**

A. Single-Family Residential Users Water Tap. Prior to installing a water tap to the District's System, tap fees in the following amounts shall apply:

- (1) For a 3/4" meter, the tap fee shall be \$900.00 (\$1,300.00 for a long-tap).
- (2) For a 1" meter, the tap fee shall be \$1,200.00 (\$1,650.00 for a long-tap).
- (3) For a 1 1/2" meter, the tap fee shall be \$1,950.00 (\$2,400.00 for a long-tap).
- (4) For a 2" meter, the tap fee shall be \$2,050.00 (\$3,100.00 for a long-tap).
- (5) In the case of taps larger than 2", the tap fee shall be determined on an individual basis.

Long-tap charges shall apply if the District is required to bore under a roadway to make the water tap. If the bore is greater than forty feet (40') (for pipe not exceeding six inches (6") in diameter), then the User will be charged an additional \$15.00 for each foot.

B. Impact Fees. A single-family one-time residential water and wastewater impact fee must be paid to the District in the amount of \$2,763.00 (\$1,337.00 for water; \$1,426.00 for wastewater) per Non-Ad Valorem residents, or \$2,385.00 (\$1,337.00 for water, \$1,048.00 for wastewater) per Ad Valorem resident. Connections to the District's water System shall not be allowed prior to receiving an approved certificate of occupancy as issued by the City. All water



and wastewater connections shall be inspected by the District's Operator or District subcontractor.

All Commercial Users and other non-residential Users must contact the District's Administrative Office for the amount of impact fees due.

C. Non-Single Family Residential Users (includes Commercial Users). Prior to connection to the District's water System, a tap fee in the following amount shall be paid to the District: three (3) times the District's actual cost of installing the tap, meter, and necessary service lines, and repairing or restoring any yards, sidewalks, property, landscaping, streets or other improvements affected by the installation (the "Tap Fee") (as determined by the District's Administrative Office).

The District's Administrative Office will produce an estimate of the Tap Fee (the "Estimated Tap Fee"), which will be sent to the User. The User shall deposit the amount of the Estimated Tap Fee, plus twenty percent (20%), prior to the installation of the tap. If the Tap Fee is greater than the Estimated Tap Fee paid by the User, the difference must be paid by the User before the District will provide service to the User. If the Tap Fee is less than the Estimated Tap Fee paid by the User, a refund for the difference shall be issued to the User.

D. Non-Taxable Users. Non-Taxable Users shall pay the Estimated Tap Fee, plus the User's pro rata share of the District's actual cost of the facilities necessary to provide District services to Non-Taxable Users that are financed or to be fully or partially financed by the District's tax bonds, as determined by the District's consultants and approved by the Board (the "Facilities Fee"). The Facilities Fee will then be provided to the User.

The User shall pay the Estimated Tap Fee, Facilities Fee, plus twenty percent (20%), prior to installation of the tap. If the Tap Fee is greater than the Estimated Tap Fee paid by the User, the difference must be paid by the User before the District will provide service to the User. If the Tap Fee is less than the Estimated Tap Fee paid by the User, a refund for the difference shall be issued to the User.

E. Public Space User. All Public Space Users shall be required to have meters installed by the District's Operator. A User requesting a tap for a Public Space shall pay a tap fee equal to the District's cost to install the tap, meter and any necessary service lines and the cost of repairing or restoring any yards, sidewalks, streets or other improvements affected by the installation (as determined by the District's Administrative Office)

### **Section 3. Inspections and Fees.**

A. CSI Certification. A CSI is an examination of the private water distribution facilities for the purpose of providing or denying water service and is not a plumbing inspection as defined and regulated by the Texas State Board of Plumbing Examiners ("TSBPE").

For all types of service, either an inspector licensed by the TSBPE or a water supply specialist licensed by the TCEQ may perform a customer service inspection. Notwithstanding any other



provision of the Rate Order, a customer service inspection certification, substantially in the form as set out in Exhibit "C" hereto, shall be completed and filed with the District's Administrative Office prior to providing continuous water service to new construction or on any existing service when the District has reason to believe that cross connections or other potential contaminant hazards or illegal lead material exist, or after any material improvement, correction, or addition to the private water distribution facilities.

A CSI may be conducted by a certified CSI Inspector at the request of the Customer; the Customer must pay the District the CSI fee prior to the performance of the inspection and certification. For all Users, the fee for this inspection shall be \$85.00 for Residential Users and \$150.00 for Commercial Users. If the CSI is made in connection with new construction, the fee will be collected with the Tap Fee.

Copies of properly completed CSI Certificates shall be kept on file by the District's Administrative Office and made available, upon request, for TCEQ review. CSI Certificates shall be retained for a minimum of ten (10) years. Failure to provide a CSI Certificate in accordance with Section 19 shall constitute a violation of these Rules and Regulations and such violation shall be subject to the enforcement provisions set forth in Article VIII of the Rate Order and Texas Administrative Code §290.46(j).

B. Pre-Facility Inspection. All builders or contractors for property owners within the District must contact the District's Administrative Office prior to starting any work on property within the District to schedule a pre-facilities inspection to inspect the District System. If any District System is found to be damaged or cannot be located, the District shall make necessary repairs or locate at the expense of the District. After the inspection and after any and all necessary work is completed, the builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the Final Site Survey. The cost for each inspection is \$60.00. Customer needs to post property address before inspection can be performed.

C. Facility Inspection. After construction has been completed on the property, but before service is transferred to a User, the District will conduct a final site survey to re-inspect the water tap, meter and all other District System on the property. The property owner, builder or contractor will be held responsible for any damages or adjustments to District System and the cost of repairing, adjusting or relocating the facilities (the "Backcharges"). If any re-inspection of the System is required to ensure that the District's System is repaired, relocated or adjusted, a fee shall be charged for each such re-inspection before service will be transferred to a subsequent user. Payment of the Backcharges, or any inspection or re-inspection fees, shall be made on or before the 30<sup>th</sup> day after the date of the invoice of said charges prior to service connection. A fee of \$50.00 shall be charged for re-inspection of a Pre-Facility and/or Facility Inspection.

The District may withhold the provision of service to the property or to other property owned by any user, property owner, builder or contractor who has failed to timely pay for the Backcharges or any inspection or re-inspection fee, including specifically the provision of additional taps. The District shall follow the notification procedures set forth in the Rate Order prior to

withholding the provision of service. After the inspection and after any and all necessary work is completed, the builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the Facility Inspection. The cost for each inspection is \$100.00 and re-inspection is \$50.00.

D. Wastewater Connection Inspection. All connections to the District's wastewater System shall be made in accordance with the District's Rate Order. All connections to the District's wastewater System shall be inspected by a representative of the District prior to being covered in the ground. The District's Administrative Office must be notified prior to the connection. After the connection, the District's Administrative Office shall again be notified and shall inspect the work prior to commencement of wastewater service.

In the event a wastewater connection is made and covered without an inspection by a representative of the District, water service at such location shall be terminated until such time as an inspection has been performed and the connection passes inspection. The fees for re-inspection are \$75.00 for Single-Family Residential Users and \$150.00 for all other Users. All connections must comply with the Plumbing Code. For a wastewater connection, the District's Operator must be notified prior to the connection being made. After the connection, the District's Operator shall again be notified and shall inspect the work prior to commencement of wastewater service.

**Section 4. Surcharge for Service.** In fairness to all Users within the District, and to honor its contractual obligations and commitments, the District has the right to monitor the use of water and the discharge of wastewater to determine if Users are exceeding the amount of capacity committed to serve their land or buildings. As one method of enforcement, the District has determined to reserve the right to impose a surcharge on any User who uses water or discharges wastewater in excess of the amount reserved to such User or tract. Accordingly, in addition to the other charges specified herein, the District has the right to impose an additional charge of \$0.05 per gallon of water used in excess of one hundred percent (100%) of the amount of capacity reserved to the tract by any utility commitment letter any time after the Users exceed one hundred percent (100%) of their reserved capacity for two (2) successive months.

**Section 5. Plumbing Restrictions and Policies.** Pursuant to Chapter 290 of the Texas Administrative Code, the District adopts the following plumbing regulations, which apply to all Users of the District's potable water distribution System. In addition, all plumbing must be done in strict adherence to the Plumbing Code as adopted by the District.

A. Prohibition on Use of Specified Materials. The use of the following plumbing materials is prohibited in any and all improvements and new construction connected to the District's System after May 24, 1994:

- i. Any pipe or pipe fitting which contains more than 0.25% lead; and
- ii. Any solder or flux which contains more than 0.2% lead.



B. Plumbing Fixtures. A User is not permitted to install any plumbing fixture which is not in compliance with the Plumbing Code, if any, required by the District.

C. Plumbing Inspections. A plumbing inspection may only be performed by those individuals with the following credentials:

- i. Plumbing Inspectors and Water Supply Protection Specialists licensed by the TSBPE and TCEQ; and
- ii. Proof of valid general liability insurance.

D. Notice of Unacceptable Plumbing Practices. An "unacceptable plumbing practice" is defined as those practices which may contaminate or pollute the District's drinking water System. If an unacceptable plumbing practice is discovered, the Customer shall eliminate the unacceptable plumbing practice within thirty (30) days from the date of discovery to prevent possible contamination of the District's water supply System. The existence of a serious threat to the integrity of the District's water supply System shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists, or when sufficient additional safeguards have been taken, and a plumbing inspection confirming correction of unacceptable plumbing practices has been submitted to the District.

### ARTICLE III

#### WATER AND WASTEWATER RATES

##### Section 1. Water Rates.

A. Single-Family Residential. After initial occupancy, each Single-Family Residential User within the District shall be charged for water service from the District on a monthly basis according to the water used in accordance with the following schedule:

Amount of Payment	Water Usage
\$14.00 (minimum monthly charge)	0 – 2,500 gallons
\$1.50 per 1,000 gallons	2,501 – 5,000 gallons
\$1.65 per 1,000 gallons	5,001 – 7,500 gallons
\$1.75 per 1,000 gallons	7,501 – 10,000 gallons
\$2.00 per 1,000 gallons	10,001– 15,000 gallons
\$2.50 per 1,000 gallons	15,001– 20,000 gallons
\$3.25 per 1,000 gallons	Over 20,000 gallons

B. Multi-Family Residential User (includes apartments). Each Multi-Family Residential User within the District shall be charged for water service from the District on a monthly basis according to the water used in accordance with the following schedule:

Amount of Payment	Water Usage
\$14.00 (minimum monthly charge per unit)	0 - 2,500 gallons
\$1.50 per 1,000 gallons	2,501 – 5,000 gallons
\$1.65 per 1,000 gallons	5,001 – 7,500 gallons
\$1.75 per 1,000 gallons	7,501 – 10,000 gallons
\$2.00 per 1,000 gallons	10,001– 15,000 gallons
\$2.50 per 1,000 gallons	15,001– 20,000 gallons
\$3.25 per 1,000 gallons	All over 20,000 gallons

C. Commercial Users. Each Commercial User within the District shall be charged for water service from the District on a monthly basis according to the water used in accordance with the following schedule:

Amount of Payment	Water Usage
\$32.50 (minimum monthly charge per unit)	0 – 5,000 gallons
\$2.75 per 1,000 gallons	5,001– 15,000 gallons
\$3.25 per 1,000 gallons	15,001– 50,000 gallons
\$4.25 per 1,000 gallons	50,001–100,000 gallons
\$5.25 per 1,000 gallons	All over 100,000 gallons

D. Non-Taxable User. All Non-Taxable Users within the District shall be charged for water service from the District on a monthly basis according to the water used.

E. Bulk Water User. Each Bulk Water User within the District shall be charged for the water service from the District on a monthly basis at a rate of \$5.00 per 1,000 gallons.

F. Public Space User. Water service shall be provided to public esplanades, lakes, recreational areas or green spaces within the District at the same rate as a Commercial Users. In order to promote conservation of the District's water supply, Public Space Users will pay an increased rate to be set by the District if the District determines that the Public Space User's water usage is excessive, inefficient, and/or wasteful.

G. Out-of-District Builder Service. The rate for out-of-district water service to property located outside the boundaries of the District where the District has petitioned the City for

consent to annex the property shall be two (2) times the rate of in-district service through the date of final adoption of the Order Annexing Land into the District with respect to said property.

H. Bluebonnet Groundwater Conservation District. Any assessments on water usage made by the Bluebonnet Groundwater Conservation District ("Bluebonnet GCD") shall be charged at the rate set by Bluebonnet GCD, plus an administrative fee of ten percent (10%). Such charges may be assessed independently from other water charges provided in the Rate Order.

**Section 2. Wastewater Charges.**

A. Single-Family Residential User. Each Single-Family Residential User within the District shall pay a monthly wastewater service charge as follows:

Amount of Payment	Water Usage
\$16.50 (minimum monthly charge)	0–2,500 gallons
\$1.90 per 1,000 gallons	2,501–5,000 gallons
\$2.05 per 1,000 gallons	5,001 – 7,500 gallons
\$2.20 per 1,000 gallons	7,501 – 10,000 gallons
\$2.50 per 1,000 gallons	10,001– 15,000 gallons
\$3.15 per 1,000 gallons	15,001– 20,000 gallons
\$4.15 per 1,000 gallons	Over 20,000 gallons

B. Multi-Family Residential User (includes apartments). Each Multi-Family Residential User within the District shall pay a monthly wastewater service charge as follows:

Amount of Payment	Water Usage
\$16.50 (minimum monthly charge per unit)	0 – 2,500 gallons
\$1.90 per 1,000 gallons	2,501 – 5,000 gallons
\$2.05 per 1,000 gallons	5,001 – 7,500 gallons
\$2.20 per 1,000 gallons	7,501 – 10,000 gallons
\$2.50 per 1,000 gallons	10,001– 15,000 gallons
\$3.15 per 1,000 gallons	15,001– 20,000 gallons
\$4.15 per 1,000 gallons	Over 20,000 gallons

C. Commercial Users. Each Commercial User within the District shall be charged for wastewater service from the District on a monthly basis according to the water used as follows:



Amount of Payment	Water Usage
\$40.00 (minimum monthly charge per unit)	0 – 5,000 gallons
\$3.50 per 1,000 gallons	5,001– 15,000 gallons
\$4.15 per 1,000 gallons	15,001– 50,000 gallons
\$5.45 per 1,000 gallons	50,001–100,000 gallons
\$6.75 per 1,000 gallons	All over 100,000 gallons

D. Non-Taxable User. All Non-Taxable Users within the District shall be charged for wastewater service from the District on a monthly basis according to the water used.

E. Public Space User. Wastewater service shall be provided to public esplanades, lakes, recreational areas or green spaces within the District at the same rate as a Commercial User. In order to promote conservation of the District's water supply, Public Space Users will pay an increased rate to be set by the District if the District determines that the Public Space User's water usage is excessive, inefficient, and/or wasteful.

F. Out-of-District Builder Service. The rate for out-of-District wastewater service to Developers of property located outside the boundaries of the District where the District has petitioned the City to annex the property shall be two (2) times the rate of in-District service through the date of final adoption of the Order Annexing Land into the District with respect to said property.

**Section 3. Regulatory Assessment.** Pursuant to Section 5.701 of the Texas Water Code, each User of the District's System is hereby assessed a charge of one-half of one percent (.5%) of the District's charge for water and wastewater service. This assessment is included in the rate schedules listed above and will be forwarded to the TCEQ, as required by Section 5.701, and used to pay costs and expenses incurred in its regulation of water districts.

**Section 4. No Free Service.** No free service shall be granted to any User for services furnished by the District's System whether such User is a charitable or eleemosynary institution, a political subdivision, or municipal corporation, and all charges for water and wastewater service shall be made as required herein. Additionally, it is not a defense to paying for services that the District failed to properly bill the User. If a subsequent bill has been provided to the User which accurately shows the correct usage and/or the amount owed to the District, then the User shall be obligated to pay such corrected invoice.

**Section 5. Required Service.** No service shall be given from the District's System unless such Users agree to take both water and wastewater service, except as otherwise approved by the District's Board or if only one (1) of these services is available at the time of request.

## ARTICLE IV

### RULES AND REGULATIONS CONCERNING DISTRICT THE WATERWORKS AND WASTEWATER SYSTEM

**Section 1. Prohibition Against Water Contamination.** No direct connection between the District's potable water distribution System and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the District's potable water distribution System by the installation of an air-gap or an appropriate backflow prevention device in accordance with state plumbing regulations. In addition, all pressure relief valves and thermal expansion devices must be in accordance with the Plumbing Code, the applicable laws of the City and the District's Rate Order. All water service and plumbing service leads shall maintain a nine foot (9') separation distance parallel to each service lead.

**Section 2. Plans of Certain Users.** Plans and specifications for the internal water and wastewater facilities of each User (other than a single-family home), including, without limitation, grease and lint traps and sample wells, must be submitted to and approved by the District's Engineers prior to the commencement of construction of said facilities. Under no circumstances shall a connection be made to the District's System by any User other than a single-family home until such User's water and wastewater facilities (including grease and lint traps and sampling wells) have been submitted to and approved by the District's Engineer. The District has adopted the Plumbing Code as amended, insofar as it applies to water supply and sewage collection systems, and such shall govern the method of installation, pipe sizing, fixture count and all general requirements. Grease traps, lint traps, and sample wells shall be required to District's standards. Any person, contractor, firm or corporation responsible for work not meeting these standards shall correct the deficiencies without delay. Parties responsible for the installation of illegal systems may be refused permits for future work until all corrections are made. Any installation found to be in violation of District specifications after the inspection is completed may be required to be corrected, based on the severity of the offense and a review by the Board of the District. Water service to illegal installations shall be terminated ten (10) days after notification unless proper corrections are made.

**Section 3. Backflow Prevention Assemblies.** The District, in its sole discretion, may require a Non-Single Family Residential User to install a backflow prevention assembly at any meter(s) servicing such a User's property. The District, in its sole discretion, also may require any User to install other backflow prevention assemblies at any fixture in order to prevent contamination of the District's potable water distribution System or if the User's plumbing system poses a high health hazard. In fact, all Commercial Users must use a RPZA backflow device. A high health hazard is defined by the TCEQ as a "cross-connection, potential cross-connection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply." If the District determines that a User must install a backflow prevention assembly as a protection against a high health hazard, the backflow prevention assembly used must comply



with the Plumbing Code and must be tested and certified at least annually by a recognized certified backflow prevention assembly tester.

The User is responsible for insuring that all backflow prevention assemblies are tested upon installation. A copy of the test must be submitted to the District's Administrative Office. The User is solely responsible for the cost of this test. If the District requires the installation of a backflow prevention assembly in order to prevent a serious threat to the District's public water supply, then the District, in its sole discretion, may immediately terminate service to the User. In that event, service will not be restored until the backflow prevention assembly has been installed and tested and a signed and dated original of a "Backflow Prevention Assembly Test and Maintenance Report," in the form attached to the Rate Order as Exhibit "E," has been submitted to the District's Administrative Office.

If the District determines that a backflow prevention assembly must be installed, replaced or repaired pursuant to the Rate Order for reasons other than to eliminate a serious threat to the District's public water System, the User must install the backflow prevention assembly within ten (10) working days after receipt of notice from the District that such installation or inspection is required. If the re-inspection is done by the District, the fee is the District's cost plus 15%. In addition, the User must have a certified tester sign and date an original Backflow Prevention Assembly Test and Maintenance Report. If the User fails to meet the District's requirements within this time, the District, in its discretion, may terminate service to the User pursuant to the terms of the Rate Order. The District's Operator will retain such reports for a minimum of three (3) years. All backflow prevention assemblies installed on systems must be inspected annually at the sole cost and expense of the User.

**Section 4. Prohibition Against Cross-Connections.** No cross-connection between the District's potable water distribution System and a private water system is permitted. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly must be properly installed and such assembly must be annually inspected. If any User fails to submit an annual inspection, service to such User will be discontinued until inspection is completed.

No connection which allows water to be returned to the District's potable water distribution System is permitted. This includes, but is not limited to, any device pursuant to which water is removed from the District's potable water distribution System, circulated through a User's system for condensing, cooling and heating of fluids or industrial processes, including, but not limited to, a heat exchange system, and routed back to the District's potable water distribution System.

**Section 5. Damages to District Property.** Anyone that is determined to have damaged District property or if Customer requests to replace District equipment shall be liable for costs associated with repair and/or replace of said property in the following amounts:

- |    |           |  |
|----|-----------|--|
| 1. | Parts     | District's cost plus ten percent (10%) |
| 2. | Labor     | District's cost plus ten percent (10%) |
| 3. | Equipment | District's cost plus ten percent (10%) |

**Section 6. Clean-out Caps.** In the event a User needs a clean-out cap replaced or repaired, a fee of \$75.00 shall be assessed.

**Section 7. Penalty for Violation.** The failure of a User to comply with the terms of this Article shall be considered a violation of the Rate Order. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's water supply, the District, in its sole discretion, may, in addition to all other legal remedies available to it, including those remedies set out in Article VIII of the Rate Order, immediately terminate service or, at the User's sole cost and expense, install the plumbing fixtures or assemblies necessary to correct the unacceptable plumbing practice. If the District terminates service in order to preserve the integrity of the District's water supply, service will be restored only when the source of the potential contamination no longer exists or until additional safeguards have been taken. Any and all expenses associated with the enforcement of this Section shall be billed to the User.

## ARTICLE V

### BILLING AND COLLECTION POLICIES

**Section 1. Payment and Fees.**

A. **Charges and Due Date.** Charges for water and wastewater service shall be billed monthly. All bills are due on the 1<sup>st</sup> of each month and shall be payable no later than the 16<sup>th</sup> day after the due date for said charges.

B. **Late Payment Fee.** Unless payment is received on or before the 16<sup>th</sup> day after the due date of said statement, such account shall be considered delinquent and a late charge of ten percent (10%) of the unpaid balance and a \$5.00 late notice fee shall be assessed against the account. A \$25.00 fee will be assessed for each door tag issued. Failure to receive bill does not waive late payment fees.

C. **Delinquent Builder Fees.** The District shall have the right to withhold installation of tap until such time as all delinquent fees charged to a particular builder shall have been paid.

D. **Returned Checks.** The District will assess a \$50.00 penalty fee to any Customer for any check given to the District that must be returned for any reason. This penalty will be assessed each time that the check is returned or upon notification by the Customer that the check will be returned. The District shall have the right to require that payments due under this Section be in the form of cash, money order, or credit card. After three (3) returned checks, User shall be required to pay by cash, money order or credit card. Payments due under this Section are non-refundable.

**Section 2. Security Deposits.** Security deposits shall be required as follows:

A. **Single-Family Residential User Deposits.** Each Customer establishing service shall be required to complete and execute a customer service application and to pay, prior to the District providing service, a security deposit. The security deposit required for any connection made to



the District's System by a Single-Family Residential User who owns the property shall be \$100. If the Single-Family Residential User is renting or leasing the property, the Single-Family Residential User must make a security deposit of \$175.00. Such sums shall be required prior to service being initiated and shall be held by the District as a deposit to assure prompt payment of all charges for utility service.

B. Multi-Family Residential and Commercial Deposits. Each Customer establishing a commercial account shall be required to complete and execute a customer service application and to pay, prior to the District providing service, a security deposit, as determined by the District. In the event usage study data is not provided, then the below scale will be used until an average is established.

<u>Deposit</u>	<u>Meter Size</u>
Commercial \$150	1/2"
Commercial \$200	3/4 - 5/8"
Commercial \$300	1"
Commercial \$450	1 1/2"
Commercial \$600	2"
Commercial \$900	3"
Commercial \$10,000	4"
Commercial \$13,000	6"
Commercial \$15,500	8"
Commercial \$17,000	10"

C. Full Payment Required. Service shall be initiated upon payment of the security deposit and all other fees and charges.

D. Refund of Deposit. Following payment of the final bill and payment of all fees and charges owed to the District, the balance of the security deposit, if any, shall be refunded by check mailed to the Customer. No interest shall be payable to the Customer on any security deposit.

E. Requests for Credit. Customer's requesting a credit or refund of any amount billed by the District shall submit a request in writing to the General Manager of the District. The General Manager will consider requests for credit or refund on a case by case basis.

ARTICLE VI  
TERMINATION POLICIES

**Section 1. Termination and Reconnection of Service.**

A. Termination. Charges for service shall be billed monthly. All bills shall be payable no later than the 16<sup>th</sup> day after the due date of said charges. Unless payment of the monthly bill is received on or before the 16<sup>th</sup> day after the due date or unless payment of any Backcharges is received on or before the 16<sup>th</sup> day after the due date of the invoice, such account shall be considered delinquent and a one-time late charge equal to ten percent (10%) of the unpaid balance shall be charged. The District may, in its discretion, disconnect service for failure to pay all charges and Backcharges, including penalties, by the third (3<sup>rd</sup>) day of the following month after the due date of the bill; provided, however, that prior to disconnecting services, the District shall send written notice by United States first class mail to the User or entity at the appropriate address and provide the User or entity with an opportunity to contest, explain or correct the charges, services, or disconnection. The written notice shall inform the User or entity of the amount of the delinquent payment, the date service will be disconnected or additional service withheld if payment is not made.

B. Termination for Rate Order Violation. Any User who has opened an account with the District and who violates any provision of the Rate Order, in addition to being subject to the penalties described in Article VIII, shall be subject to having water and wastewater service terminated; provided, however, that prior to disconnecting service for such violation, the District shall give written notice, by first class United States mail or door tag, to such User of the pending termination and shall give such User the opportunity to contest, explain, or correct the violation of the Rate Order with the District's General Manager.

C. Termination for No Account. The District has no obligation to provide services before the User has opened a service account with the District and if there is no account the District may terminate services to such a User. If service to a User is terminated under this subsection, a service account with the District shall be opened prior to restoration of service. If service to a User is terminated under this subsection and the User reconnects to the District's System without properly opening a District account and paying the service initiation fee, services to such User may again be terminated by the District and, in addition to opening a service account, the User shall be subject to the reconnection provisions of subsection D.

D. Termination and Reconnection Fees. If payment in full is not received from the User by the disconnect date as defined in Subsection A, a fee of \$70.00 shall be collected before services are restored to such User; provided, however, if the District takes out the water meter in connection with a disconnection or termination of services, a fee of \$100.00 (in addition to aforementioned \$70.00) shall be collected before services are restored. A fee of \$50.00 for reinstallation of the meter (in addition to the aforementioned \$70.00 and \$100.00 fees) shall be collected before services are restored. In addition, an additional deposit of \$75.00 will be assessed and required to be paid before service is restored to the User. Such sum shall be held by



the District as a deposit to assure prompt payment of all charges for water and wastewater service. No interest shall be allowed on such deposit.

If any User connects to the District's System without authorization of the District, the District shall disconnect said connection; in such event, before services are established, such User must comply with the applicable provisions of and pay all associated fees outlined in Article II before service is provided. An additional \$100.00 will be assessed for unauthorized connection to the District's System as well as any amount needed to repair damage to the District's System caused by the unauthorized tap or disconnection of same, plus costs incurred by the District to disconnect the unauthorized connection.

If the District's meter and/or adjacent connections are tampered with, then the User shall be assessed a charge in the amount of \$100.00 for tampering with the District's equipment, plus the cost to repair each broken lock and curb stop, plus a ten percent (10%) administrative fee. All charges must be paid in cash, money order, or credit card prior to reconnection of service.

## ARTICLE VII

### WASTEWATER DISCHARGE POLICIES

#### Section 1. Quality of Wastewater.

A. Domestic Waste. Only ordinary liquid and water-carried waste that is amenable to biological treatment and that is discharged from sanitary conveniences of buildings connected to a public wastewater system shall be discharged into the District's wastewater lines. Waste resulting from any process of commerce or industry may not be discharged into the District's wastewater lines except as authorized pursuant to subsection B below.

B. Commercial and Industrial Waste. All discharges other than waste described in subsection A are subject to the District's Industrial Waste Ordinance as determined by the District Operator and Engineer, a copy of which is attached as Exhibit "F."

Section 2. Grease, Sand and Lint Traps. The District shall require the owner of any establishment that discharges certain types of waste into the District's wastewater System to install a trap to prevent the entry of the discharge into the System and a sampling well to allow for periodic sampling of the discharge from the establishment. Discharges requiring a trap and sampling well include, but are not limited to, grease, oil, sand or flammable waste. Other discharges requiring a trap and sampling well shall be determined by the District's Operator and Engineer on a case-by-case basis based on the Operator's and Engineer's conclusion that the discharge in question will harm the District's System if allowed to enter the District's System.

Any person responsible for a discharge requiring a trap and sampling well shall provide equipment and facilities of a type and capacity approved by the District, locate the trap in a manner that provides ready and easy access for cleaning and inspection, and maintain the trap in effective operating condition. For restaurants and similar developments, the District will require as a minimum (1) one trap and one (1) sampling well per restaurant. Each trap and sampling

well required to be installed hereunder shall be subject to initial inspection and approval by a District representative; the fee for this initial inspection shall be \$100.00.

The District's Operator or other duly authorized representative of the District shall be authorized to conduct periodic inspections of all grease traps or any related facilities within the District that are subject to this Order to ensure that grease traps are being maintained in effective operating condition, and that all necessary manholes, inspection chambers and related facilities are being maintained and are fully operational. Any time an owner of a grease trap files a "Liquid Waste Manifest" form with the Health and Human Services Department, a copy of the form shall be sent to the District. The Customer must also maintain copies of his/her manifest records on-site.

In the event a grease trap or any related facilities are found in an unserviceable condition or in need of cleaning or maintenance, the District's Operator or other duly authorized representative of the District shall give written notice to the person responsible for the discharge for which the grease trap is required that advises such person of the deficiencies and requesting prompt attention to the matter. The District's Operator shall conduct such follow-up inspections as may be necessary until the grease trap is in effective operating condition. The fee for this re-inspection shall be \$100.00. In addition, the District shall assess a fine of \$500.00 to any party that fails any inspection, with a one (1) time waiver of such fee for the first failed inspection. A monthly surcharge of \$75.00 per month will be added to the District's commercial wastewater rates for each grease trap installed.

Any person responsible of violation of this section must pay all associated fees and take necessary action to correct the violation within ten (10) days of notice. The District shall revoke service should the violation continue to exist.

## ARTICLE VIII

### ENFORCEMENT AND CIVIL PENALTIES

**Section 1. Penalties for Violation.** Any person, corporation, or other entity who:

- A. violates any Section of the Rate Order;
- B. makes unauthorized use of District services or System;
- C. causes damage to District System;
- D. uses or permits the use of any septic tank or holding tank within the District, when wastewater service is available from the District;
- E. reconnects to the District's System after termination of service by the District without having paid all outstanding charges due to the District;
- F. violates the District's Rules and Regulations Governing Water and Wastewater Lines and Water and Wastewater Connections;



- G. violates the District's Water Conservation Plan and/or the District's Drought Contingency Plan, a copy of which is attached as Exhibit "G"; or
- H. constructs facilities or buildings which are not included in the approved plans for development;

shall be subject to a penalty of up to \$10,000.00 for each breach of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate breach. This penalty shall be in addition to the other penalties provided by the laws of the State of Texas and to any other legal rights and remedies of the District as may be allowed by law.

## ARTICLE IX

### MISCELLANEOUS

**Section 1.** **Amendments.** The Board of the District has and specifically reserves the right to change, alter or amend any rate or provision of the Rate Order at any time.

**Section 2.** **Incorporation by Reference.** The Amended and Restated Rules and Regulations Governing Water and Sanitary Wastewater Facilities, Service Lines, and Connections are hereby adopted and incorporated as if set forth herein.

**Section 3.** **Severability.** The provisions of the Rate Order are severable and if any provision or part of the Rate Order or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of the Rate Order and application of such provision or part of the Rate Order shall not be affected thereby.

**Section 4.** **Headings.** The section and paragraph headings used herein are for reference only and are not to be construed as part of the text of the section or paragraph.

**Section 5.** **Effective Date.** The Rate Order shall become effective immediately.

**Section 6.** **Superseding Orders.** The Rate Order supersedes all prior orders, resolutions and other actions of the Board concerning fees and charges for water and wastewater services.

## ARTICLE X

### REPEAL OF PREVIOUS ORDERS

All previous orders adopted by the Board pertaining to the subject matter hereof are each hereby repealed in their entirety as of the effective date hereof.

SIGNED, PASSED and APPROVED this 4th day of April, 2017.

  
President, Board of Directors

ATTEST:

  
Secretary, Board of Directors

(DISTRICT SEAL)

Exhibit "A" – Application for Water and Wastewater Service

Exhibit "B" – Service Application for New Connections

Exhibit "C" – Customer Service Inspection Certification

Exhibit "D" – Bulk Water Application

Exhibit "E" – Backflow Prevention Assembly Certified Test Report

Exhibit "F" – Industrial Waste Order

Exhibit "G" – Water Conservation Plan and/or Drought Contingency Plan

**EXHIBIT "H"****BROOKSHIRE MUNICIPAL WATER DISTRICT****WALLER COUNTY, TEXAS****Revised August 15, 2022**

RATE TABLE			
Art. 2 Sec. 2 Includes:	Single Family Residential Users		
Tap Fees		Short-Tap	Long-Tap
	Three-quarter inch (3/4") meter	\$900.00	\$1,300.00
	One inch (1") meter	\$1,200.00	\$1,650.00
	One and one-half inch (1-1/2") meter	\$1,950.00	\$2,400.00
	Two inch (2") meter	\$2,050.00	\$3,100.00
	In case of the taps large than 2 inches, the tap fee will be determined on an individual basis.		
	If the bore is greater than forty (40) feet, an additional charge of \$15.00 for a each foot over forty (40) feet, up to 6" pipe.		
Impact Fees		Water	Sewer
	Non-Ad Valorem	\$1,619.00	\$1,971.00
	Ad Valorem	\$1,619.00	\$1,523.00
Non-single Family Resident User			
Tap Fees	3x the District's actual cost of installing the tap, meter and necessary service lines, and repairing or restoring any yards, sidewalks, property, landscaping, streets or other improvements affected by installation.		
Impact Fees	All Commercial and other users must contact the District's Administrative Office for the amount of the impact fees due.		
Non-Taxable User			
Tap Fees	Estimated cost plus pro rata share of District Tax Bonds		
Impact Fees	All Commercial and other users must contact the District's Administrative Office for the amount of the impact fees due.		
Public Space User			
Tap Fees	Shall pay a tap fee equal to the District's cost to install the tap and meter.		
Impact Fees	All Commercial and other users must contact the District's Administrative Office for the amount of the impact fees due.		
Art. 2 Sec. 3 Includes:	Inspection Fees		
	Pre-Facility Inspection		\$75.00
	Final Builder/Facility Inspection		\$100.00
	Re-Inspection for Pre-Facility or Final Builder/Facility		\$75.00
	Residential User CSI Facility Inspection		\$85.00
	Commercial User CSI Facility Inspection		\$150.00
	Swimming Pool Inspection		\$150.00
	Hot tub Inspection		\$150.00
	Meter Test Fee		\$110.00
Wastewater Connections Inspections			
	Single Family Residential User Fee		\$75.00
	Commercial User Fee		\$150.00
	Non-Taxable User Fee		\$150.00

	Re-Inspection		\$150.00
Art. 2 Sec. 4 Includes:	Surcharge for Service		
	Excess Usage Surcharge		\$0.05/gal
Art. 3 Sec. 1 Includes:			
Water Usage Fees - Single Family Residential Users (townhouse, multiplex, etc.)			
	0-2,500 gal. (flat rate)		\$20.75
	2,501 - 5,000 (per 1,000 gallons)		\$3.50
	5,001 - 7,500 (per 1,000 gallons)		\$3.65
	7,501 - 10,000 (per 1,000 gallons)		\$3.75
	10,001 - 15,000 (per 1,000 gallons)		\$4.00
	15,001 - 20,000 (per 1,000 gallons)		\$4.50
	Over 20,000 (per 1,000 gallons)		\$5.25
Water Usage Fees - Multi-Family Residential User (Condominium, Duplex, ect) (includes apartments)			
	0-2,500 gal. (flat rate)		\$20.75
	2,501 - 5,000 (per 1,000 gallons)		\$4.00
	5,001 - 7,500 (per 1,000 gallons)		\$4.15
	7,501 - 10,000 (per 1,000 gallons)		\$4.25
	10,001 - 15,000 (per 1,000 gallons)		\$4.50
	15,001 - 20,000 (per 1,000 gallons)		\$5.00
	Over 20,000 (per 1,000 gallons)		\$5.75
Water Usage Fees - Commercial User and Public Space User			
	0 - 5,000 gal (flat rate)		\$46.50
	5,001 - 15,000 (per 1,000 gallons)		\$7.75
	15,001 - 50,000 (per 1,000 gallons)		\$8.25
	50,001 - 100,000 (per 1,000 gallons)		\$9.25
	Over 100,000 (per 1,000 gallons)		\$10.25
Water Usage Fees - Non-taxable User			
	All non-taxable users within the District shall be charged for water service from the District on a monthly basis according to the water used.		
Water Usage Fees - Bulk and Temp User			
	per 1,000 gallons		\$5.00
Fire Lines			
	4" fire line or smaller		\$50.00
	6" fire line		\$150.00
	8" fire line		\$175.00
	10" fire line		\$200.00
	12" fire line or larger		\$225.00
Out-of-District Builder Service			
	Out of District water service		2x rate of in-district service
Meter Re-Read			
	Second re-read per month		\$35.00



Bluebonnet Groundwater Conservation District		
	Bluebonnet Groundwater Fee	Rate set by Bluebonnet Groundwater Conservation District + 10%
Art. 3 Sec. 2. Includes:		
Wastewater Fees - Single Family Residential User		
	0 - 2,500 gal (min. monthly charge)	\$23.50
	2,501 - 5,000	\$3.90
	5,001 - 7,500	\$4.05
	7,501 - 10,000	\$4.20
	10,001 - 15,000	\$4.50
	15,001 - 20,000	\$5.15
	Over 20,000	\$6.15
Wastewater Fees - Multi-family Residential User (includes apartments)		
	0 - 2,500 gal (min. monthly charge per unit)	\$23.50
	2,501 - 5,000 (per 1,000 gallons)	\$4.40
	5,001 - 7,500 (per 1,000 gallons)	\$4.55
	7,501 - 10,000 (per 1,000 gallons)	\$4.70
	10,001 - 15,000 (per 1,000 gallons)	\$5.00
	15,001 - 20,000 (per 1,000 gallons)	\$5.65
	Over 20,000 (per 1,000 gallons)	\$6.65
Wastewater Fees - Commercial User		
	0 - 5,000 gal (minimum monthly charge)	\$53.00
	5,001 - 15,000 (per 1,000 gallons)	\$8.50
	15,001 - 50,000 (per 1,000 gallons)	\$9.15
	50,001 - 100,000 (per 1,000 gallons)	\$10.45
	Over 100,000 (per 1,000 gallons)	\$11.75
Wastewater Fees - Non Taxable User		
	All non-taxable users within the District shall be charged for sewer from the District on a monthly basis according to the water used.	
Out-of-District Builder Service		
	Out of District water service	2x rate of in-district
Art. 3 Sec. 3 Includes: Regulatory Assessment Fee		
	Regulatory Fee	$\frac{1}{2}$ of 1% (0.005)
Art. 4 Sec. 5 Includes: Clean-Out Caps		
	replacement or repair of clean-out caps	\$75.00
Art. 5 Sec. 1 Includes: Late Payment Fee		
	Unpaid Balance as of end of the 16th day	10% plus \$5.00
	Door Tag Fee	\$25.00
Returned Checks		
	Penalty Fee	\$50.00
Final and Connect Fees		

	Initial Meter Read	\$15.00
	Final Meter Read	\$15.00
Art. 5 Sec. 2 Includes:	Single Family Residential User Deposits	
	Owner	\$100.00
	Renting or Leasing	\$175.00
	Multi-Family User and Commercial User Deposits	
	1/2 inch meter	\$150.00
	3/4 - 5/8 inch meter	\$200.00
	1 inch meter	\$300.00
	1 1/2 inch meter	\$450.00
	2 inch meter	\$600.00
	3 inch meter	\$900.00
	4 inch meter	\$10,000.00
	6 inch meter	\$13,000.00
	8 inch meter	\$15,500.00
	10 inch meter	\$17,000.00
Art. 6 Sec. 1 Includes:		
	Termination and Reconnection	
	Late Fee	\$70.00
	Meter Removal Fee	\$100.00
	Meter Reinstallation	\$50.00
	Meter Replacement Deposit	\$75.00
	Lock	District Cost + 10%
	Curb Stop	District Cost + 10%
	Tampering Fee	
	Tampering with the District's Equipment	\$100.00
Art. 7 Sec. 2 Includes:	Grease, Sand, and Lint Traps	
	Initial Inspection	\$100.00
	Monthly Surcharge	\$75.00
	Reinspection	\$100.00 each trip