

TARIFF

WEBB COUNTY WATER UTILITY



ADOPTED APRIL 9, 2001

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BY ORDER OF THE COMMISSIONERS COURT:

1. This Tariff of the Webb County Water Utilities Department, serving the communities of Rio Bravo and El Cenizo and surrounding areas, consisting of Sections A through J inclusive, is hereby adopted and enacted as the current regulations which shall supersede all policies passes by the Webb County Commissioners Court concerning the operations of the Webb County Water Utilities Department, before July 11, 1994, to the extent provided in paragraph 2 hereof.
2. No prior agreement executed by the Webb County Commissioners Court is repealed by any provision contained herein, save and except as provided in the terms of that agreement.
3. The adoption of the provisions of this Tariff shall not affect any offense or act committed or done, or any penalty of forfeiture incurred, or any contract or vested right established or accruing before the effective date of this Tariff.
4. An official copy of this policy shall be available to the residents being served or requesting service from the Webb County Water Utilities Department, during regular office hours of the Water Utilities Department office. Requests for copies of this Tariff shall be subject to reproduction charges. The Webb County Attorney's office shall maintain the original copy as approved, and clearly exhibit all additions, deletions, and amendments separately.
5. This Tariff shall take effect immediately upon its approval as provided by law, and according to its terms. Rules and regulations of state and federal agencies having applicable jurisdiction, promulgated under any applicable State or Federal Law, shall supersede any terms of this policy. If any section, paragraph, sentence, clause, phrase, word or, words of this policy are declared unconstitutional or invalid for any purpose, the remainder of this policy shall not be affected thereby.

ORDERED, PASSED and APPROVED this 9th day of April, 2001.

Mercurio Martinez, Jr.
Webb County Judge

SEAL

ATTEST:

DATE APPROVED _____ Webb County Commissioners Court

DATE APPROVED APRIL 9, 2001 WEBB COUNTY COMMISSIONERS COURT

SECTION B: STATEMENTS

1. **Organization.** The Webb County Utilities Department is a county owned, public water Utility, established for the purpose of furnishing potable water and wastewater utility service in the communities of Rio Bravo, El Cenizo and surrounding areas. The Water Utilities Department operating policies, rates, tariffs, and regulations are formulated and approved by the Webb County Commissioners Court.
2. **Non-Discrimination Policy.** The Webb County Utilities Department will provide service to all Applicants who comply with the provisions of this Tariff regardless of race, creed, color, national origin, sex, or marital status.
3. **Rules Application.** The rules and regulations specified herein apply to the water and wastewater services furnished by the Webb County Utilities Department, also referred to as the Utility, or County Utilities Department. Failure on the part of the Consumer, or Applicant to observe these rules and regulations of the Webb County Utilities Department, after due notice of such failure, automatically gives the Webb County Utilities Department the authority to deny or to discontinue the furnishing of service as provided herein and as may be amended from time to time by the Webb County Commissioners Court.
4. **Fire Protection Responsibility.** Fire hydrants installed within the Webb County Utilities Department's water distribution system are provided at the convenience of the Webb County Water Utilities Department and do not imply any responsibility on the part of the Webb County Water Utilities Department to meet fire flow requirements of local, county, state, or federal governmental agencies. Fire hydrants paid for by individuals or groups of individuals and donated to the Webb County Utilities Department for any county volunteer fire department use shall remain in place for such use as "refill only" of fire trucks. The Webb County Utilities Department reserves the right to remove any fire hydrant, due to improper use or detriment to the Utility as determined by the Webb County Water Utilities Department, at any time without notice, refund, or compensation to the contributors unless such fire hydrants are installed pursuant to the terms of a Non-Standard Service Contract as provided under Section F, in which event the terms and conditions of the Contract shall apply.
5. **Damage Liability.** The Webb County Utilities Department is not liable for damages caused by service interruptions, events beyond its control, and for normal system failures. The limit of liability of the Webb County Utilities Department is the extent of the cost of service provided. By acceptance of service, service, consents to waiver of such liability.
6. **Information Disclosure.** The records of the Webb County Utilities Department shall be kept in the Webb County Water Utilities Department office in Rio Bravo, Texas and in Webb County offices in Laredo, Texas. All information collected, assembled, or maintained by or for the County Utilities Department shall be disclosed to the public in accordance with the Texas Open Records Act: Article 6252-17a, Tex. Rev. Civ. Stat. (Vernon Pamp. 1991).

7. **Customer Notice Provisions.** The Webb County Utilities Department shall give written notice of monthly rate changes by mail or hand delivery to all affected consumers at least 30 days prior to the effective date of the new rate. The notice shall contain the old rates, new rates, effective date of the new rate, date of Commissioners Court authorization, and the name and phone number of the Webb County Water Utilities Department's contact person designated to address inquiries about the rate change.

8. **Grievance Procedures.** Any service customer of the Webb County Utilities Department or individual demonstrating interest under the policies of this Tariff in receiving service from the Webb County Utilities Department shall have an opportunity to voice concerns or grievances to the Webb County Utilities Department by the following means and procedures:
 - a) By presentation of concerns to the Webb County Utilities Department's manager or authorized staff member for discussion and resolution. If not resolved to the satisfaction of the aggrieved party then,
 - b) By presenting a letter of request for a hearing before the Webb County Commissioners Court. The letter shall state the individual's desired business before the Court and the desired result.
 - c) The County Judge shall review the request and determine the best means by which the complaint shall be resolved.
 - d) The County Judge shall determine a reasonable time and place of all hearings, but not beyond 45 days of the date of receipt of the letter of complaint.
 - e) The Webb County Commissioners Court, committee thereof, and/or legal counsel shall hear the complaint as directed by the County Judge.
 - f) Any hearings by committees or staff delegated to hear complaints shall report its recommendation to the Commissioners Court for a decision by the Court.
 - g) The Webb County Commissioners Court shall act upon the information available and direct the manager or other representative to respond to the complaint by communicating the Commissioners Court's decision in writing.

 - h) Any charges or fees contested as a part of the complaint in review by the Webb County Utilities Department under this policy shall be suspended until a satisfactory review and final decision has been made by the Webb County Commissioners Court. The Court's decision shall be final.

9. **Plumbing Standards.** The Webb County Utilities Department adopts the Southern Standard Plumbing Code as amended as guidance in the design, installation, and maintenance of plumbing systems and service facilities connecting or connected to the utility's water and/or wastewater facilities, to the extent appropriate under the

applicable statutes and regulations governing public water and wastewater utilities systems. Any Customer may be required to retrofit plumbing systems and service facilities as determined to be necessary by the Webb County Utilities Department for purposes of compliance with the Southern Standard Plumbing Code as amended.

SECTION C: DEFINITIONS

ACTIVE SERVICE - Service status of any Resident receiving authorized water service under the provisions of this Tariff.

APPLICANT - Person, partnership, cooperative corporation, corporation, agency, public or private organization of any character applying for service with the Webb County Utilities Department.

CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) - The authorization granted under Chapter 13 of the Texas Water Utility Code for Webb County Utilities Department to provide water and wastewater utilities service within a defined territory. The Webb County Utilities Department has Certificate Number 12704 and Certificate Number 20807. Territory defined in the CCN shall be the Certificated Service Area.

CUSTOMER - Any person, partnership, cooperative corporation, corporation, agency, or public or private organization that has qualified for service in accordance with the Webb County Utilities Department's Tariff. Customer will be classified as Residential or Commercial.

DEPOSIT - A fee qualified as such under the terms of the tariff of the Webb County Utilities Department. The deposit is refundable upon termination of service.

DISCONNECTION OF SERVICE - the locking or removal of a water meter to prevent the use of water by a Customer/Consumer.

EASEMENT - A private perpetual dedicated right-of-way for the installation of water and wastewater pipelines and necessary facilities which allows access to property for future operation, maintenance, facility replacement, and/or installation of additional pipelines.

FmHA - Abbreviation for Farmers Home Administration, an agency of the U.S. Department of Agriculture, providing loan and grant funds for development of rural water and wastewater systems serving communities with a population of less than ten thousand (10,000) people. Includes succeeding agencies such as the Rural Development Administration.

FINAL PLAT - A complete and exact plan for the subdivision of a tract of land into lots for marketing which has been approved by all regulatory agencies having jurisdiction over approval of the design, planning, and specifications of the facilities of such subdivision. The Webb County Commissioner Court shall determine if a plat submitted for the purposes of this Tariff shall qualify as a final plat.

HAZARDOUS CONDITION - A condition which jeopardizes the health and welfare of the Residents/Consumers of the Webb County Utilities Department as determined by the Webb County Utilities Department or regulatory authority.

MINIMUM MONTHLY CHARGE - The term Minimum Monthly Charge is used to define the monthly charge assessed each Customer of the Webb County Utilities Department utilizing service or each customer who has the opportunity to utilize service via a metering device

installed by the Webb county Utilities Department. In the text of this Tariff, minimum monthly charge may be used generically to describe Minimum Monthly Charge or Reserved Service Charge, the two monthly charges assessed each customer entitled to service. See definition of Reserved Service Charge.

PERSON - Any natural person, partnership, cooperative corporation, association, private corporation, agency, or public or private organization of any character.

RENTER - A consumer who rents property from a property owner and may otherwise be termed a lessee or tenant.

RE-SERVICE - Providing service to an Applicant at a location for which service previously existed, but where the deposit has been liquidated and now requires the fitting of a metering device into an existing setting and possibly requiring modifications to the setting in order to restore service. Costs of such re-servicing shall be based on justifiable and reasonable costs to the Webb County Utilities Department for restoration of service.

RESERVED SERVICE CHARGE - A monthly charge assessed for each property where service is being reserved in behalf of a customer or future customer. The purpose of this fee is to reserve capacity at a specified location pending installation of a tap by the Webb County Utilities Department. This fee is paid monthly in lieu of the Minimum Monthly Charge until such time as a lot may be sold and a tap is provided as requested. The Reserved Service Charge shall be cost-based to defray actual costs of service to the property for which service has been requested.

SERVICE CLASSIFICATION - A type of service which warrants a specific charge for service based on specific criteria such as usage, meter size, demand, type application, etc. as determined by the Webb County Utilities Department upon evaluation of the service requirements of the Applicant or Customer.

SERVICE APPLICATION AND AGREEMENT - A written agreement between the Customer/Applicant and the Webb County Utilities Department outlining the responsibilities of each party regarding the service of water and wastewater

SERVICE UNIT - The base unit of service used in facilities design and rate making. For the purposes of this tariff, a service unit is the 5/8" x 3/4", 3/4" x 3/4", 1", 1 1/2", and 2" water meter. Wastewater facilities are designed on the basis of population served but rates are set based on water consumed.

TARIFF - The Webb County Utilities Department's published rates, fees, and conditions of service.

WEBB COUNTY COMMISSIONER COURT - The Governing body of the Webb County Utilities Department.

U

WEBB COUNTY UTILITIES DEPARTMENT - The Webb County Utilities Department owned by Webb County and operated by the County or its agents.

SECTION E: SERVICE RULES AND REGULATIONS

1. **Service Entitlement.** An Applicant shall be considered fully qualified and entitled to water and wastewater service when proper application has been made, terms and conditions of service have been met and continue to be met, and all fees have been paid as prescribed by this Tariff.

2. **Application Procedures and Requirements.** For the purposes of this Tariff, service requested by an Applicant and provided by the Webb County Utilities Department shall be divided into the following tow (2) classes:

a. **Standard Service** is defined as service on an existing pipeline where pipeline or service facility extensions are not required and special design and/or engineering considerations are not necessary. Typically, this would include only 5/8" X 3/4" to 3/4" sized water meter services set on existing pipelines or wastewater taps made on collection lines no more than five feet in depth.

b. **Non-Standard Service** is defined as any service applied for which is not Standard Service. In addition to the following requirements for service, service requirements as prescribed by Section F of this Tariff shall be required of the Non-Standard Service Applicant prior to extension of such pipelines, and/or service facilities.

c. **Requirements for Standard and non-Standard Service.**

(1) The Webb County Utilities Department's Service Application and Agreement Form shall be completed in full and signed by the Applicant.

(2) A Right-of-Way Easement Form, sanitary control easement, or other such easement forms, approved by the Webb County Utilities Department, must be completed by the Applicant for the purpose of allowing future extensions or facility additions to improve or provide service to future Applicants.

(3) The Webb County Utilities Department shall consider master metering multiple units for an applicant's request provided the total number of units to be served area all:

(a) owned by the same person, partnership, cooperative, corporation, agency, public or private organization of any character but not including a family unit,

(b) inaccessible to public right-of-way, and

(c) considered a commercial enterprise i.e. for business, rental, or lease purposes.

(4) All Service Applications approved and cost of service fees quoted by the Webb County Utilities Department shall be presented to the Applicant in writing and shall stand approved at quoted costs for a period not to exceed thirty (30) days. After thirty (30) days, each Applicant shall re-apply for service under the terms of this Tariff.

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(5) If the water main has been located in the public right-of-way and is adjacent to Applicant's property due to the current or previous landowner's refusal to grant easement to the Webb County Utilities Department for the purposes of installing the water main and appurtenances, and the Webb County Utilities Department has documentation of such refusal on file, the Applicant, prior to receiving the requested service, shall grant easement to the Webb County Utilities Department. In addition to the normally required fees for service, the Applicant shall pay such sums as are necessary for the removal of the water main from the public right-of-way and for relocation onto the Applicant's property pursuant to such easement.

3. Activation Of Standard Service.

a. **New Tap** - The Webb County Utilities Department shall charge a non-refundable service installation fee as required under Section G of this Tariff. The service installation fee shall be quoted in writing to the Applicant. All other fees shall be paid in advance of installation or in advance of reservation of service capacity including, as applicable, the Deposit, and any Easement Fees, as required under Section G of the Tariff.

b. **Re-Service** - On property where service previously existed, the Webb County Utilities Department shall charge the deposit and labor and material costs necessary to restore service. This fee shall be cost-based.

c. **Performance of Work** - After all applicable fees are paid and approval is granted by proper authorities, all tap and equipment installations specified by the Webb County Utilities Department shall be completed by the Webb County Utilities Department staff or the Webb County Utilities Department's designated representative. The tap shall be completed within ten (10) working days after receipt of payment of quoted installation fees.

d. **Inspection of Customer Service Facilities** - The Webb County Utilities Department staff or its designated representative shall inspect all customer service facilities before and periodically after the tap is made to insure compliance with state required Minimum Acceptable Operating Practices For Public Drinking Water Systems as promulgated by the Texas Natural Resource Conservation Commission or successor agency, applicable plumbing codes, and utility construction standards.

4. Activation of Non-Standard Service.

a. **Activation of Non-Standard Service** shall be conducted as prescribed by terms of Section F of this Tariff.

b. **Re-Service** - The same terms which apply under the Activation of Standard Service Sub-Section on Re-Servicing shall be applied to Non-Standard Re-Service requests.

5. Changes in Service Classification. If at any time the Webb County Utilities Department determines that the customer service needs change from those needs originally applied for to a different service classification and the Webb County Utilities Department determines that

additional or different facilities are necessary to provide adequate service, the Webb County Utilities Department shall require the Applicant/Customer to re-apply for service under the terms and conditions of this Tariff. Applicant/Customers failing to comply with this provision shall be subject to the Disconnect With Notice Provisions of this Tariff, Sub-Section 115.a.

6. Utility Utilities Department Service.

a. Liquidation Due To Delinquency - When the amount of the delinquent minimum monthly charges, gallonage charges, penalties, and service fees owed by the customer equals the deposit, the deposit shall be paid against that over due bill and service terminated. In the event the customer leaves a balance due on an account guaranteed under the terms of a Service Application and Agreement, the Webb County Utilities Department shall collect any remaining account balances through appropriate means. Reinstatement of service shall be subject to the terms of the Activation of Service Sub-Section 3.a. of this Tariff.

b. Cancellation Due To Policy Non-Compliance - The Webb County Utilities Department may cancel service anytime a customer fails to comply with policies of the Webb County Utilities Department.

7. Owners and Renters. any Webb County Utilities Department customer renting or leasing property to other parties are responsible for all charges due the Webb County Utilities Department in the event a renter or lessee leaves the Webb County Utilities Department with any unpaid bills. The Webb County Utilities Department will bill the renter or lessee for utility service if the renter/lessee opens the account in his/her name and meets all the requirements as stated in this tariff.

8. Denial of Service. The Webb County Utilities Department may deny service for the following reasons:

a. Failure of the Applicant/Customer to complete all required forms and pay all required fees and charges;

b. Failure of the Applicant/Customer to comply with rules, regulations, and policies, of the Webb County Utilities Department;

c. Existence of a hazardous condition at the Applicant's property which would jeopardize the welfare of the Residents/Users of the Webb County Utilities Department upon connection;

d. Failure of Applicant to provide representatives or employees of the Webb County Utilities Department reasonable access to property for which water service has been requested when there is reason to believe that a hazardous condition may exist for which access is necessary to verify;

e. Failure of Applicant or Transferee to comply with all governmental rules and regulations of the Webb County Utilities Department on file with the state regulatory agency governing the service applied for by the Applicant;

f. Failure of the Applicant to make the deposit required under these rules.

9. Applicant's Recourse. In the event the Webb County Utilities Department refuses to serve an Applicant under the provisions of these rules, the Webb County Utilities Department must notify the Applicant, in writing, of the basis of its refusal, and the Applicant may file for an appeal, in writing, with the Webb County Commissioners Court.

10. Insufficient Grounds for Refusal of Service. The following shall not constitute sufficient cause for the refusal of service to an Applicant.

a. Delinquency in payment for service by a previous occupant of the premises to be served;

b. Failure to pay a bill to correct previous under billing due to misapplication of rates more than six (6) months prior to the date of application;

c. Violation of the Webb County Utilities Department's rules pertaining to operation of non-standard equipment or unauthorized attachments which interferes with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said requirements;

d. Failure to pay a bill of another customer as guarantor thereof unless the guarantee was made in writing to the Webb County Utilities Department as a condition precedent to service;

e. Failure to pay the bill of another customer at the same address except where the change of customer identify is made to avoid or evade payment of a utility bill;

f. Failure to pay for the restoration of a tap removed by the utility at its option or removed as the result of tampering or delinquency in payment by a previous customer.

g. Failure to pay for the restoration of a tap removed by the utility at its option or removed as the result of tampering or delinquency in payment by a previous customer.

11. Deferred Payment Agreement. The Webb County Utilities Department may offer a deferred payment plan to a customer who cannot pay an outstanding balance in full and is willing to pay the balance in reasonable installments as determined by the Webb County Utilities Department, including any Late Penalty Fees or interest on the monthly balance to determined as per agreement.

12. Charge Distribution and Payment Application.

a. The Minimum Monthly Charge or the Reserved Service Charge is applied from the first day of the month to the last day of the month. Charges shall be prorated for meter installations and service terminations falling during the calendar month. Billings for this amount shall be mailed on or before the 15th of the month preceding the month for which this charge is due. All active customers shall be subject to this charge whether or not the service was used by the customer.

b. Gallonage Charge, defined as water usage in excess of any water allotment, if included, in the Minimum Monthly Charge, shall be billed at the rate specified in Section G, and shall be billed in one hundred (100) gallon increments. Water charges for usage exceeding the monthly allotment are based on monthly meter readings and are calculated from reading date to reading date. Readings used in all billing calculations shall be taken by the Webb County Utilities Department's employees or designated representative.

c. Posting of Payments - All payments shall be posted against previous balances prior to posting against current billings.

13. Due Dates, Delinquent Bills, and Service Disconnection Date. The Webb County Utilities Department shall mail all bills on or about the 10th of the month. All bills shall be due upon receipt and are past due beyond the date indicated on the bill (allowing approximately fifteen (15) days to pay), after which time a penalty shall be applied as described in Section G. A bill is delinquent if not paid by the past due date. Payments made by mail will be considered late if postmarked after the past due date. A five (5) day grace period may then be allowed for delayed payments prior to mailing of final notices. Final notices shall be mailed allowing ten (10) additional days for payment prior to disconnection. The ten (10) additional days shall begin on the day the final notice is deposited with the U.S. Postal Service with sufficient postage. If the past due date for the regular or final billing is on a weekend or holiday, the past due date for payment purposes shall be the next day the Webb County Utilities Department office is open for business after said weekend or holiday. For all disputed payment deadlines, the date postmarked on each bill will determine the beginning of each billing cycle or final notice mailings.

14. Upon written request, any residential customer 60 years of age or older who occupies the entire premises of a dwelling receiving Utilities Department service from the Webb County Utilities Department shall receive extension of the past due date, without penalty. The extension shall not exceed 10 days beyond the usual 15 day payment period for a total of no more than 25 days from the date the bill is issued. The request may specify extension of the late payment periods for current and subsequent billings.

15. Rules for Disconnection of Service. The following describes the rules and conditions for disconnection of water and wastewater service. For the purposes of disconnecting wastewater service under these policies, water service will be terminated in lieu of disconnecting wastewater taps. ~~In instances of nonpayment of wastewater service or other violations by a~~

Customer who is not a water customer, the Webb County Utilities Department has the option to disconnect the wastewater tap or take other appropriate actions.

a. Disconnection With Notice - Utilities Department service may be disconnected for any of the following reasons after proper notification has been given:

(1) Returned Checks - In the event a check, draft, or any other similar instrument is given by a person, firm, or partnership to the Webb County Utilities Department for payment of

services provided for in this Tariff, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the Webb County Utilities Department shall mail, via the U.S. Postal Service, a notice requiring redemption of the returned instrument within ten (10) days of the date of the notice to be made in the Webb County Utilities Department office. Redemption of the returned instrument shall be made by cash, money order, or certified check. Failure to meet these terms shall initiate disconnection of service.

Any such instruments returned as insufficient or non-negotiable for any reason for any two billing periods within a 12 month period shall be considered evidence of bad credit risk by Webb County Utilities Department. The applicant/customer in violation shall be placed on a "cash-only" basis for a period of 12 months.

(20) Failure to pay a delinquent account for Utility Utilities Department service or failure to comply with the terms of a deferred payment agreement;

(3) Violation of the Webb County Utilities Department's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of non-standard equipment if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;

(4) Failure of the customer to comply with the terms of the Webb County Utilities Department's Service Agreement, Tariff, or Special Contract provided that the Webb County Utilities Department has given notice of said failure to comply, and customer has failed to comply within a specified amount of time after notification.

(5) Failure to provide access to the meter under the terms of this Tariff or to property at which water service is received when there is reason to believe that a hazardous condition or policy violation exists for which access is necessary to verify.

(6) Misrepresentation by any Applicant of any fact on any form, document, or other agreement required to be executed by the Webb County Utilities Department.

(7) Failure of customer to re-apply for service upon notification by the Webb County Utilities Department that customer no longer meets the terms of the service classification originally applied for under the original service application.

(8) Failure to pay a delinquent account billed by the Webb County Utilities Department for wastewater service provided by The City of El Cenizo pursuant to the Webb County Utilities Department's Agreement with the City of El Cenizo.

b. Disconnection Without Notice - Utilities Department service may be disconnected without notice for any of the following conditions:

(1) A known dangerous or hazardous condition exists for which service may remain disconnected for as long as the condition exists, including but not limited to a violation of the Texas Sanitation and Health Protection Law 4477-1, or there is reason to believe a dangerous

or hazardous condition exists and the customer refuses to allow access for the purpose of confirming the existence of such condition and/or removing the dangerous or hazardous condition;

(2) Service is connected without authority by a person who has not made application for service or who has reconnected service without authority following termination of service for nonpayment; and

(3) In instances of tampering with the Webb County Utilities Department's meter or equipment, by passing the meter or equipment, or other diversion of service.

Where reasonable, given the nature of the reason for disconnection, a written statement providing notice of disconnection and the reason therefore shall be posted at the place of common entry or upon the front door of each affected residential unit as soon as possible after service has been disconnected.

c. Disconnection Prohibited – Utility service may not be disconnected for any of the following reasons:

(1) Failure of the Member to pay for merchandise or charges for non-utility service provided by the Webb County Utilities Department, unless an agreement exists between the Applicant and the Webb County Utilities Department whereby the customer guarantees payment of non-utility service as a condition of service;

(2) Failure of the Member to pay for a different type or class of utility service unless a fee for such service is included in the same bill;

(3) Failure of the customer to pay charges arising from an under billing occurring due to any misapplication of rates more than six (6) months prior to the current billing;

(4) Failure of the Member to pay the account of another customer as guarantor thereof, unless the Webb County Utilities Department has in writing the guarantee as a condition precedent to service;

(5) Failure of the Member to pay charges arising from an under billing due to any faulty metering, unless the meter has been tampered with or unless such under billing charges are due under the Inoperative Meters subsection E.15.19. of this tariff.

(6) Failure of the customer to pay an estimated bill other than a bill rendered pursuant to an approved meter reading plan, unless the Webb County Utilities Department is unable to read the meter due to circumstances beyond its control;

(7) In response to a request for disconnection by an Owner of rental property where the renter is billed directly by the Webb County Utilities Department and the renter's account is not scheduled for disconnection under the Rules for Disconnection of Service in this tariff.

d. Disconnection on Holidays and Weekends - Unless a dangerous condition exists or the customer requests disconnection, service shall not be disconnected on a day, or on a day preceding a day, when personnel of the Webb County Utilities Department are not available to the public for the purpose of making collections and reconnecting service.

e. Disconnecting for Ill and Disabled - The Webb County Utilities Department may not discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person at that residence becoming seriously ill or more seriously ill if service is discontinued. Each time a customer seeks to avoid termination of contact the Webb County Utilities Department within sixteen (16) days of issuance of the bill. A written statement must be received by the Webb County Utilities Department from the physician within twenty-six (26) days of the issuance of the utility bill. The prohibition against service termination shall last sixty-three (63) days from the issuance of the utility bill or such lesser period as may be agreed upon by the Webb County Utilities Department and customer's physician. The customer shall enter into a Deferred Payment Agreement.

f. Disconnection of Master-Metered Services - When a bill for water utility services is delinquent for a master-metered service complex (defined as a complex in which a single meter serves two (2) or more residential dwelling units), the following shall apply:

(1) The Webb County Utilities Department shall send a notice to the customer as required. This notice shall also inform the customer that notice of possible disconnection will be provided to the tenants of the service complex in six (6) days if payment is not rendered before that time.

(2) At least sixty (60) days after providing notice to the customer and at least four (4) days prior to disconnection, the Webb County Utilities Department shall post at least five (5) notices in public areas of the service complex notifying the residents of the scheduled date for disconnection of service.

(3) The tenants may pay the Webb County Utilities Department for any delinquent bill in behalf of the owner to avert disconnection or to reconnect service to the complex.

16. Billing Cycle Changes. The Webb County Utilities Department reserves the right to change its billing cycles if the work load requires such practice. After a billing period has been changed, the billings shall be sent on the new change date unless otherwise determined by the Webb County Utilities Department.

17. Back-billing. The Webb County Utilities Department may back-bill a customer for up to four (4) years (48 months) for meter error, misapplied meter multiplier, incorrect meter readings, or error in computing a customer's bill. Failure to pay the most recent six (6) months billing will result in disconnection of service and the re-establishment of credit.

18. Disputed Bills. In the event of a dispute between the customer and the Webb County Utilities Department regarding any bill, the Webb County Utilities Department shall forthwith make and conduct an investigation thereof to the customer. All disputes under this

Subsection must be submitted to the Webb County Utilities Department, in writing, prior to the due date posted on said bill.

19. Inoperative Meters. Water meters found inoperative will be repaired or replaced within a reasonable time. If a meter is found not to register for any period, unless by-passed or tampered with, the Webb County Utilities Department shall make a charge for units used, but not metered, for a period not to exceed three (3) months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding period in previous years.

20. Bill Adjustment Due To Meter Error. The Webb County Utilities Department shall test any customer's meter upon written request of the customer. IN the event the meter tests within the accuracy standards of The American Water Works Association, a test fee as prescribed in Section G of this tariff shall be imposed. In the event the test results indicate that the meter is faulty or inaccurate, the test fee shall be waived, the meter shall be calibrated or replaced, and a billing adjustment may be made as far back as six (6) months but not extending beyond current service agreement. The billing adjustment shall be made to the degree of the meter's inaccuracy as determined by the test. The customer shall complete a Meter Test Request Form prior to the test.

21. Meter Tampering and Diversion. For purposes of these Sections, meter-tampering, by-passing, or diversion shall all be defined as tampering with the Webb County Utilities Department's meter or equipment, by-passing the same, or other instances of diversion, such as removing a locking or shut-off devise used by the Webb County Utilities Department to discontinue service, physically disorienting the meter, attaching objects to the meter to divert service or to by-pass, inserting objects into the meter, and other electrical and mechanical means of tampering with, by-passing, or diverting the service. The burden of proof of meter-tampering, by-passing, or diversion is on the Webb County Utilities Department. Photographic evidence or any other reliable and credible evidence may be used; however, any evidence shall be accompanied by a sworn affidavit by the Webb County Utilities Department's staff when any action regarding meter-tampering as provided for in these Sections is initiated. A court finding of meter-tampering may be used instead of photographic or other evidence, if applicable. Unauthorized users of services of the Webb County Utilities Department shall be prosecuted to the extent allowed by law under the Texas Penal Code 28.03.

~~22. Meter Relocation. Relocation of meters/taps shall be allowed by the Webb County Utilities Department provided that:~~

- a. No transfer of account is involved;
- b. An easement for the proposed location has been granted to the Webb County Utilities Department;
- c. The property of the new location requested is owned by the current customer of the meter to be moved;

- d. The existing tap location is on property contiguous to the proposed tap location;
- e. The customer pays the actual cost of relocation plus administrative fees, and
- f. Service capacity is available at proposed location.

23. **Prohibition of Multiple Connections To A Single Tap.** In order that the Webb County Utilities Department may maintain adequate records of the actual number of users on its system to assure compliance with Texas Department of Natural Resource Conservation Commission Rules and Regulations on minimum service standards, to ensure that charges are received for each user on the system, and to ensure that the Webb County Utilities Department's metering device is adequately sized for proper flow and accurate measurement of water used, all connections of any dwelling, household, business, and/or water-consuming establishment currently receiving or planning to receive water service, either directly or indirectly from the Webb County Utilities Department's water system, shall individually apply for service under the rules of this Tariff. Any authorized sub-metering or diversion of service shall be considered a multiple Connection and subject to disconnection of service. If the Webb County Utilities Department has sufficient reason to believe a Multiple Connection exists, the Webb County Utilities Department shall discontinue service under the Disconnection with Notice provisions of this Tariff.

24. **Customer's Responsibility.**

a. The customer shall provide access to the meter at all reasonable times for the purpose of reading, installing, checking, repairing, or replacing the meter. Customer shall provide a key to locked gates. If the gate to the customer's premises is locked, preventing the reading of the meter, an estimated bill shall be rendered to the customer for the month; and a notice shall be sent to the effect that entrance could not be gained and that a key should be furnished or the gate unlocked for each reading period. Should the gate remain locked for three (3) consecutive months after proper notification to the customer, then service shall be discontinued and the meter removed with no further notice.

b. The customer shall be responsible for compliance with all utility, local, and state codes, requirements, and regulations concerning on-site service and plumbing facilities.

(1) All connections shall be designed to ensure against back-flow or siphonage into the Webb County Utilities Department's water supply. in particular, livestock water troughs shall be plumbed above the top of the trough with air space between the discharge and the water level in the trough.

(2) The use of pipe and pipe fittings that contain more than 8.0% lead or solder and flux that contain more than 0.2% lead is prohibited for any plumbing installation or repair of any residential or non-residential facility providing water for human consumption and connected to the Webb County Utilities Department's facilities. Customer service pipelines shall be installed by the applicant and shall be a minimum SDR-26 PVC pipe.

(3) All pipe and fittings used by the customer to convey sewage from its source to the sewer line must be D-3034, SDR-35 or equivalent, 4 inch diameter pipe. No DWV (drain waste and vent) pipe or fittings will be allowed. All joints must be water tight and pipe must be installed to recommended grade. All non-household wastewater customers who have the potential for dirt, grit, sand, grease, oil, or similar substances must install and maintain a trap ahead of their entrance to the Webb County Utilities Department's wastewater collection piping. A double cleanout is required at the property line and recommended at the house. Other site-specific requirements may be imposed by the Webb County Utilities Department. All wastewater and potable water service pipeline installations must be a minimum of nine feet apart and meet all applicable plumbing standards for crossings, etc.

Service shall be discontinued without further notice when installations of new facilities or repair of existing facilities are found to be in violation of this regulation until such time as the violation is corrected.

c. A customer owning more than one (1) meter shall keep all payments current on all accounts. Failure to maintain current status on all accounts shall be enforceable as per Service Application and Agreement executed by the customer.

d. The Webb County Utilities Department's ownership and maintenance responsibility of water supply and metering equipment shall end at the meter. Therefore, all water usage registering upon and/or damages occurring to the metering equipment owned and maintained by the Webb County Utilities Department shall be subject to charges as determined by the Webb County Utilities Department's Tariff as amended from time to time by the Webb County Commissioners Court.

e. The Webb County Utilities Department shall require each customer to provide a cut-off valve on the customer's side of the meter for purposes of isolating the customer's service pipeline and plumbing facilities from the Webb County Utilities Department's water pressure. The customer's use of the Webb County Utilities Department's curb stop or other similar valve for such purposes is prohibited. Any damage to the Webb County Utilities Department's equipment shall be subject to service charges.

SECTION F: NON-STANDARD SERVICE REQUIREMENTS

4. **Webb County Utilities Department's Limitations.** All applicants shall recognize that the Webb County Utilities Department must comply with local, state, and federal rules and regulations as promulgated from time to time, and by covenants of current indebtedness.

5. **Purpose.** The purpose of this section is to govern agreements and service procedures for subdivisions, additions to subdivisions, or developments where service to more than one tract is necessary; and/or additional piping, service facilities, etc. are required to accommodate individual, multiple, commercial, or industrial Applicants. For the purposes of this Tariff, Applications subject to this Section shall be defined as Non-Standard.

6. **Application of Rules.** This Section may be altered or suspended when applied to planned facility expansions for which the Webb County Utilities Department extends its indebtedness. The Webb County Commissioners Court shall interpret on an individual basis whether or not the Applicant's service request shall be subject to all or part of the conditions of this Section.

7. **Non-Standard Service Application.** The Applicant shall meet the following requirements prior to the initiation of a Service Contract by the Webb County Utilities Department:

a. The Applicant shall provide the Webb County Utilities Department a completed Service Application and Agreement giving special attention to the item on **SPECIAL SERVICE NEEDS OF THE APPLICANT**.

b. A final plat approved by the Webb County Commissioners Court must accompany the Application showing the Applicant's requested service area. The plat must be approved by all regulatory authorities having jurisdiction over lot sizes, sewage control, drainage, right-of-way, and other service facilities. Plans, specifications, and special requirements of such regulatory authorities shall be submitted with the plat. Applicant's for single taps involving extension or upsizing of facilities shall be required to submit maps or plans detailing the location of the requested extension and details of demand requirements.

c. At the time the Applicant tenders the Application, a Non-Standard Service Investigation Fee (See Section G) to cover initial administrative, legal, and engineering fees shall be paid to the Webb County Utilities Department. The balance of actual expenses shall be refundable to the Applicant and any additional expenses incurred as a result of efforts by the Webb County Utilities Department to study service requirements of the Applicant shall be paid by the Applicant.

d. If after the service investigation has been completed, the Webb County Utilities Department determines that the Applicant's service request is for property outside the Webb County Utilities Department's Certificated Service Area of Public Convenience and Necessity, service may be extended provided that:

(1) The service location is contiguous to or within one-fourth (1/4) mile of the Webb County Utilities Department's Certificated Service Area of Public Convenience and Necessity;

(2) The service location is not in an area receiving similar service from another utility ;
and

(3) The service location is not within the Area of Public Convenience and Necessity of another similar utility.

5. Design. The Webb County Utilities Department shall study the design requirements of the Applicant's required facilities prior to initiation of a Service Agreement by adopting the following schedule:

a. The Webb County Utilities Department's Consulting engineer shall design all service facilities for the Applicant's requested service within the Webb County Utilities Department's specifications or within certain codes and specifications of neighboring municipalities for all Non-Standard Service Applications which lie within a five (5) mile margin around the boundaries of municipalities having jurisdiction over such design criteria (municipalities with a population greater than five thousand [5,00]).

b. The Engineer's fees shall be paid out of the Non-Standard Service Investigation Fee, provided however, that the actual costs of the Engineer's services do not exceed the amount of the Non-Standard Service Investigation Fee allotted for engineering services. If the Applicant's services exceed the allotted fee, the Applicant shall pay the balance of engineering fees prior to commencing with the service investigation.

c. The Consulting Engineer shall submit to the Webb County Utilities Department a set of detailed plans, specifications, and cost estimates for the project.

d. If no local authority imposes other design criteria on the Applicant's service request, the Webb County Utilities Department's Engineer shall design all facilities for any Applicant to meet the demand for service as platted and/or requested in the plans or plat submitted in application for service. The Webb County Utilities Department reserves the right to upgrade design of service facilities to meet future demands, provided however, that the Webb County Utilities Department pays the expense of such upgrading above the Applicant's facility requirements.

6. Non-Standard Service Contract. All applicants requesting or requiring Non-Standard Service shall enter into a written contract, drawn up by the Webb County Utilities Department's Attorney, in addition to submitting the Webb County Utilities Department's Service Application and Agreement. Said contract shall define the terms of service prior to construction of required service facilities. Guidelines for the service contract may include, but are not limited to:

a. Definition of all costs associated with required administration, design, construction, and inspection of facilities for water service to the Applicant's service area and terms by which these costs are to be paid.

b. Definition of procedures by which the Applicant shall accept or deny a contractor's bid, thereby committing to continue or discontinue the project.

c. Definition of Front-end Capital Contributions required by the Webb County Utilities Department in addition to the other costs required under this Section.

d. Definition of monthly Reserved Service Charges as applicable to the service request.

e. Definition of terms by which reserved service shall be provided to the Applicant and duration of reserved service with respect to the impact the Applicant's service request will have upon the Webb County Utilities Department's system capability to meet other service requests.

f. Definition of terms by which the Applicant shall be reimbursed or compensated for fees duplicated in assessments for monthly rates and Front-end Capital Contributions.

g. Definition of terms by which the Applicant shall be reimbursed or compensated for fees duplicated in assessments for monthly rates and Front-end Capital Contributions.

- (1) Design of the Applicant's service facilities;
- (2) Securing and qualifying bids;
- (3) Execution of the Service Agreement;
- (4) Selection of a qualified bidder for construction;
- (5) Dispensing advanced funds for construction of facilities required for the Applicant's service;
- (6) Inspecting construction of facilities; and
- (7) Testing facilities and closing the project.

h. Definition of terms by which the Applicant shall indemnify the Webb County Utilities Department from all third party claims or lawsuit in connection with the project contemplated.

i. Definition of terms by which the Applicant shall deed all constructed facilities to the Webb County Utilities Department and by which the Webb County Utilities Department shall assume operation and maintenance responsibility, including any enforcement of warranties in connection with construction of the Applicant's project.

j. Definition of terms by which the Applicant shall grant title or easement for right-of-ways, constructed facilities, and facility sites and/or terms by which the Applicant shall provide for the securing of required right-of-ways and sites.

k. Definition of terms by which the Webb County Commissioners Court shall review and approve the Service Contract pursuant to current rules, regulations, and bylaws.

7. Property and Right-of-Way Acquisition. With regard to construction of facilities, the Webb County Utilities Department shall require private right-of-way easements or private property as per the following conditions:

a. If the Webb County Utilities Department determines that right-of-way easements or facility sites outside the Applicant's property are required, the Webb County Utilities

Department shall require the Applicant to secure easements or title to facility sites in behalf of the Webb County Utilities Department. All right-of-way easements and property titles shall be researched, validated, and filed by the Webb County Utilities Department at the expense of the Applicant.

b. All facilities required to be installed in public right-of-ways in behalf of the Applicant, due to inability to secure private right-of-way easements, shall be subject to costs equal to the original cost of facility installation for those facilities in public right-of-ways, plus the estimated cost of future relocation to private right-of-ways or subject to the cost of installation under state condemnation procedures, whichever is most desired by the Applicant.

c. The Webb County Utilities Department shall require an exclusive dedicated right-of-way on the Applicant's property (as required by the size of the planned facilities and as determined by the Webb County Utilities Department) and title to property required for other on-site facilities.

d. Easements and facilities sites shall be prepared for the construction of the Webb County Utilities Department's pipeline and facility installations in accordance with the Webb County Utilities Department's requirements and at the expense of the Applicant.

8. All improvements required by the non-standard service agreement will be made by the applicant at no cost to the Webb County Utilities Department.

9. Construction.

a. All road work pursuant to county and/or municipal standards (if applicable) shall be completed prior to facility construction to avoid future problems resulting from road right-of-way completion and excavation. Subject to approval of the requisite authority, road sleeves may be installed prior to road construction to avoid road damage during construction of Applicant's facilities.

b. The Webb County Utilities Department shall, at the expense of the Applicant, inspect the facilities to ensure that Webb County Utilities Department standards are achieved.

c. Construction plans and specifications shall be strictly to, but the Webb County Utilities Department reserves the right to change order any specifications, due to unforeseen circumstances during the design phase, to better facilitate operation of the Applicant's facility. All change-order amounts shall be charged to the Applicant.

SECTION G: RATES AND SERVICE FEES

Unless specifically defined in this Tariff, all fees, rates, and charges as herein stated shall be non-refundable.

1. **Service Investigation Fee.** The Webb County Utilities Department shall conduct a service investigation for each service application submitted at the Webb County Utilities Department office. An initial determination shall be made by the Webb County Utilities Department, without charge, as to whether the service request is Standard or Non-Standard. An investigation shall then be conducted and the results reported under the following terms:

a. All Standard Service requests shall be investigated without charge and all applicable costs for providing service shall be quoted in writing to the Applicant within ten (10) working days of application.

b. All Non-Standard Service requests shall be subject to a fee, unique to each project, of sufficient amount to cover all administrative, legal, and engineering fees associated with investigation of the Webb County Utilities Department's ability to deliver service to the Applicant, to provide cost estimates of the project, to present detailed plans and specifications as per final plat, to advertise and accept bids for the project, to present a Non-Standard Service Contract to the Applicant, and to provide other services as required by the Webb County Utilities Department for such investigation. A Non-Standard Service Contract shall be presented to the Applicant within a suitable amount of time as determined by the complexity of the project. (See Section F.)

2. **Deposit.** At the time the application for service is approved, a refundable Deposit of \$50.00 (fifty dollars) must be paid before service shall be provided or reserved for the Applicant by the Webb County Utilities Department.

3. **Easement Fee.** When the Webb County Utilities Department determines that private right-of-way easements and/or facilities sites are necessary to provide service to the Applicant, the Applicant shall be required to secure easements in behalf of the Webb County Utilities Department and/or pay all costs incurred by the Webb County Utilities Department in validating, clearing, and retaining such right-of-way in addition to tap fees otherwise required pursuant to the provisions of this Tariff. The costs may include all legal fees and expenses necessary to attempt to secure such right-of-way and/or facilities sites in behalf of the Applicant.

4. **Installation Fee.** The Webb County Utilities Department shall charge an installation fee for service as follows:

a. Standard Service shall include all current labor, materials, engineering, legal, plumbing inspection, and administrative costs necessary to provide individual metered water or wastewater service and shall be charged on a per tap basis as computed immediately prior to such time as service is requested and installed.

b. Non-Standard Service shall include any and all construction labor and materials, inspection, administration, legal, and engineering fees, as determined by the Webb County Utilities Department under the rules of Section F of this Tariff.

c. Standard and Non-Standard Service Installations shall include all costs of any pipeline relocations as per Section E.1.c.(6) of this Tariff.

5. Front-end Capital Contributions. In addition to the deposit, each Applicant shall be required to contribute capital in an amount projected to defray the cost of upgrading Utility facilities to meet growth demands created by adding customers. This fee shall be assessed immediately prior to providing or serving service on a per service unit basis for each tap/lot and shall be assigned and restricted to the tap/lot for which the service was originally requested. The formula applied to such fee is as follows:

a. Water; For single family residential unit,; \$1,400.00 for the purchase of water rights if lot is 10,000 square feet or less, \$2,100.00 for lots over 10,000 square feet. All other commercial or non-standard request for service must be considered individually and fees will be cost-based.

b. Wastewater; to be determined upon completion of the sewer system.

6. Monthly Charges.

a. Minimum Monthly Charges For Residential And Commercial Customers.

(1) Water Service - The monthly charge for metered water service, which may or may not include allowable gallonage, is based on demand by meter size. Each charge is assessed based on the number of 5/8" X 3/4" meters (as per American Water Works Association maximum continuous flow specifications) equivalent to the size indicated and is used as a base multiplier for the minimum monthly charge and allowable gallonage. Rates, equivalents, and allowable gallonages are as follows:

Water: for 5/8" to 3" meter \$9.50 per month (includes 3000 gallons)

(2) Wastewater Service - The monthly charge for residential wastewater service will be a flat fee of \$12.00 per month. The monthly charge for commercial wastewater service will be a minimum fee of \$12.00 per month for the first 3,000 gallons plus \$2.00 per 1,000 gallons there after.

b. Reserved Service Charges - The monthly charge for each active account at a specific location for which a meter has not been installed but for which the Webb County Utilities Department and the Applicant have entered into agreement and/or contract for reserved service. This monthly charge shall be based on the Webb County Utilities Department's monthly operating costs to service the Applicant's dedicated facilities on a per Service Unit basis. This charge reserves service to the Applicant's service area. This fee is determined on a case by case basis but shall never exceed the Minimum Monthly Charge for Metered Service on a per Service Unit basis.

c. In addition to the Minimum Monthly Water Charge, a gallonage charge shall be added at the rate of \$1.50 per 1,000 gallons for all usage above 3,000 gallons for residential customers, and \$2.00 per 1,000 gallons for all usage above 3,000 gallons for commercial customers.

The Webb County Utilities Department, as a part of its billing process, collects voluntary contributions on behalf of the Rio Bravo County Volunteer Fire Department and Emergency Medical Service. The Webb County Utilities Department shall retain from the proceeds the lesser amount of five percent or the total administrative costs for billing, collecting, and disbursing the voluntary contributions.

The Webb County Utilities Department is also authorized to collect charges for household garbage collection within the Utility's service area. The amount of these charges and the start date for their collection will be determined later.

7. **Late Payment Fee.** Once per billing period, a penalty of \$2.00 or 5%, which ever is larger, shall be applied to delinquent bills. This late payment penalty shall not be applied to any balance to which the penalty was applied in a previous billing, but shall be applied to any unpaid balance during the current billing period.

8. **Returned Check Fee.** In the event a check, draft, or any other similar instrument is given by a person, firm, or partnership to the Webb County Utilities Department for payment of services provided for in this tariff, and the instrument is returned by the bank or other similar institution as insufficient or non-negotiable for any reason, the account for which the instrument was issued shall be assessed a return check charge of \$20.00.

9. **Reconnect Fee.** The Webb County Utilities Department shall charge a fee of \$20.00 for reconnecting service after the Webb County Utilities Department has previously disconnected the service for any reason provided for in this Tariff except for activation of service under Section E.3.b. (Re-Service.).

10. **Equipment Damage Fee.** If the Webb County Utilities Department's facilities or equipment have been damaged by tampering, by-passing, installing unauthorized taps, reconnecting service without authority, or other service diversion, a fee shall be charged equal to the actual costs for all labor, material, and equipment necessary for repair, replacement, and other Webb County Utilities Department actions. This fee shall be charged and paid before service is re-established. IF the Webb County Utilities Department's equipment has not been damaged, a fee equal to the actual costs for all labor, material, equipment, and other actions necessary to correct service diversions, unauthorized taps, or reconnection of service without authority shall be charged. All components of this fee will be itemized, and a statement shall be provided to the Member. If the Webb County Utilities Department's facilities or equipment have been damaged due to negligence or unauthorized use of the Webb County Utilities Department's equipment, right-of-way, or meter shut-off valve, or due to other acts for which the Webb County Utilities Department incurs losses or damages, the customer shall be liable for all labor and material charges incurred as a result of said acts or negligence.

11. Customer History Report Fee. A fee of \$5.00 shall be charged to provide a copy of the customers record of past water purchases in response to a customer's request for such record.

12. Meter Test Fee. The Webb County Utilities Department shall test a customer's meter upon written request of the customer. Under the terms of Section E of this Tariff, a charge of \$25.00 shall be imposed on the affected account.

13. Other Fees. All services outside the normal scope of Utility operations which the Webb County Utilities Department may be compelled to provide at the request of a customer shall be charged to the recipient based on the cost of providing such service.

SECTION H: EMERGENCY RATIONING PROGRAM

The following water rationing program is adopted for emergency use only during periods of acute water shortage.

1. Declaration of emergency. When a system demand exceeds production or storage capability measured over a twenty-four (24) hour period, and refilling the storage facilities is rendered impossible, OR when the Webb County Utilities Department is notified by its wholesale supplier of a cutback in water to be delivered to such an extent that normal use patterns will no longer be possible, the Webb County Utilities Department may declare an emergency to exist, and thereafter ration water in the following manner.

2. Notice Requirements. Written notice of the proposed rationing shall be mailed or delivered to each affected customer seventy-two (72) hours before the Webb County Utilities Department actually starts the program, and shall also be placed in a local newspaper. The customer notice shall contain the following information:

- a. The date rationing shall begin;
- b. The date rationing shall end;
- c. The stage (level) of rationing to be employed;
- d. A copy of this rationing authority; and
- e. Affected area to be rationed.

3. Stage Levels of Rationing.

a. STAGE I (Mild Rationing Conditions) -- Alternate day usage of water for outdoor purposes such as lawns, gardens, car washing, etc. The provisions for alternate day use shall be specified by the Webb County Utilities Department in the written notice.

b. STAGE I-A (Limited Water Usage) -- The Webb County Utilities Department may limit water usage to a gallonage determined by the water plant's mechanical capability to provide continuous service in direct proportion to the loss of production/re-fill capability at a plant where no back-up facilities are available to remedy the shortage, prorated over all customers served by the water plant. Water restrictors may be installed for customers that exceed the limited gallonage determined by the system's mechanical capability. A flow restrictor shall be installed at the customer's expense (not to exceed actual costs or \$50.00). Tampering with the flow restrictor will result in water service termination for seven (7) days. The normal Reconnection Fee of the Webb County Utilities Department shall apply for restoration of service. The maximum number of gallons per meter per month shall be contained in the notice to each customer.

c. STAGE II (Moderate Rationing Conditions) -- All outdoor water usage is prohibited; however, usage for livestock is exempt.

d. STAGE III (Severe Rationing Conditions) -- All outdoor water usage is prohibited; livestock may be exempted by the Webb County Utilities Department. All consumption shall be limited to each customer in one of the following ways;

(1) A fixed percentage of each customer's average use in the prior month, the percentage to be uniformly applied on a system-wide basis, each customer being notified of this percentage amount, OR,

(2) A maximum number of gallons per meter per week, with notice to each customer of this number.

Total percentages under item 1 or maximum number of gallons under item 2 above shall be calculated not to exceed 80% of the system's current production/refill capability for the area being rationed.

4. Violation of emergency Rationing Rules.

a. First Violation - The Webb County Utilities Department may install a flow restrictor in the line to limit the amount of water which will pass through the meter in a twenty-four (24) hour period. The cost to be charged to the customer's account shall be the actual installed cost to the Webb County Utilities Department, not to exceed \$50.00.

b. Subsequent Violations - The Webb County Utilities Department may terminate service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal service trip fee of the Webb County Utilities Department shall apply for restoration of service.

5. Exemptions or Variances From Rationing Rules. The Webb County Commissioners Court may grant any customer an exemption or variance from the uniform rationing program, for good cause. The Webb County Utilities Department shall treat all customers equally concerning exemptions and variances, and shall not employ discrimination in such grants.

6. Rates. All existing rate schedules shall remain in effect during the rationing period, and no charges may be levied against a customer which are not contained in the approved Tariff of the Webb County Utilities Department.

The purpose of this Emergency Rationing Program is to conserve the total amount of water demanded from the Webb County Utilities Department until supply can be restored to normal levels. This rationing program shall not exceed sixty (60) days without extension by the Webb County Commissioners Court.

**DROUGHT CONTINGENCY PLAN
FOR THE
INVESTOR OWNED UTILITY**

WEBB COUNTY WATER UTILITY
(Name of utility)

515 MARTHA DRIVE, RIO BRAVO, TEXAS 78046
(Address, City, Zip Code)

12704
(CCN#)

2400022
(PWS #s)

AUGUST 30, 2000
(Date)

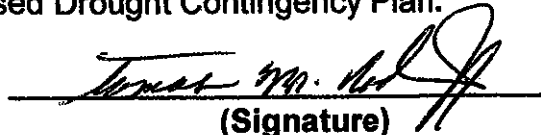
Section 1 Declaration of Policy, Purpose, and Intent

In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, temporary restrictions may be instituted to limit non-essential water usage. The purpose of the Drought Contingency Plan is to encourage customer conservation in order to maintain supply, storage, or pressure or to comply with the requirements of a court, government agency or other authority.

Please note: Water restriction is not a legitimate alternative if water system does not meet the Texas Natural Resource Conservation Commission's (TNRCC) capacity requirements under normal conditions or if the utility fails to take all immediate and necessary steps to replace or repair malfunctioning equipment.

I Tomas M. Rodriguez Jr., P.E., being the responsible official

For Webb County Water Utility, request a minor tariff amendment to include the enclosed Drought Contingency Plan.


(Signature)

8/30/2000
(Date)

Section 2 Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by:
(check at least one of the following)

- scheduling and providing public notice of a public meeting to accept input on the Plan.*
The meeting took place at:

Date: August 22, 2000 Time: 6:00 PM Location: Rio Bravo Community Center

Date: August 29, 2000 Time: 6:00PM Location: EL Cenizo Community Center

- mailed survey with summary of results. (attach survey and results)*
 - bill insert inviting comment. (attach bill insert)*
 - other* _____ *method*
-

Section 3 Public Education

The Webb County Water Utility will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage.

Drought plan information will be provided by:
(check at least one of the following)

- public meeting*
- press releases*
- utility bill inserts*
- other* _____

Section 4 Coordination with Regional Water Planning Groups

The service area of the Webb County Water Utility is located within:

Regional Water Planning Group (RWPG) Rio Grande Region M

Webb County Water Utility has mailed a copy of this Plan to the RWPG.

Section 5 Notice Requirements

Written notice will be provided to each customer **prior to implementation or termination of each stage of the water restriction program**. Mailed notice must be given to each customer 72 hours prior to the start of water restriction. If notice is hand delivered, the utility cannot enforce the provisions of the plan for 24 hours after notice is provided. The written notice to customers will contain the following information:

1. the date restrictions will begin,
2. the circumstances that triggered the restrictions,
3. the stages of response and explanation of the restrictions to be implemented, and,
4. an explanation of the consequences for violations.

The utility must notify the TNRCC by telephone at (512) 239- 6020, or electronic mail at watermon@tnrcc.state.tx.us prior to implementing Stage III and must notify in writing the Public Drinking Water Section at MC - 155, P.O. Box 13087, Austin, Texas 78711-3087 within five (5) working days of implementation including a copy of the utility's restriction notice. The utility must file a status report of its restriction program with the TNRCC at the initiation and termination of mandatory water use restrictions (i.e. Stages III and IV).

Section 6 Violations

1. First violation - The customer will be notified by written notice of their specific violation.
2. Subsequent violations:
 - a. After written notice, the utility may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24 hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed \$50.00.

- b. After written notice, the utility may discontinue service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility will apply for restoration of service.

Section 7 Exemptions or Variances

The utility may grant any customer an exemption or variance from the drought contingency plan for good cause **upon written request**. A customer who is refused an exemption or variance may appeal such action of the utility in writing to the Texas Natural Resource Conservation Commission. The utility will treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances. No exemption or variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Section 8 Response Stages

Unless there is an immediate and extreme reduction in water production, or other absolute necessity to declare an emergency or severe condition, the utility will initially declare Stage I restrictions. If, after a reasonable period of time, demand is not reduced enough to alleviate outages, reduce the risk of outages, or comply with restrictions required by a court, government agency or other authority, Stage II may be implemented with Stage III to follow if necessary.

STAGE I - CUSTOMER AWARENESS

Stage 1 will begin:

**Every April 1st, the utility will mail a public announcement to its customers.
No notice to TNRCC required.**

Stage 1 will end:

**Every September 30th, the utility will mail a public announcement to its customers.
No notice to TNRCC required.**

Utility Measures: This announcement will be designed to increase customer awareness of water conservation and encourage the most efficient use of water. A copy of the current public announcement on water conservation awareness shall be kept on file available for inspection by the TNRCC.

Voluntary Water Use Restrictions:

Water customers are requested to voluntarily limit the use of water for non-essential purposes and to practice water conservation.

STAGE II - VOLUNTARY WATER CONSERVATION:

The water utility will implement Stage 2 when any one of the selected triggers is reached:

Supply-Based Triggers (check at least one and fill in the appropriate value)

- Well level reaches _____ ft. mean sea level (m.s.l.)
- Overnight recovery rate reaches _____ ft.
- Reservoir elevation reaches _____ ft. (m.s.l.)
- Stream flow reaches _____ cfs at USGS gage # _____
- Wholesale supplier's drought Stage 2
- Other: Triggering Level: Falcon and Amistad conservation level between 51% and 36%
Cumulative Reduction Goal: 5%

Demand- or Capacity-Based Triggers (check at least one and fill in the appropriate value)

- Drinking water treatment as % of capacity 90 %
- Total daily demand as % of pumping capacity _____ %
- Total daily demand as % of storage capacity _____ %
- Pump hours per day _____ hrs.
- Production or distribution limitations.
- Other _____

Upon initiation and termination of Stage 2, the utility will mail a public announcement to its customers. No notice to TNRCC required.

Requirements for termination

Stage 2 of the Plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Utility Measures:

Visually inspect lines and repair leaks on a daily basis. Monthly review of customer use records and follow-up on any that have unusually high usage.

Describe additional measures, if any, to be implemented directly by the utility to manage limited water supplies and/or reduce water demand. Examples include: reduced or discontinued flushing of water mains, activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes.

The second water source for Webb County Water Utility is:
(check one)

- Other well
 - Inter-connection with other system
 - Purchased water
 - Other
-

Voluntary Water Use Restrictions:

1. **Restricted Hours:** Outside watering is allowed daily, but only during periods specifically described in the customer notice; between 10:00 PM and 5:00 AM for example; **OR**
2. **Restricted Days/Hours:** Water customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems. Customers are requested to limit outdoor water use to **Mondays for water customers with a street address ending with the numbers 1, 2, or 3, Wednesdays for water customers with a street address ending with the numbers 4, 5, or 6, and Fridays for water customers with a street address ending with the numbers 7, 8, 9, or 0.** Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
3. **Other uses that waste water such as water running down the gutter.**

STAGE III - MANDATORY WATER USE RESTRICTIONS:

The water utility will implement Stage 3 when any one of the selected triggers is reached:

Supply-Based Triggers (check at least one and fill in the appropriate value)

- Well level reaches _____ ft. (m.s.l.)
- Overnight recovery rate reaches _____ ft.
- Reservoir elevation reaches _____ ft. (m.s.l.)
- Stream flow reaches _____ cfs at USGS gage # _____
- Wholesale supplier's drought Stage 3
- Other: Triggering Level: Falcon and Amistad conservation level between 25% and 18%
- Cumulative Reduction Goal: 10%

Demand- or Capacity-Based Triggers (check at least one and fill in the appropriate value)

- Drinking water treatment as % of capacity 95 %
- Total daily demand as % of pumping capacity _____ %
- Total daily demand as % of storage capacity _____ %
- Pump hours per day _____ hrs.
- Production or distribution limitations.
- Other _____

Upon initiation and termination of Stage 3, the utility will mail a public announcement to its customers. Notice to TNRCC required.

Requirements for termination

Stage 3 of the Plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Utility Measures:

Visually inspect lines and repair leaks on a regular basis. Flushing is prohibited except for dead end mains.

Describe additional measures, if any, to be implemented directly by the utility to manage limited water supplies and/or reduce water demand. Examples include: activation and use of an alternative supply source(s); use of reclaimed water for non-potable purposes; offering low-flow fixtures and water restrictors.

Mandatory Water Use Restrictions: The following water use restrictions shall apply to all customers.

1. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems **shall be limited to Mondays for water customers with a street address ending with the numbers 1, 2, or 3, Wednesdays for water customers with a street address ending with the numbers 4, 5, or 6, and Fridays for water customers with a street address ending with the numbers 7, 8, 9, or 0.** Irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
3. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or "jacuzzi" type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.
5. Use of water from hydrants or flush valves shall be limited to maintaining public health, safety, and welfare.
6. Use of water for the irrigation of golf courses, parks, and green belt areas is prohibited except by hand held hose and only on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight.
7. The following uses of water are defined as non-essential and are prohibited:
 - a. wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 - b. use of water to wash down buildings or structures for purposes other than immediate fire protection;

- c. use of water for dust control;
- d. flushing gutters or permitting water to run or accumulate in any gutter or street;
- e. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- f. Any waste of water.

STAGE IV - CRITICAL WATER USE RESTRICTIONS:

The water utility will implement Stage 4 when any one of the selected triggers is reached:

Supply-Based Triggers (check at least one and fill in the appropriate value)

- Well level reaches _____ ft. (m.s.l.)
- Overnight recovery rate reaches _____ ft.
- Reservoir elevation reaches _____ ft. (m.s.l.)
- Stream flow reaches _____ cfs at USGS gage # _____
- Wholesale supplier's drought Stage 4

- Supply contamination.
- Other: Triggering Level: Falcon and Amistad conservation level between 11.9% and 10%
- Cumulative Reduction Goal: 25%

Demand- or Capacity-Based Triggers (check at least one and fill in the appropriate value)

- Drinking water treatment as % of capacity 100 %
- Total daily demand as % of pumping capacity _____ %
- Total daily demand as % of storage capacity _____ %
- Pump hours per day _____ hrs.
- Production or distribution limitations.
- System outage.
- Other _____

Upon initiation and termination of Stage 4, the utility will mail a public announcement to its customers. Notice to TNRCC required.

Requirements for termination :

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 4, Stage 3 becomes operative.

Operational Measures:

The utility shall visually inspect lines and repair leaks on a daily basis. Flushing is prohibited except for dead end mains and only between the hours of 9:00 p.m. and 3:00 a.m.. Emergency interconnects or alternative supply arrangements shall be initiated. All meters shall be read as often as necessary to insure compliance with this program for the benefit of all the customers. *Describe additional measures, if any, to be implemented directly to manage limited water supplies and/or reduce water demand.*

Mandatory Water Use Restrictions: All outdoor use of water is prohibited.

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

BY ORDER OF THE COMMISSIONERS COURT:

**AN ORDER AMENDING WEBB COUNTY UTILITIES TARIFF;
PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY,
PUBLICATION AND AN EFFECTIVE DATE.**

WHEREAS, the United States Environmental Protection Agency and the Texas Natural Resource Conservation Commission (TNRCC) have requested Webb County to revise and update its Tariff regulating the discharge of industrial waste into the Webb County sanitary sewer and treatment plant facilities; and,

WHEREAS, the development of a Federally Approved Pretreatment Program requires the establishment of specific permitting, monitoring, and reporting guidelines upon Industrial Users; and,

WHEREAS, the protection of the Wastewater Treatment Plant from prohibited wastes that may inhibit the proper treatment of domestic waste, must include methods of pretreatment of discharging industries; and,

WHEREAS, the protection of the Rio Grande from Industrial Waste passing through at the Wastewater Treatment Plants requires the pretreatment of discharging industries; and,

WHEREAS, the development of specific local limitations of contaminants into the Wastewater Treatment Plants requires submission of these limits into Code,

NOW THEREFORE, BE IT ORDERED BY THE COUNTY OF WEBB OF THE STATE OF TEXAS:

SECTION 1. Amendment.

AMENDING WEBB COUNTY UTILITIES TARIFF BY THE ADDITION OF SECTION I WHICH ADDRESSES INDUSTRIAL WASTE ENTERING THE COUNTY'S SEWERS AND SEWAGE DISPOSAL, DEFINITIONS, BY GRANTING ENFORCEMENT AUTHORITY TO UTILITIES DIRECTOR; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE, AND WHICH READS AS FOLLOWS:

Chapter 31

UTILITIES

ARTICLE II. SEWERS AND SEWAGE DISPOSAL

DIVISION 1. GENERALLY

Sec. 31-16. Definitions.

As used in this article and as defined below, all terms in this section are as defined in Title 40 Code of Federal Regulations, Part 403 which is adopted hereby and incorporated by reference herein and a copy of which shall be maintained in the office of the County Utilities Department:

Abnormal industrial waste means any industrial waste having a TSS, COD, or BOD content in excess of that found in normal waste, but which is otherwise acceptable into a sanitary sewer under the terms of this Article.

Act means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., 86 Stat. 816, Pub. L. 92-500.

Apartment house means a collection of family residences grouped together in one building, each family residence being a section of such building.

Approved methods means the analytical procedures published by the U.S. Environmental Protection Agency in 40 CFR 136.

Approving authority means the U.S. Environmental Protection agency and/or TNRCC.

Authorized official of Industrial User is as follows:

- (a) A principal executive officer of at least the level of vice-president, if the Industrial User of a corporation;
- (b) A general partner or proprietor of the Industrial User is a partnership or proprietorship, respectively; or
- (c) representative duly authorized in writing by the individual designated above if such representative is responsible for the overall operation of the facilities from which an indirect discharge originates or has overall responsibility for environmental matters for the Industrial User. If the authorization becomes invalid because of changes in responsibilities or personnel, a new written authorization must be submitted to the Utilities Director prior to any report being signed by the new representative.

Boarding house means a place where one obtains food or lodging, or both, in another's house for a stipulated price.

BOD (biochemical oxygen demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of twenty (20) degrees centigrade.

Building sewer means the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

Bypass means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

Categorical Standards means the National Categorical Pretreatment Standards or pretreatment standard. Any regulation containing pollutant discharge limits promulgated by the E.P.A. in accordance with Section 307 (b) and (c) of the Act which applies to a specific category of Industrial User.

County means the County or any authorized person acting in its behalf.

COD (chemical oxygen demand) means measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of 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.

Comminuted garbage is garbage that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in sanitary sewers, with no particle greater than one-half (1/2) inch in any dimension.

Chemical Industrial Users means all business places or establishments where wares and merchandise are bought, sold, handled or disposed of for profit, or time and labor are used for profit, including office buildings, hotels and motels.

Commercial Industrial Users shall include all business places or establishments where wares and merchandise are bought, sold, handled or disposed of for profit, or time and labor used for profit, including office buildings, hotels and motels.

Connection means each and every joining of a sewer line leading from any building or structure with a part of the sanitary sewer system of the County; provided that, if there are two (2) or more buildings or structures on the same lot or adjoining lots and their respective sewer lines join on such lot or either adjoining lot and then one line joins the sanitary sewer system of the County, each such building or structure shall be considered as having a separate connection to the sanitary sewer system of the County.

Control manhole means a manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

Control point means a point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

Director means the Director of the County Utilities Department (or other official designated by the County Commissioners Court) or the Director's authorized representative (such as the Utilities System Manager, Water and Wastewater Superintendents), unless otherwise specified.

Drainage water means storm water; roof run-off water; subsurface and subsoil uncontaminated drainage water; drainage from down spouts; water from yard drains; water from fountains, ponds and swimming pools; water from lawn sprays, rainwater leaders, and areaways, and overflows from cisterns and water tanks.

E.P.A. (Environmental Protection Agency) means 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 that agency.

Family means any number of individuals living together as a single household unit.

Garbage means animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

General manager means the water and wastewater systems manager of the County or his duly authorized deputy, agent, or representative.

Grab sample means a sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and without consideration of time.

Hazardous waste means those substances which if otherwise disposed of would be hazardous waste as set forth in 40 CFR 261.

Hold-haul tank means a storage tank installed by the customer to hold such industrial waste which is prohibited from being discharged to the sanitary sewer and from which the contents must be hauled to a disposal site.

Holding tank waste means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum pump tank trucks.

Indirect discharge means the introduction of pollutants from any non-domestic source regulated under Section 307 (b), (c) or (d) of the Act into the POTW (including holding tank waste discharge into the system).

Industrial User means a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

Industrial wastes means liquids or other character of wastes resulting from any commercial, manufacturing or industrial operations or processes, excluding normal domestic sanitary sewage unless it exceeds three hundred fifty (350) mg/l BOD or three hundred fifty (350) mg/l total suspended solids, which waterborne or liquid wastes enter the sewage system, or any portion thereof, of the County.

Industrial waste charge means the charge made on those persons who discharge industrial wastes into the County's sewage system and shall consist of the regular commercial rate plus the industrial waste cost recovery charge [see section 31-9] where the waste is in excess of three hundred fifty (350) mg/l BOD, or three hundred fifty (350) mg/l total suspended solids or has an excess of other materials which are determined by the County engineer and the director of the sewer department to require additional sewerage system operational or capital costs.

Industrial waste permit means a permit to deposit or discharge industrial waste into the sanitary sewer. The permit charge is to cover the cost to issue the permit and to inspect the facility. This permit shall not grant a waiver to allow discharge of any wastes that exceed the limits or violate the requirements of this Article.

Interference means a discharge which, alone or in conjunction with other sources, inhibits or disrupts the POTW treatment processes or operations which contributes to a violation of any requirement of the County's N.P.D.E.S. permit. The term includes prevention of the sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act, or more stringent state criteria including those contained in any state sludge management plan applicable to the method of disposal or use employed by the POTW.

Milligrams per liter (mg/l) means the same as parts per million and is a weight-to-volume ratio; the milligram-per liter value multiplied by the factor eight and thirty-four one-hundredths (8.34) shall be equivalent to pounds per million gallons of water.

National pretreatment standard, pretreatment standard, or standard means any regulations containing pollutant discharge limits promulgated by the Approval Authority in accordance with Section 307 (b) and (c) of the Federal Clean Water Act, which applies to Industrial Users. This term includes prohibited discharge limits established pursuant to 40 CFR 403.5 as amended.

Natural outlet means any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater.

New source is adopted as defined in 40 CFR 403.3 (k).

Normal domestic wastewater means wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than three hundred fifty (350) mg/l and BOD is not more than three hundred fifty (350) mg/l.

Overload means the imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

Pass through is adopted as defined in 40 CFR 403.3 (n).

Person means any individual, business entity, partnership, corporation, governmental agency, political subdivision, or any other legal entity.

pH means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

Public sewer means pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the County.

Pretreatment or treatment means The reduction of the amount of pollutants, the limitation of pollutants, or the alteration of the nature of pollutant properties in wastewater to be a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR 403.6 (d).

Pretreatment requirements means any substantive or procedural requirement, other than a national pretreatment standard, imposed on an Industrial User.

Prohibited waste means any waste which is totally restricted from discharge into the sanitary sewer system of the County by this Article or the amount in the waste stream prior to pretreatment above the limits listed in the Article.

Publicly owned treatment works (POTW) means a treatment works as defined by Section 212 of the Act, which is owned in this instance by the County. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include the pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Article, "POTW" shall also include any sewers that convey wastewaters to the POTW from the persons outside the County who are by contract or agreement with the County Industrial Users of the POTW.

Receiving stream means the waterway into which a wastewater treatment plant, operated by the County, discharges the treated effluent.

Sanitary convenience means any plumbing fixture (except for a food waste disposal unit) not required to have a sand and/or grease trap (interceptor) according to provisions of the plumbing code.

Residential connection means a connection, as defined in this section, of a building, or a section thereof, served by one water meter and used primarily as living quarters for a family. A building with living quarters located on the same premises and used by the owner or occupant for family purposes shall not be considered a separate living unit;

provided however, that, if rental money is received from more than one such unit, the same shall not be considered a residential connection.

Rooming house means a house or building where there are two (2) or more bedrooms rented to persons for lodging.

Sanitary sewage means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, basement floor drains, garage floor drains, store rooms, soda fountains, cuspidors, refrigerator drips, fountain and stable floor drains and all other similar fixtures and receptacles that discharge wastes into the sewerage system.

Sanitary sewer means a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

Shall/may is differentiated by the term "shall" understood to be mandatory. The use "may" is understood to be permissive.

Significant non-compliance means a violation by an Industrial User which meets one or more of the criteria established in 40 CFR 403.8 (f) (2) (vii).

Significant Industrial User means any Industrial User of the County's wastewater disposal system who:

- (a) has a discharge flow of twenty-five thousand (25,000) gallons or more per average work day; or
- (b) has a flow greater than five (5) percent of the flow in the County's wastewater treatment system; or
- (c) has in its waste toxic pollutants as defined pursuant to Section 307 of the Act; or
- (d) is found by County, TNRCC or E.P.A. to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the systems. If a Industrial User is found to have no reasonable potential for adversely affecting the POTW, the Industrial User may be reclassified.

Slug means any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Standard methods means the examination and analytical 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.

Storm sewer means a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Storm water means rainfall or any other forms of precipitation.

Suspended solids means solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

To discharge includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Toxic pollutant means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the E.P.A. under provisions of Section 307 (a) of the Act or other acts.

Trap means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

Treatment plant upset means an inhibition or disruption of the treatment plant, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to (I) a violation of any requirement of the County's N.P.D.E.S. permit (including an increase in the magnitude or duration of a violation), (II) the prevention of sewage sludge use or disposal by the treatment plant in accordance with all applicable federal and state laws and regulations and County orders, (III) a decrease in the quality of the effluent being discharged from the treatment plant, or (IV) a decrease in the performance of the treatment plant processes or operations.

Unpolluted wastewater means water containing

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state, or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;

(6) No more than ten (10) mg/l each of suspended solids and BOD; and

(7) Color not exceeding fifty (50) units as measured by the Platinum-Cobalt method of determination as specified in " Standard Methods."

Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

Wastewater means a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface and storm water that may be present.

Wastewater facilities includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

Wastewater treatment plant means any County-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludge's from the sanitary sewers.

Wastewater service charge means the charge on all Industrial Users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

Watercourse means a natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

Sec. 31-17. Depositing dirty water or filth on ground.

It shall be unlawful for any person to throw, or allow any person under his or her control to throw or deposit on the surface of the ground on any premises reaching within two hundred (200) feet of any County sanitary sewer, except in the proper and necessary manuring of the soil, any water which has been used for domestic purpose, or any liquid or solid filth, feces or urine.

Sec. 31-18. Damaging system; notice before laying pipe.

No person shall injure, break or remove any portion of any manhole, lamp hole, flush tank or any part of the County's sanitary sewer system, and when any person shall desire to lay or drive any pipe in any of the streets upon which sewers are laid, they shall give at least twenty-four (24) hours' notice to the Utilities Department.

Sec. 31-19. Authority of the County Utilities Director.

The County Utilities Director or his agent is authorized to enforce the provisions of this article or other water and wastewater utility orders and regulations of the County.

Sec. 31-20. Power to enter property.

- (a) The general manager and other duly authorized employees of the County bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this article.
- (b) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- (c) Except when caused by negligence or failure of the company to maintain safe conditions, the County shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.
- (d) The general manager and other duly authorized employees of the County bearing proper credentials and identification are entitled to enter all private properties through which the County holds a negotiated easement for the purposes of:
 - (1) Inspection, observation, measurement, sampling or repair;
 - (2) Maintenance of any portion of the sewerage system lying within the easements; and
 - (3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.
- (e) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sanitary sewers.

Secs. 31-21--31-31. Reserved.

DIVISION 2. CONNECTIONS

Sec. 31-32. When required.

- (a) All owners or occupants of buildings, or agents for the owners, situated in any section of the County where sanitary sewers now exist, or where they may hereafter exist, and where the property line of the land on which any such building is situated approaches or extends to within two hundred (200) feet of any such sewer, are hereby required to construct or cause to be constructed suitable water closets on their property and to connect the same with the County's sewer, under the supervision of the Utilities Department of the County waterworks system and the plumbing inspector, in exact accord with the plans and specifications contained in the code of the County providing rules and regulations governing plumbers. It shall be the duty of all such property owners to keep and maintain such water closets and connections thereof in perfect condition and free from any obstruction.
- (b) It shall be the duty of the Utilities Department of the County waterworks system to notify the owner or occupant of every building so situated to make closet connections with the County sanitary sewer and any such owner or occupant of any building so situated, who shall fail to make at least one closet connection with the County sanitary sewer within thirty (30) days after receipt of such notice, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to punishment as provided in section 1-6 of this Code and each day that shall expire after the expiration of such thirty (30) days' notice given by the Utilities Department, before such water closet connections, as herein provided for, shall be arranged and connected with the County's sanitary sewer, shall be deemed a separate offense, and shall be likewise punished.

Sec. 31-33. Sink connections.

It shall be unlawful for the owner or occupant of any building situated within two hundred (200) feet of any County sanitary sewer, in which building food is cooked or clothing is washed, to fail to have a suitable sink or hopper for the reception of water waste.

Sec. 31-34. Wash and slop stands to be connected.

It shall be unlawful for any person to refuse or fail to connect all wash stands in his or her house or where the property line of such premises extends within two hundred (200) feet of any such sewer, or to allow any slops, wash or waste water of any kind to flow over the pavement, or under the pavement, or into any open gutter or into the street.

Sec. 31-35. Permit required to connect with a sewer--Application; materials owned by County; service easement in County for service connections.

- (a) No person shall make any connection with or any opening into any sanitary sewer of the County without a permit from the County. Before the County issues permits for any connection or connections, the property to be served shall first be duly platted and recorded at the county clerk's office by the record owner. In the event of divided ownership of a lot or lots, the lot or lots in question shall be duly platted and recorded before any connection is approved. If a record owner of a lot requests more than one (1) sewer tap, a written assurance shall be filed with the County Utilities Department by such record owner certifying his ownership to the entire lot or lots in question, and certifying further that there is no divided ownership nor will there be divided ownership of the lot or lots in question unless there is full compliance with all state and County platting requirements. Applications for permits shall be made in writing at the County's water and sewer department office, on forms prescribed and furnished by the County, by the property owner or his authorized agent; and such application shall give the exact location of the property, the name of the owner, the service charge classification of the premises to be served, the name of the person employed to do the work of making such connection, and such other information as the County shall prescribe.

- (b) All materials, including piping, valves, fittings, meters and meter boxes, used in making a service connection shall be and remain at all times the property of the County; and on application for any connection and on the making of such connection, the applicant shall be deemed to have granted an easement to the County for the purposes of connecting, disconnecting, repairing, controlling, and for removing any such connection in the event of misuse or nonpayment of service charges and fees.

Sec. 31-35.1 Same--Exception to requirement of prior platting for sewer tap or service connection.

Notwithstanding the requirements set out in section 31-35, platting of property is not a prerequisite to obtaining a sewer tap or service connection if all of the following conditions are met:

- (1) No new construction to existing improvements is proposed except that which is directly related to the utility connection involved, such as restroom construction; and
- (2) The site is located within the County limits; and
- (3) All applicable tap fees, extension charges and plumbing permit fees have been paid.

Sec. 31-36. Same--Issuance.

Upon filing of an application for a permit required by section 31-35, and the payment of the fees hereinafter prescribed, the officer or employee authorized by the Commissioners Court shall issue a permit in the name of the applicant to make connection with the sewer in accordance with the application. Such permit shall be made in triplicate and one copy retained in the office of the Utilities Department, one copy delivered to the permittee and one copy furnished to the County plumbing inspector for the records of his office.

Sec. 31-37. Same--Fees; paid with application.

With each application to connect with the sewer there shall be paid to the Utilities Department a permit or sewer tapping fee of two dollars (\$2.00) and, in addition, a deposit of ten dollars (\$10.00) to cover the cost of paving the opening where temporary paving is cut, and a deposit of one hundred dollars (\$100.00) where the cut is permanent paving. Such fees and deposits shall be kept separate from other funds and remitted monthly to the County Utilities Department with the name and address of each permit holder and the amount of his payment as required by County Commissioners Order.

Sec. 31-38. Same--Subject to revocation.

All permits to connect with sewers shall be given upon the express condition that the Utilities Department may, at any time before the work is completed, revoke and annul the same, and no party interested shall have any right to claim damages in consequence of such permits being revoked or annulled.

Sec. 31-39. Inspections.

Whenever a permit is issued to connect to the sewer the County plumbing inspector shall supervise and inspect the work and materials used in making such connection, and the plumbing inspector shall notify the designated representative of the Utilities Department of the time when final inspection of such connection will be made and such representative of the Utilities Department may be present at such inspection if he so desires. Upon the completion of such sewer connection and the installation and connection of the plumbing fixtures to be served by such sewer connection, the County plumbing inspector shall make a written report to the Utilities Department showing the location of the property line, the service charge classification of the premises to be served by the connection, the number and kind of fixtures installed on such premises and such other information as the Utilities Department shall require to make a complete record of the sewer connection and plumbing installed in connection therewith.

Sec. 31-40. Plumbing permits, notice of to Utilities Department.

Whenever the County plumbing inspector shall issue a permit for installation of additional fixtures on any premises then being served by the sanitary sewer, or any change in the fixtures already installed, he shall immediately make a detailed report to the Utilities Department of such installation or change.

Sec. 31-41. Liability for injuries to sewers and streets; bond.

The property owner, or plumber, who makes the connections, or both, shall be held responsible for any injuries the plumber shall cause to the sewer or street in making connections with the sanitary sewer, and it shall be unlawful for the Utilities Department to issue any permit for sewer connections, unless the plumber proposing to do the work of making the sewer connections has filed a bond, as required by the code of the County regulating plumbers.

DIVISION 3. USE OF PUBLIC SEWERS

Sec.31-51. Discharge limitations and prohibitions.

(a) General Discharge Limitations and Prohibitions:

No person may discharge or cause, suffer, allow, or permit to be discharged into any sanitary sewer, any of the following:

- (1) Other waste, unless authorized by the Utilities Director.
- (2) Wastes that may injure or interfere with wastewater treatment processes; constitute a hazard to humans or animals; or create a hazard in receiving waters of the wastewater treatment plant effluent.
- (3) Flammable or explosive liquids, solids, or gases, such as, but not limited to, gasoline, kerosene, benzene, naphtha, solvents, and similar substances with a closed cup flashpoint of less than 140 degree Fahrenheit or 60 degrees Centigrade using test methods specified in 40 CFR 261.21.
- (4) Pollutants regulated pursuant to any applicable Categorical Standard promulgated by E.P.A. in a concentration or in an amount which is in excess of the limit specified in such standard.
- (5) Organic pollutants referred to in Section 307(A)(1) of the Federal Clean Water Act, and listed in Appendix B to 40 CFR 403 that are used in a manufacturing process shall be segregated from wastewater discharge to the extent it is feasible to do so. No such pollutants shall be discharged to the sanitary sewer system in a concentration or amount sufficient to cause any of the following:
 - (A) A treatment plant upset;
 - (B) The treatment plant to be in violation of its National Pollutant Discharge Elimination System (N.P.D.E.S.) permit;
 - (C) Any harmful or destructive condition in the County sewer system;
 - (D) Any of the organic pollutants referred to in Section 307 (A) (1) of the Federal Clean Water Act, and presently listed in Appendix B to 40 CFR 403 to exist in the POTW effluent or sludge in excess of the limitations established in the relevant state and/or federal rules and regulations.
- (6) Garbage other than comminuted garbage.
 - (A) No person may discharge garbage into public sanitary sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sanitary sewers. Particles greater than one-half (1/2) inch in any dimension are prohibited.
 - (B) The controlling authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horse-power (Seventy-six hundredths (0.76) horsepower metric) or greater.
- (7) Noxious or malodorous substances, such as, but not limited to, hydrogen sulfide, sulfur

dioxide, or nitrogen oxides, which, either singly or by interaction with other materials, are capable of causing objectionable odors or hazards to life.

(8) Any substance or material which:

(A) Forms solids in concentrations exceeding the limits established in this Article; or,

(B) Creates a condition deleterious to any sewer system or treatment process owned or operated by the County; or

(C) Requires unusual provisions, attention, or expense to handle in the sewer system.

(9) Phenols or other substances in such concentrations as to produce odor or taste in the receiving stream, where used as drinking water by other people.

(10) Any biocidal agent that would interfere with the wastewater treatment process or constitute a hazard to aquatic and terrestrial life or impair designated uses of the receiving stream.

(11) Waste containing radioactive materials in concentrations greater than allowable by current regulations of the appropriate state or federal agencies.

(12) Any of the following:

(A) Solids or viscous pollutants in amounts which will cause flow obstruction in the collection system and/or the treatment plant system;

(B) Any pollutant, including oxygen demanding pollutants (BOD, COD, etc.), released in a discharged at a flow rate and/or concentration which will cause interference with the treatment plant and/or sewer system; and

(C) Any wastewater with objectionable color or odor not removed in the treatment process, such as, but not limited to, dye wastes, vegetable tanning solutions, and whole blood.

(b) Specific Discharge Limitations:

No person may discharge or cause, suffer, allow, or permit to be discharged into any sanitary sewer, any of the following.

(1) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

- (2) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker safety and health problems.
- (3) Any liquid or vapor having a temperature which will cause worker safety and health problems or which will cause inhibition of biological activity in the POTW resulting in interference, or containing heat in such quantity as to cause the temperature at the treatment plant to exceed 40 degrees Centigrade (104 degrees Fahrenheit) unless by prior approval of the Approval Authority upon request of the Utilities Director for alternate temperature limits.
- (4) No person may discharge liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius), or any substance which causes the temperature or the total wastewater treatment plant effluent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or a combined total increase of plant effluent temperature to one hundred ten (110) degrees Fahrenheit.
- (5) Materials having a pH value lower than 6.0 or higher than 11.0 or possessing any other corrosive property capable of causing damage to structures, equipment or personnel at the POTW.
- (6) Any of the following elements in solution or suspension in total concentrations exceeding the Maximum Concentration Limits set as follows:

<u>PARAMETER</u>	<u>mg/L (Total)</u>
<u>Cyanide</u>	<u>0.740</u>
<u>Arsenic</u>	<u>1.150</u>
<u>Cadmium</u>	<u>3.550</u>
<u>Chromium</u>	<u>11.290</u>
<u>Copper</u>	<u>0.650</u>
<u>Lead</u>	<u>0.010</u>
<u>Mercury</u>	<u>11.600</u>
<u>Silver</u>	<u>0.306</u>
<u>Zinc</u>	<u>0.600</u>
<u>Aluminum</u>	<u>1.58</u>

(a) The maximum concentration of waste constituents, other than those named in this section, acceptable for discharge into the sanitary sewer system will be those levels as specified by the Utilities Director and/or Approval Authority.

(b) Removal Credits: Any person wishing to apply for removal credit as described in 40 CFR 403, may do so provided it assumes responsibility for all costs incurred, including those by the County, and states this responsibility to the Director in writing. Any removal credit granted shall be in accordance with the procedures set forth in 40 CFR 403, as amended.

(c) Pollutants which cause pass through or interference are prohibited.

(d) Bypass is prohibited unless the Industrial User meets the conditions established in 40 CFR 403.17 (d) (1).

- (7) Fluoride other than that contained in the public water supply.
- (8) Chlorides in concentrations greater than 250 mg/L.
- (9) Fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty (32) and one hundred fifty (150) degrees Fahrenheit (zero (0) and sixty-five (65) degrees Celsius).
- (10) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials.

C. Impairment of facilities:

No person may discharge into public sanitary sewers any substance capable of causing:

- 1. Obstruction to the flow in sewers;
- 2. Interference with the operation of treatment process of facilities; or
- 3. Excessive loading of treatment facilities.
- 4. Discharges prohibited by paragraph A of this section include, but are not limited to materials which exert or cause concentrations of:
 - (a) Inert suspended solids greater than two hundred fifty (250) mg/L including, but not limited to Fuller's earth, lime slurries, and lime residues.

- (b) Dissolved solids greater than one thousand three hundred (1,300) mg/L including, but not limited to sodium chloride, and sodium sulfate.
 - (c) Excessive discoloration including, but not limited to dye wastes, and vegetable tanning solutions.
5. BOD, COD, or chlorine demand in excess of normal plant capacity.
 6. Grease or oil in the sewer lines in such a manner as to clog the sewers;
 7. Overload skimming and grease handling equipment;
 8. Pass to the receiving water without being effectively treated by normal wastewater treatment process due to the nonamenability of the substance to bacterial action;
 9. Deleteriously affect the treatment process due to excessive quantities.

Sec. 31-52. Approval of wastewater discharge conditions for new and existing Industrial Users.

A. General acceptance:

1. If discharge or proposed discharge into any sanitary sewer violates any provision of Section 31-51, the Utilities Director shall require:

(a) Pretreatment to an acceptable condition for discharge to the sanitary sewer system; and

(b) Control over the quantities and rates of discharge.

2. The Utilities Director may reject any waste that does not meet the requirements of subsection A, of this section.

3. The Utilities Director may require any information from an Industrial User necessary to determine the characteristics of the Industrial User's wastewater discharge prior to the commencement of such discharge to the POTW.

B. For new Industrial Users:

1. The Industrial User shall consult with the Utilities Director concerning the types, concentration and volumes of industrial waste proposed for discharge. Conditional approval as to the general requirements must be obtained from the Utilities Director.

2. Design calculations, plans, specifications, and other pertinent information relating to proposed industrial waste pretreatment or processing facilities shall be submitted to the Utilities Director for approval prior to start of facility construction if the effluent from such facility is to be discharged into the sanitary sewer. The approval of plans by the Utilities Director, however, will in no way relieve a person of the responsibility for modifying the structure once constructed as necessary to produce an effluent acceptable to the Utilities Director under the terms of this Article.

3. Where required by the Utilities Director, the Industrial User shall modify or eliminate wastes that are harmful to the structures, process or operation of the sewer system. The Industrial User shall provide, at its expense, such preliminary treatment or processing facilities as may be determined necessary to render its wastes acceptable for discharge to the sewer system.

4. Review of the conditions for new Industrial Users by the Utilities Director shall be obtained prior to the proposed discharge into the sewer system of any wastes and waters having the following:

- (a) A five (5) day 20 degree Centigrade BOD greater than 300 mg/L;
- (b) TSS content greater than two hundred (300) mg/L;
- (c) COD greater than 400 mg/L; or
- (d) Substances prohibited or limited by Section 31-51.

C. For existing sources:

1. At the discretion of the Utilities Director, existing Industrial User permittees may be required to meet the review conditions for new Industrial Users under Subsection (b) of this Section.

2. Within a specified time limit following written notice by the Utilities Director, the Industrial User will submit a compliance plan that will achieve acceptable discharge conditions.

3. If an acceptable plan has not been submitted within the specified time limit, the Utilities Director may prescribe a suitable compliance plan.

4. If the Industrial User fails to fulfill the conditions of the prescribed compliance plan, it may be found in violation of this Article and subject to penalties and enforcement actions as described in Section 31-66 below.

D. Pretreatment provisions:

1. If pretreatment or control is required, the Utilities Director shall review and either accept or deny the proposed design and installation of equipment and processes. Acceptance of a proposed pretreatment plan by the Utilities Director shall not

relieve the Industrial User of responsibility and/or liability for failure of that pretreatment to achieve acceptable discharge.

2. The design and installation of equipment and processes must conform to all applicable statutes, codes, County Commissioners Orders and other laws.

3. Any Industrial User responsible for discharges requiring pretreatment, flow-equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at its own expense.

4. Persons discharging industrial wastes which exhibit none of the characteristics of wastes prohibited in the Industrial Waste Order other than excessive BOD or TSS may be required to pretreat the industrial wastes to meet the requirements of normal domestic waste.

E. Plans and specifications:

The approval of plans by the Director will in no way relieve a person of the responsibility for modifying the structure once constructed as necessary to produce an effluent acceptable to the Director under the terms of this Article.

Sec. 31-53. General discharge restrictions.

- A. No person may discharge to public sanitary sewers unpolluted storm water, surface water, ground water, roof runoff or subsurface drainage, unpolluted cooling water, unpolluted industrial process waters, or other unpolluted drainage.
- B. No person shall discharge, or cause to be discharged, any drainage water into sanitary sewers if a storm sewer is available. An exception to this rule shall apply in cases where there is an existing facility erected in accordance with plans approved by the County prior to the enactment of this Article, until required to alleviate the condition by the County after reasonable notice and hearing.
- C. If a storm sewer is not available, the drainage water may be discharged into the sanitary sewer by an indirect connection with written approval of the Utilities Director.
- D. Drainage water contaminated by pollutants controlled by this Article shall not be discharged, either directly or indirectly, into any storm sewer system or watercourse.
- E. In cases where, in the opinion of the Utilities Director, the character of the sewage from any Industrial User is such that it will damage the sewer system or cannot be treated satisfactorily in the system, the County shall have the right to require such Industrial User to dispose of such waste otherwise, in accordance with all health regulations, and prevent it from entering the sewer system.

- F. No person shall discharge industrial waste, interceptor waste, or any other waste determined by the Utilities Director as not acceptable, into the sewer system from a vehicle, hold-haul tank, tank truck, portable tank or other container used for transportation of industrial waste.
- G. No person shall discharge domestic wastewater or septage from a hold haul tank, tank truck, portable tank or other container used for transportation of waste, into the sewer system without written authorization from the Utilities Director and then only at a designated discharge point. The Utilities Director reserves the right to refuse any such discharge.
- H. No person shall discharge wastewater or industrial waste into a sewer appurtenance intended for maintenance, including but not limited to, a manhole or clean-out connection or inspection port without written permission from the Utilities Director.

Sec. 31-54. Excessive discharge/dilution.

No Industrial User shall ever increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with Pretreatment Standards except as authorized in 40 CFR 403.6 (e). Although waste streams may be mixed prior to discharge to the POTW, no Industrial User may dilute for the express purpose of compliance with discharge limits. The Director may further restrict the discharges to a definite limit expressed in the units of "Pounds Per Day" to prevent employment of dilution in lieu of treatment.

Sec. 31-55. Accidental Discharges.

A. Spill containment:

The Utilities Director may require spill containment measures for storage and use of any material it deems a potential threat to the sewer system or the environment should such material be accidentally discharge. Such spill containment measures shall be provided and maintained at the owner's or Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the County for review, and shall be approved by the County before construction of the facility. All existing Industrial Users shall complete such a plan as required by the Utilities Director.

At the discretion of the Utilities Director, Industrial Users may be required to submit accidental discharge procedures prior to commencing contribution to the POTW. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this Article.

B. Notification:

In the case of an accidental discharge, it is the responsibility of the Industrial User to immediately telephone and notify the Utilities Director of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective action. Within five (5) days following an accidental discharge, the Industrial User shall submit to the Utilities Director a detailed written report describing the cause of the discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, and damage, or other liability which may be incurred as a result of damage the POTW or any other damage to persons or property, nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Article or other applicable law.

C. Notice to employees:

A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedures.

Sec. 31-56. Emergency discharge.

An Industrial User which is required to pretreat its waste pursuant to this Article is prohibited from any bypassing of its treatment system, unless an emergency discharge is necessary to prevent personal injury or death and no feasible means are available for temporary containment or treatment of discharged wastewaters. The Industrial User shall immediately notify the Director when an emergency discharge occurs and, within five (5) working days, submit a written explanation of the conditions necessitating such an emergency discharge and measures that will be implemented to assure that such an emergency release of untreated wastes will not again occur.

Sec. 31-57. Volume of Waste.

A. When the public water supply is used exclusively, the water consumption during the previous month, as determined from the meter records of the Utilities Department shall be the valid basis for computing sewage flow, unless actual sewage flow is measured by a recording meter of a type to be approved by the Utilities Director. The owner shall maintain such device in proper condition to accurately measure such flow.

B. In cases where all or part of the water consumed is obtained from private supplies, wells, etc. such person shall provide and maintain at all times suitable metering and recording devices, approved by the Utilities Director, in connection with each or all sources of private water, unless the control manhole provided is equipped with an approved volume measuring and recording device. The volume of private water

consumed during the previous month, together with the consumption of public water as determined from the records of the Utilities Department shall be the basis for computing the sewage volume or the owner may be required to install, at its expense, an approved metering device to accurately measure flow as before mentioned.

C. When water is contained in a product or is evaporated, or is discharged as unpolluted waste in an uncontaminated condition to surface drainage, an application may be made for a reduction in the volume of waste discharged to the public sewer, provided supporting data, satisfactory to the Utilities Director, is furnished.

D. This data shall include a flow diagram, destination of the water supply and/or wastes, supported by sub-metering data installed on said process piping at the expense of the private owner.

Sec. 31-58. Industrial waste permit.

A. No significant Industrial User shall discharge industrial waste into the sanitary sewer without obtaining and maintaining a valid permit from the Utilities Director.

1. Conditions stipulated in the industrial waste permit shall be based on plans and specifications of pretreatment facilities, on-site inspections, and/or industrial waste questionnaires.

2. Industrial waste permits may dictate:

(a) Discharge limits;

(b) Self-monitoring requirements;

(c) Reporting requirements;

(d) Sampling locations; and,

(e) Other conditions as deemed appropriate by the Utilities Director to ensure compliance with this Article.

3. The Utilities Director shall issue a permit if it is determined that:

(a) Pretreatment facilities are adequate for efficient treatment of discharged waste;

(b) Applicant is not discharging waste in violation of this Article; and,

(c) Applicant is in compliance with applicable federal, state and local laws and regulations.

4 It is the responsibility of the Industrial User to notify the Utilities Director prior to any substantial change in process, change in character or quantity of wastewater.

or change in signatory authority. These changes may require issuance of a new permit.

5. Permits are non-transferable except as provided for in subsection (b) below.

6. Permits shall be valid for a period not to exceed three (3) years from the date of issuance. They shall be reviewed annually but may be modified at any time as the Utilities Director deems necessary.

7. Permits may be revoked if the requirements for self-monitoring, reporting, compliance and any other requirement set forth in the permit or in this Article are not being met. The Industrial User must immediately cease discharge upon permit revocation.

8. If the Director denies the permit or disapproves it pending receipt of additional information, he or she shall notify the applicant in writing via certified mail. The notice letter to the applicant shall be accompanied by a detailed statement of the reasons for the action. The reasons shall be based upon provisions in this Article.

9. Prior to renewal of the industrial waste permit, the applicant shall provide the Director with evidence that all residues generated by pretreatment systems have been legally disposed of in accordance with all federal, state and local regulations.

B. Administrative fees for new permit issuance, permit renewal, permit transfer to different ownership, and surcharges shall be set by separate County Commissioners Order.

C. Application for permit renewal with permit renewal fee, shall be sent to the Director by certified mail at least sixty (60) days prior to permit expiration date. If the Director has not received the permit renewal application and renewal fee sixty (60) days prior to permit expiration date, application for new permit issuance shall be required.

D. Prior to the change of ownership of an industry, the new owner may have an existing valid industrial waste permit for that industry transferred into its name by providing written notice to the Utilities Director and submitting a transferal fee and permit application containing sufficient information regarding the discharge of pollutants including those referred to in Section 307 (a) of the Federal Clean Water Act as amended, and listed in Appendix B to 40 CFR 403.

Sec. 31-59. Sampling and testing.

- A. All sampling and analysis shall be performed in accordance with procedures established by the E.P.A. Administrator pursuant to Section 304 (h) of the Federal Clean Water Act as amended and 40 CFR 136 as amended.
- B. Analysis shall be performed on suitable samples taken at the inspection port provided or other control point authorized by the Utilities Director.
- C. To detect unauthorized or accidental discharges, grab samples or time composites may be used.
- D. The County may select an independent firm or laboratory to determine flow, BOD, TSS and other wastewater constituents. Chain of custody procedures shall be followed.
- E. The County is entitled to select the time of sampling.
- F. Samples shall be taken at six (6) month intervals to establish the flow, BOD, TSS and other wastewater constituents, or at such intervals determined by the Utilities Director as necessary to maintain control over the discharges from the permittee.
- G. Sampling and testing of industrial waste streams shall be conducted for the purpose of monitoring compliance with federal and local discharge regulations. The Utilities Director shall determine the frequency of sampling and the pollutants to be monitored for each Industrial User, except that categorical and significant non-categorical Industrial Users shall sample effluents and submit results of sampling analysis to the Director a minimum of two times each year (June and December).
- H. If sampling performed by an Industrial User indicates a violation, the Industrial User shall notify the Utilities Director within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the analytical results to the Utilities Director within 30 days of becoming aware of the violation, except the Industrial User is not required to resample if the Utilities Director performs sampling between the initial sampling and the time when the Industrial User received the results.

Sec. 31-60. Non-compliance notification and procedure.

- A. Generally, all violations identified by the WPCD are reviewed, evaluated, and addressed by the appropriate enforcement response. The responses fall within the guidelines of the Enforcement Response Guide.
- B. The majority of enforcement actions begin with issuance of an initial Letter of Violation. The LOV, describes the nature of the violation and informs the Industrial User that any additional violations may result in escalated enforcement action.

- C. Once the Industrial User has been notified of a violation or has knowledge of a condition which is a violation, the Industrial User may be allowed up to thirty (30) calendar days to correct the noncompliance before escalation of the enforcement process occurs. This thirty-(30) day period applies only to an initial violation. Any violations occurring after this period will be evaluated according to the plan procedures. (NOTE: A repeat occurrence does not necessarily indicate the same parameter, condition, or procedural requirement was found in violation.) An industry receiving results of self-monitoring or WPCD surveillance sampling which are in violation has thirty (30) days to correct whatever condition exists or existed which contributed to the violation. Thereafter, each violation is evaluated for enforcement action. In addition, if a violation occurred during the (30) day correction period, the industry must demonstrate good faith was exercised to prevent or mitigate other violations during that period.**
- D. Additionally, the Utilities Director may prosecute and seek all remedies and penalties set forth in Sections 31-65 and 31-66 below.**

Sec. 31-61. Reporting requirements.

A. Initial compliance reports:

- 1. All Industrial Users, including new sources, that are subject to categorical standards must submit Baseline Monitoring Reports (BMRS) TO THE UTILITIES DIRECTOR IN ACCORDANCE WITH 40 CFR 403.12 (b).**
- 2. Within ninety (90) days following the commencement of the contribution of wastewater into the POTW, any Industrial User classified as a regulated categorical standard industry, and therefore subject to federal pretreatment standards, shall submit to the Utilities Director a 90-day compliance report in accordance with 40 CFR 403.12 (d).**

B. Periodic compliance reports:

- 1. Regulated categorical standard industries subject to a pretreatment standard, after the compliance date of such pretreatment standard or, in the case of new sources, after commencement of the discharge to the POTW, shall submit a semi-annual compliance report to the Utilities Director in accordance with 40 CFR 403.12(e).**
- 2. At the discretion of the Utilities Director, any industry under the jurisdiction of this Article may be required to fulfill the same reporting requirements as a regulated categorical standard industry.**

C. Notification of changed discharge:

All Industrial Users shall promptly notify the Utilities Director in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12

D. Notification of hazardous waste:

The Industrial User shall notify appropriate agencies of any discharge of Hazardous waste in accordance with 40 CFR 403.12 (p).

E. Mass limitations:

The Utilities Director may impose mass limitations on Industrial Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate, in accordance with 40 CFR 403.6 (d).

F. Signatory authority:

1. All initial and periodic compliance reports and the wastewater survey for non-residential establishments used as an application for an Industrial waste permit must be signed by an authorized official of the Industrial User.
2. All initial and periodic compliance reports and the wastewater survey for non-residential establishments used as an application for an industrial waste permit must include the statement: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervised in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations."

Sec. 31-62. Requirements for building sewer.

- A. Structures required: Any Industrial User discharging industrial wastes into a sanitary sewer shall construct a suitable sampling port or control manhole at or near the property line. The port or manhole shall intersect the common building drain line at a point downstream from the last connection to this building drain line. If the Industrial User has more than one drain line connected to the County's sanitary sewer, a sampling port or control manhole must be constructed on each drain line.

- B. In those situations where there are unusual volumes of industrial waste or the character of the industrial waste exceeds that of normal waste at certain times within a twenty-four (24) hour period, a flow equalizing tank may be required so that the discharge over a twenty-four (24) hour period complies with the normal waste quality and flow requirements.
- C. The sampling port, control manhole and/or flow equalizing tank shall be constructed and/or installed at the expense of the Industrial User who is discharging the industrial waste after the plans of the structure have been reviewed by the Director. It also shall be the responsibility of the Industrial User to maintain the sampling port, control manhole, and/or equalizing tank in a safe and proper operating condition, accessible during regular working hours.
- D. Multiple use buildings (such as shopping center, medical service buildings, etc. having one water meter or more than one water meter issued to the same person): One permit shall be issued to the person in whose name the water bill is issued. The quality and volume of discharge from the building shall be monitored by the County and this person shall be responsible for the discharge and shall be billed accordingly. Should this person choose some other arrangement, it shall be subject to approval by the Director in writing.

Sec. 31-63. Access to Industrial User records.

- A. The Utilities Director shall have access to all Industrial User records which pertain to that industry's discharge to the POTW. The County reserves the right to inspect and copy information from the Industrial User. The Industrial User shall be required to retain records of all information resulting from any monitoring or reporting activity required by these regulations. Such records shall be kept in accordance with 40 CFR 403.12 (o).
- B. Any person subject to terms of this Article not otherwise exempted shall file with the Director a listing of all chemicals and compounds included under Section 31-18, stored, used processed or transported. Lists shall include the chemical name, chemical composition and common name(if any) and name of manufacturer, including those chemicals not subject to discharge or pretreatment as described in any other section of this Article. Changes in this listing shall be reported to the Director in writing within seven (7) days of the date they occur.
- C. A person may not be required to disclose any classified data of the federal government of any confidential information relating to secret processes or economics or operation. If the information constitutes a trade secret or is commercial or financial information privileged or made confidential by statute or judicial decision or if it is information which, if released, would give advantage to competitors, then the information is not open to public inspection and shall be kept in confidence by the County. A person submitting data or information may request

that it be classified as confidential. However, the composition of any waste subject to the jurisdiction of this Article may not be regarded as confidential information.

- D. Chemical disclosure lists for existing permitted Industrial Users shall be filed with the Director within thirty (30) days of the effective date of this Article.**

Sec. 31-64. Authority to enter property.

A. The inspectors, agents or representatives of the County charged with the enforcement of this Article shall be deemed to be performing a governmental function for the benefit of the general public and neither the County, the Director, nor the individual inspector, agent or representative shall ever be held liable for any loss or damage, whether real or asserted, caused or alleged to have been caused as a result of the performance of that governmental function.

B. The Director or an authorized representative upon presentation of credentials:

- 1. Shall have a right of entry without delay to, upon, or through any premises to gain access to any areas where chemicals or materials are formulated, handled, manufactured, processed, used, stored or treated;**
- 2. May at any reasonable time have access to any records required by this Article pertaining to industrial wastes as determined by the Director;**
- 3. May inspect any monitoring equipment or methods of pretreatment monitoring required by the Director and sample any effluents which the Industrial User of the source is required to sample.**

Sec. 31-65. Legal actions.

If any person discharges sewage, industrial waste or wastes into the County's wastewater disposal system contrary to the provisions of this Article, state requirements, federal pretreatment requirements, or any order of the County, the County Attorney may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

Sec. 31-66. Penalties.

A. The Utilities Director is hereby granted a minimum penalty authority of one thousand dollars (\$1,000.00) in accordance with 40 CFR 403.8 (f) (1) (vi) (A). The Utilities Director may impose additional penalties as described in Section 31-60 above. Any person who violates any provision of this Article or any order or permit issued hereunder or who fails to comply with any provision thereof may be fined

not less than one thousand dollars (\$1000.00) nor more than two thousand dollars (\$2000.00) and each day that such violation occurs or continues shall constitute a separate offense.

- B.** Any person violating any of the provisions of this Article shall be liable to the County for any expense, loss or damage incurred by the County by reason of such violation. In addition to the penalties provided herein, the County may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit against the person found to have violated this Article or the orders, rules, regulations and permits issued hereunder.
- C.** The Utilities Director is further authorized to prosecute and seek all criminal and civil remedies in the various courts as set forth in state and federal law for all violations of this Article or violations of any conditions of a permit granted by the Utilities Director.

Sec. 31-67. Public Notice of Violation.

A notice shall be placed in local newspapers each year as required by 40 CFR 403.8 (f) (2) (vii) for significant violators. The notification shall include the industry name and address plus a description of violation(s). The notification shall be for a designated twelve (12) month period.

Sec. 31-68. Rules and procedures.

The Director shall adopt rules and procedures in the form of a procedures manual consistent with this Article, to effectuate its purpose and intent. The rules and procedures are adopted hereby and incorporated by reference herein and a copy of them shall be maintained in the office of the County Utilities Department. The rules and procedures shall consider the quantity, quality and means of disposal of industrial wastes and the geographic, topographic, and physical construction factors and treatment methods in the waste collection and disposal systems and the beneficial uses of the water in these systems or of waters receiving the discharge and any other matter relevant to the implementation of this Article. Failure to comply with the rules and procedures shall be a violation of this Article as set out in Section 31-66 above.

Secs. 31-69 – 31-77. Reserved.

SECTION 2. Severability.

That if any word, phrase, clause, sentence, or paragraph of this County Commissioners Order is held to be unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions of this County Commissioners Order shall remain in effect as if the unconstitutional or invalid portion had not been adopted.

SECTION 3. Repeal law in conflict.

That all orders and resolutions or parts of orders or resolutions in conflict herewith are hereby repealed.

SECTION 4. Effective date.

This County Commissioners Order shall be published according to Section 2.09(D) of the Charter of the County of Laredo and shall become effective 60 days after the public hearing.

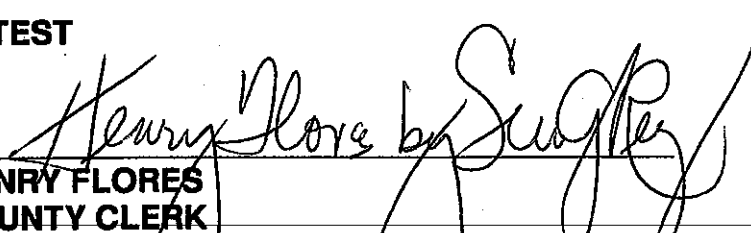
PASSED BY WEBB COUNTY AND APPROVED BY THE JUDGE ON THIS THE

_____ DAY OF _____, 2001.



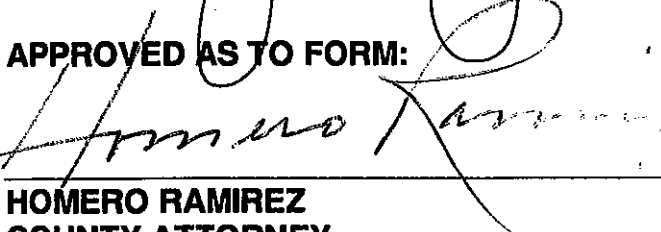
MERCURIO MARTINEZ JR.,
Webb County JUDGE

ATTEST



HENRY FLORES
COUNTY CLERK

APPROVED AS TO FORM:



HOMERO RAMIREZ
COUNTY ATTORNEY