



RULES AND REGULATIONS MANUAL

(LOWER VALLEY WATER DISTRICT PWS TX0710154 &
CUADRILLA IMPROVEMENT PWS TX0710095)

Compliance Review October 2018

CHAPTER I.

DEFINITIONS

For the purpose of these Rules and Regulations, the following definitions apply:

Backflow (Back Siphonage):

The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended source. Back siphonage is the condition where negative pressure in a potable water pipe induces backflow through a cross connection.

Backflow Prevention Assembly (Approved):

An assembly that has been manufactured in full compliance with AWWA Standards C510 and C511 and is listed by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California. Assemblies may include an Air Gap; a Reduced Pressure Assembly; a Reduced Pressure Principle Detector Assembly; a Double Check Assembly; a Pressure Vacuum Breaker or a Spill-Resistant Pressure Vacuum Breaker; or an Atmospheric Vacuum Breaker, each of which is designed for a specific application, and any of which serves to protect the public water supply from potential contamination originating at the Customer's premises.

Certified Backflow Prevention Technician:

A person who is certified by TCEQ to test, repair, and maintain backflow prevention assemblies within the jurisdictional boundaries of the District after having successfully completed a training course on cross-connection control and backflow prevention approved by TCEQ.

Charges:

As applied herein, the fees charged for services by the District not included in the monthly minimum charge and commodity usage charges.

District Boundaries:

The boundary line denoting the extent of land included within the territory legally incorporated limits of the Lower Valley Water District.

Cross Connection:

Any connection or arrangement, physical or otherwise, between a potable water supply or device, through which it may be possible for non-potable, used, unclean, polluted or contaminated water or other substances, to enter into any part of such potable water system under any condition, including reduced or negative pressure.

Lower Valley Water District – Rules and Regulations

Cross-Connection Control Program:

A District managed program whereby backflow prevention assemblies are tested upon installation and annually thereafter. The fees associated with this program are called out and described in Rules and Regulations Chapter 9 subsection 9.008.

Customers:

An individual water, sewer or solid waste collection system user, and entity who is included in the District's billing files.

Dedicated Street Alley:

The land (real estate) which has been dedicated, accepted and filed with a municipality and/or the County of El Paso to be held in the public domain for use as a public right-of-way for access.

District:

The Lower Valley Water District.

Extension (Line Extension):

The water and/or sewer line which is required to be connected to the existing water/sewer system to provide water/sewer service to a property, including piping installed in a right-of-way which is contiguous or non-contiguous to a property.

Off-Site Facilities:

The water and/or sewer facilities required to provide service to a property, not including the water and/or sewer main located in the public right-of-way immediately contiguous to the property line of the property. Off-site facilities may include pipes, valves, reservoirs, pump stations, lift stations or packaged sewer plant.

Properties:

An occupied or vacant parcel of land (real estate) platted and filed in the land records of El Paso County.

PSB:

Public Service Board. The Board of Trustees created by Ordinance 752 of the City of El Paso and successor ordinances which is the governing body of and has the complete management and control of the El Paso Water Utilities.

Sewer Service Connection:

The pipes, fittings and appurtenances connected to the District's sewer collector line and extending to or beyond the property line of a customer. This connection allows the customer's wastewater (sewage) to drain (or be pumped, if necessary) into the District's wastewater collection (sewer) system. The installation of all sewer service connections will be performed by the District or at the direction of the District and all such connections shall be inspected by qualified District personnel.

Lower Valley Water District – Rules and Regulations

Subdivision:

Subdivision means the division of a lot, tract or parcel of land into two or more parts for the purpose of immediate or future sale, development, or dedication of a new public improvement. Approved and filed in accordance with applicable laws and regulations for the purposes of resale of lots therein. Provided however, that the following shall not be considered subdivisions.

- a. The division of land into parts greater than five acres, each part having access, where no public improvement is dedicated; or
- b. The acquisition of land by any means for public use; or
- c. The combination or recombination of portions of previously platted lots where right-of-way is unchanged, easements are unchanged, no lots are created without access, and no panhandle lots are created; or
- d. Any division of property by will or intestate providing that all parts of the property have access; or
- e. Any division of previously platted lots where right-of-way is unchanged, easements are unchanged, drainage patterns or quantities are unchanged, no lots are created without access, and no panhandle lots are created.

Wastewater (Sewage):

Water which has been used for domestic, commercial or industrial purposes and has acquired contaminants which must be removed by wastewater treatment processes prior to the return to or reuse of treated wastewater in the environment.

Water Meter:

The mechanical device, including appurtenances which totalize the volume of water flowing through a water service connection.

AMR System:

Automatic Meter Reading System. Water meter that sends the reading to a portable computer system or handheld through radio frequencies.

Water Right:

The legal right appurtenant to land to divert, use or consume surface water in accordance with Texas Statutes.

Sewer Service Connection – Customer:

“Sewer Service Connection - Customer” means the pipe from the sewer collection system to the building being served.

Water Service Connection – Customer:

“Water Service Connection-Customer” means the pipe from the water meter to the building being served.

Lower Valley Water District – Rules and Regulations

Water Service Connection – District:

The pipes, fittings, valves, meters and appurtenances which are connected to the water main in the street and extending to the property line of a customer. The installation of all water service connections will be performed by the District or at the direction of the District and all such connections shall be inspected by qualified District personnel.

Neutral Gender:

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

CHAPTER II.

GENERAL PROVISIONS

§2.001. Purpose.

- (a) The purpose of these Rules and Regulations is to secure and maintain safe, sanitary, and adequate plumbing installations, connections, and appurtenances as subsidiary parts of its sanitary sewer system; to preserve the sanitary condition of all water controlled by the District; prevent waste or the unauthorized use of water controlled by the District; to regulate privileges in any land or any easement owned or controlled by the District; to provide and regulate a safe and adequate freshwater distribution system; to assure an efficient and cost-effective solid waste collection and disposal system to protect the public health and welfare; and to assist the District in complying with federal and state laws and the applicable rules and regulations of the Texas Commission on Environmental Quality (“TCEQ”).
- (b) Also, in recognition of the fact that the water and wastewater system of the District is owned by the people residing within the District’s boundaries; and that the rates and charges to each customer should be related to the benefits received; and, whereas, the furnishing of new and/or enlarged water and/or sewer service connections imposes an excessive cost on the operating revenue of the District; and the fact that these expenses, if added to the water and/or sewer service rates and tax rate, as such, would increase the cost of service to the existing users out of proportion to any benefits they would receive; and therefore these rules and regulations are adopted in order to provide a reasonable division of these additional expenses between the existing customers and any new customers.

§2.002. Water Rights.

The District will assume the responsibility of providing water to property within the District in accordance with these Rules and Regulations and endeavor to protect all water sources (both surface and underground) and promote conservation among the customers of the District. Because the major source of water will be treated surface water, the District pursues the accumulation of water rights in conjunction with the provision of water service and sewage collection. Thus the District may limit the size and number of meters to any property.

§2.003. Cost Allocation.

The District may require, on any extensions or additions to its water or wastewater system which require expenditures of operating revenue that are not justified on the basis of the anticipated revenue or which are speculative in nature and are primarily beneficial to a certain party or parties, sufficient charges or deposits of whatever nature the District deems necessary. This is to assure that such costs are assumed by the apparently benefited parties and not by the general water users of the district.

§2.004. Free Services or Free Use of System Prohibited.

The District is a governmental entity, the Board of Directors of which is charged with the responsibility of furnishing District and other services to the public, utilizing public funds and public property in accordance with the constitution and laws of the State of Texas. Therefore, free water and wastewater service or free use of the water and wastewater system or other facilities of the District are prohibited, except for the water used for fighting a fire.

§2.005. One Meter or One Service per Dwelling or Business.

Water and wastewater service shall be provided only on a one meter or one service per dwelling or business basis. No meter may provide service to more than (1) dwelling or one (1) business at a time.

§2.006. Service Outside District Boundaries.

No water or wastewater service shall be provided to serve any premises, land, building or facility of any nature whatsoever, situated partially or totally outside the boundaries of the District unless a specific contract is negotiated, and the provision of such service is permissible under the Water Supply Contract between the District and the City of El Paso through its Public Service Board.

§2.007. Service in 100-Year Flood Plain.

No water or wastewater service shall be provided to any building of any kind whatsoever of other improvement which (1) has not been completed on or before the date of public environmental notification in area news media; and (2) is located, in whole or in part, within a 100-year flood plain designated as Zone A by the Federal Emergency Management Agency. For the Sparks Water and Wastewater Project area, the date of public environmental notification was April 20, 1992 and for the San Elizario Water and Wastewater Project area, the date of public environmental notification was April 16, 17 and 18, 1994.

§2.008. Mandatory Use of Services.

1. All dwellings and business within the boundaries of the District, the owners or occupants of which require water and/or wastewater services for their ordinary and customary use and which are proximately located to water and/or wastewater facilities of the District such that water and/or wastewater services may be reasonably provided therefore, are encouraged to use the facilities of the District for water and/or wastewater services. Normally, if a water or wastewater facility is within 300 horizontal feet of a dwelling or business, it shall be considered that service may be reasonably provided unless it is determined otherwise in writing by the District's representative. When wastewater services become available to a dwelling or business from facilities of the District in accordance with this Rule, the District will impose a fee to encourage connection to District sewer services. The District shall give notice of the fee to owners and occupants of dwellings or businesses ("Customers") when service becomes available to them. The notice shall be in English and in Spanish and shall include: a clear explanation of the amount and purpose of the fee;
2. a comparison of the costs of connecting to district sewer services and the amount of the fee;
3. an explanation of the district rule under which the fee is charged and an explanation of what the person may do to avoid the fee if the person believes the fee is being imposed in error;
4. a request that the Customer respond to the notice to indicate whether the Customer would prefer to avoid the fee by connecting to district sewer services or whether the Customer refuses the services; and
5. a form and addressed envelope for the response under Subdivision (4).

The notice shall be provided at least annually and by certified mail, return receipt requested, at least 90 days before the District imposes the fee. The District shall maintain records of responses received to the notices and shall continue to notify a Customer until the District obtains and files the signed response to the notice. The District shall ensure the fee is not imposed unless it is clear that the Customer is required to pay the fee under District rules.

- (a) Residential water and wastewater customers of the District must utilize the solid waste collection and disposal services provided by the District. If the customer refuses to accept and utilize a solid waste container provided by the District, he will, nevertheless be billed for solid waste collection and disposal services.
- (b) Commercial water and wastewater customers of the District must utilize the solid waste collection and disposal services provided by the District when available. If the customer refuses to accept and utilize a solid waste dumpster provided by the District, he will, nevertheless be billed for solid waste collection and disposal services.

§2.009. Nuisance.

Use of any property within the boundaries of the District required to be connected to the District's wastewater system by this Section that generates sewage not discharged into the District's wastewater collection system is declared to be a nuisance.

§2.010. Drought Management Plan.

A provision in the District's wholesale water supply contract with the City of El Paso provides that the rationing of water will take place when water ceases to flow in the Rio Grande River. This may occur occasionally during the irrigation season and result in reduction of the treatment of water from the surface water treatment plant. When the District receives notice of curtailment of its wholesale water supply from the PSB, the District's Drought Management Plan will be activated. Proper notification will be made that all customers shall be required to reduce water consumption in accordance with the Drought Management Plan. When the District's wholesale water supply is curtailed by the PSB, the customers of the District must limit their water consumption to 50 percent of the total actual monthly demand of the District for potable water supply for the same month for the preceding year. No definite length of time can be cited ahead of time so that each occurrence will dictate its own time restraints. Violators using large quantities of water will be warned as to what actions may be taken to assure their cooperation.

§2.011. Irrigation Water Rights.

As the District's wholesale water supply is contingent upon the acquisition of water rights and the assignment of those water rights to the PSB, all new customers, within the Rio Grande Irrigations Project will be required to assign all or that portion of their water rights not being used for agricultural purposes to the District. The quantity of water rights requires to be assigned will be calculated by the District prior to the signing of any service agreement, but it shall not be less than .5 acres. This assignment of water rights will be required before acceptance of an application for water and sewer service is considered. This requirement will not be made in areas where irrigation water has never been available.

§2.012. Enforcement of Rules and Regulations.

The District shall be entitled to enforce these Rules and Regulations by any means provided by law. Neither the existence of these Rules and Regulations, nor the failure or delay in enforcing these Rules and Regulations, shall constitute a waiver of the District's rights to enforce the rules in courts of competent jurisdiction.

§2.013. Prohibited, Unlawful conduct.

The District strictly prohibits and declares unlawful the following:

- (a) Removal of or tampering with a pin lock installed by the District to Terminate a residential connection
- (b) Installing or utilizing a straight connection water line which avoids a water meter and permits water use without payment to the
- (c) District use or procurement of water from fire hydrant without authorization from the District.
- (d) Not installing or by-passing a backflow assembly.

§2.014. Inspections.

The District shall have the right to go on any land or buildings thereon at reasonable times to make examinations or inspections with reference to compliance with these Rules and Regulations.

§2.015. Right of Appeal.

The customer may appeal in writing any ruling or action by a member of the District staff who is charged with the responsibility of making such ruling or taking such action on behalf of the District pursuant to these Rules and Regulations to the District's General Manager or to the Board of Directors ("Board") in accordance with the procedures established in these rules and Regulations. The Board, at its own discretion, may either grant a special variance or amend the Rules and Regulations if deemed appropriate for the particular circumstances.

§2.016. Severability.

If any part of these Rules and Regulations are found by a court or by a regulatory agency having jurisdiction to be invalid or unenforceable, those rules, or any part thereof, not affected shall remain in full force and effect.

§2.017. Titles.

The titles of the Chapters, Articles, Sections, Subsections, Paragraphs, or subparagraphs of these Rules and Regulations are intended strictly for the convenience of the users and shall have no effect and shall neither limit nor amplify the provisions of the Rules and Regulations themselves.

§2.018. Penalties.

- (a) Violation of these Rules and Regulations shall subject the violator to a civil penalty not to exceed \$5,000.00 exclusive of interest, which is the jurisdiction of a Justice Court, as provided by section 49,004 of the Texas Water Code Annotated and section 27.031, Texas Government Code Annotated. In addition to or in lieu of the foregoing, the following penalties may be imposed for violations of these Rules and Regulations: 1) water service may be disconnected as provided for in these Rules and Regulations; 2) an application for water service pending with the District may be dismissed and any further processing terminated.
- (b) A penalty of \$75.00 shall be imposed for each violation of §2.013. (a).
- (c) A penalty of \$1,000 shall be imposed for the first violation of §2.013. (b) and (d).
- (d) If there be more than one violation of §2.013 (b), §2.013 (c) and/or §2.013 (d) by the same violator during a period of one year, a penalty of \$2,000 shall be imposed for each violation after the first.
- (e) No customer or person shall use water from the LVWD system except from a metered connection installed by the District. All meters are the property of the District and shall not be damaged, removed or altered by the customer or non-District personnel. For residential customer only; a charge of \$75.00, plus the cost of correcting any damage, and the estimated cost of the water used shall be paid before water is reconnected to any customer or property that has or has permitted the meter or service connection to be altered in such a way as to not accurately meter all of the water that flowed through the service connection

CHAPTER III.

WATER RELATED SERVICES

§3.001. Initiation of Water Service

Payment of the monthly service charges is due 16 days after the date of billing. If payment is not received within 10 days of the due date on bill, a late fee of \$10.00 will be assessed. A disconnect notice will be sent out 11 days after the due date on bill, allowing an additional 10 days from the disconnect notice. Services will be scheduled for disconnection the following work day unless the billed amount has been paid.

If an account is still not paid, the system will automatically take the action to disconnect and apply a \$25.00 service fee and a new deposit fee (which must be paid, whether disconnected or not, provided that the service is restored or the request to restore service is received between 8:00 a.m. and 5:00 p.m. on a normal working day. A charge of \$25.00 will be made for restoration of service under any other circumstances.

Note: (§3.001.) Amended and Approved by The Lower Valley Water District Board on March 22, 2018.

The District shall allow an adjustment on all underground leaks which the customer could not have reasonably detected. The adjustment will only be allowed on the highest billing (one-month consumption) when the District, in the sole discretion, determined that the loss of water could not have been reasonably detected by the customer using the service, such as an underground leak beneath a cement floor. All other water lost through other causes is the responsibility of the customer using the service. Nothing herein shall relieve the customer from repairing such leaks when the customer has an obligation to do so under the Water Conservation Ordinance. The District can bear 50% and the customer the other 50% of the water lost. The amount of water lost will be determined by comparing the usage when the leak occurred and the previous year's usage during the same billing cycle. If the customer does not have a previous usage, a monthly average usage before the leak occurred will be considered in determining the adjustment. If such an adjustment is granted, no such adjustment of this nature will be made on the same property for a period of 24 months from the month in which the adjustment was granted.

- (a) When applying for residential water services, the District shall provide water service only upon the following conditions:
 - (1) after a determination that the District has adequate capacity to serve the connection;
 - (2) the signing of Water Service Contract by the applicant and the District;
 - (3) the payment in advance by the applicant of all deposits, charges, and fees applicable for water services as determined by the District;
 - (4) the installation of water service connection which is made to a meter box located on public Right of Way; and
 - (5) the submission of the following documents:
 - a. all licenses, permits, or other approvals required by all governmental

bodies having jurisdiction including but not limited to a Certificate of Compliance for the On-Site Sewage Facility if the property does not have reasonable access to the District's wastewater collection system as determined in accordance with these Rules and Regulations;

- b. a customer service inspection certificate if the service is provided to property where no prior water service existed, or if to a location of existing service where the District has reason to believe that cross-connections or other unacceptable plumbing practices exist;
 - c. the certificate of plat compliance required by section 232.029, Texas Local Government Code Annotated; and
 - d. a complete legal description of the property on which buildings and/or other improvements to be served are located. This property description shall become a part of the application for service shall be used in calculating the line extension charges as provided in these Rules and Regulations. No water and/or sewer service shall be extended to any property other than that which was identified and/or sewer service directly or indirectly to property other than that originally identified in the application for service is a violation of these rules and regulations and shall be cause for discontinuance of service.
- (b) The district shall approve no applications for Water Service which it has determined would permit the unauthorized use of water controlled by the District in violation of these Rules and Regulations.
- (c) The application for Water Service and Water Service Contract shall be on forms approved by the District.

§3.002. Initiation of Wastewater Service.

- (a) For applications for residential wastewater water service filed with the District, the District shall provide water service only upon the following conditions:
- (1) The approval of an Application for Wastewater Service by the District after a determination that the District has available facilities and capacity to serve the connection;
 - (2) the signing of a Wastewater Service Contract by the applicant and the District;
 - (3) the payment in advance by the applicant of all deposits, charges, and fees as may be applicable for wastewater service as determined by the District;
 - (4) the installation of a wastewater service connection between the premises and the District's main; and
 - (5) the submission of the following documents:
 - a. all licenses, permits, or other approvals required by the District if the customer served is an industrial user requiring a permit under these Rules and Regulations; and
 - b. a customer service inspection certificate if the service is provided to property where no prior wastewater service existed; and
 - c. the certificate of plat compliance required by section 232.029, Texas Local Government Code Annotated; and
 - d. a complete legal description of the property n which buildings and/or other improvements to be served are located. This property description shall become a part of the application for service shall be used in calculating the line extension charges as

provided in these Rules and Regulations. No water and/or sewer service shall be extended to any property other than that which was identified and/or sewer service directly or indirectly to property other than that originally identified in the application for service is a violation of these rules and regulations and shall be cause for discontinuance of service.

- (b) The application for wastewater service and wastewater service contract shall be on forms approved by the District.
- (c) If the application is made at the same time as an application for water service, duplicated documentation will not be required and the District's customer service representative has the discretion to modify these requirements as necessary.

§3.003. Construction Water Service.

Water service may be furnished by the District through a metered temporary water service. Upon approval of the District, an appropriate location for a standpipe will be established where an adequate water supply exists. These facilities will not be used for obtaining drinking water or for the avoidance of obtaining a property service. The customer will pay the estimated cost of installation and removal of the facility in advance and will agree to pay for the water used in accordance with Rules and Regulations. The standpipe may be removed after notification by the contractor that it is no longer required or 15 days after the Contractor is not obviously working in the area. A positive air-gap or other approved backflow prevention device shall be maintained at all times of operation. The District may limit or prohibit the use of water by a construction service when necessary to maintain adequate pressure in the system or as may be required due to a water emergency declared under the mandatory Water Conservation Rules and Regulations. All deposits will be forfeited if notification of removal or non-usage is not made by the Contractor in the properly allotted time.

A. Construction Water Service

Construction Water Service may be furnished by the District through a metered temporary water service to provide construction water service such as water haulers, where, in the opinion of the District, it is not practical at that time of installation to furnish permanent services and where, in the opinion of the District, an appropriate location for a standpipe and an adequate water supply exist. A positive air-gap or other approved backflow prevention device shall be maintained at all times of operation. The customer will pay the estimated cost of installation and removal of the facility in advance and will agree to pay for the water used in accordance with Rules and Regulations Chapter 9 Subsection 9.002, plus all costs of any necessary repairs or maintenance of the facility. The connection may be removed by the District at the end of 90 days or any time the facility is operated in such a fashion as to become, in the opinion of the District, a nuisance or when the construction is complete. The District may limit or prohibit the use of water by a construction service when necessary to maintain adequate pressure in the system or as may be required due to a water emergency declared under the mandatory Water Conservation Ordinance.

B. Fire Hydrant Meter

- a. Customer will be charged for construction water drawn through fire hydrant meters and must agree to pay for water used in accordance with Rules and Regulation Chapter 9 Subsection 9.002.

- b. Fire hydrant meters, which have a locking device and built-in backflow preventer, will be installed and removed by District personnel.
- c. The fire hydrant meter refundable deposit is \$1,500.00. Only one fire hydrant meter will be allowed within a 2,000-foot radius.
- d. The fire hydrant meter application fee is \$75.00. An additional \$75.00 application fee is required to relocate fire hydrant meter per customer.
- e. A water loss fee of \$1,000.00 up to \$5,000.00 will be charged to the Customer for each occurrence where un-metered water is taken from a fire hydrant, where the Customer tampers with the meter or fire hydrant valve, or where the fire hydrant meter is removed by other than District personnel.
- f. Water used to fill, pressure test, and disinfect water main lines will be billed in accordance with Rules and Regulations Chapter 9 Subsection 9.002. The amount to be billed will be calculated at one-and-a-half times the volume of the installed pipe.
- g. Readings will be taken monthly from the fire hydrant meter. Consumption will be billed monthly in accordance with the Rules and Regulation Chapter 9 Subsection 9.002 Water Rates.
- h. All other unbilled water and charges will be deducted from the deposited amount. Charges in excess of the deposit must be paid before the subdivision/project could be accepted [dedicated] in the District system. Excess deposit will be refunded to the Customer.
- i. The District's Engineering Section will promulgate the forms and procedures necessary to implement these charges, rates, rules and regulations.

§3.004. Standby Fire Protection Service.

Standby Fire Protection Service will be available under the following conditions;

- (a) All fees for frontage and water service charges and deposits for the property have been paid;
- (b) The system providing the fire protection is completely independent from any other water service to the property;
- (c) The total cost of the fire system from the main to the sprinklers, including valves, lines, boxes and paving (if required) have been paid and tested to assure all components are functioning properly;
- (d) A contract has been executed providing for payment of the necessary charge on a monthly basis; and
- (e) Property owner shall, at their expense, install an AMR Fire Line Meter and a reduce pressure principal backflow assembly in accordance to the District specifications.

CHAPTER IV.

PROTECTION OF WATER SUPPLY

§4.001. Conforming with Code.

Every customer, wherever located or whenever served, shall comply with these Rules and Regulations, the Uniform Plumbing Code as adopted by the District, and the Regulations of the Texas State Health Department, and the rules and regulations of TCEQ and all other applicable laws and permit inspection at any reasonable hour by the appropriate City Plumbing Inspector (Socorro), Sanitary Engineer of the City County Health & Environment Department, or any official employee or representative of the District. The purpose of this insertion is to determine whether physical facilities existing on the premises of the user may create or be a potential hazard to the health, safety or welfare of the customers of the District through possible contamination of the water supply be cross connections, back siphonage, or some other means or which constitute a threat to the water supply through excessive leaks or other conditions or activities prohibited by the mandatory water conservation rules of the District.

§4.002. Protection of the Water Supply.

In each instance listed below, the customer will aid the system in protecting their users by either accepting delivery of the District's water through an acceptable and approved air gap device into a storage device or by having the District install a backflow prevention device:

- Premises having their own well, an auxiliary supply or an auxiliary pressure system,
- Premises including sewage treatment, animal processing or mortuaries,
- Premises where chemicals are manufactured or processed,
- Premises where a plating plant is operated,
- Premises where medical and surgical facilities are maintained, including but not limited to a veterinary office or clinic,
- Premises where oils or gases are produced developed or refined or are transmitted in a pipeline or where oil tank farms are maintained. This will include service to a property where an oil well is being drilled, developed, operated or maintained,
- Premises where natural or synthetic rubber, rubber goods and tires are manufactured,
- Premises where a brewery is operated,
- Premises, in addition to the foregoing, where an actual or potential condition exists that might, directly or indirectly, cause contamination of the public water supply or pose a danger to human health or safety of the environment without an air gap separation between the drinking water supply and the source of potential contamination.
- Premises which are connected to reclaimed water service,

Lower Valley Water District – Rules and Regulations

- Temporary service connections, such as construction water service points, a positive air-gap or other approved backflow where a prevention device is required to be maintained at all times,
- In any other instance listed in the following table, entitled “Minimum Requirements for Containment Cross-Connection Control”, the customer will either accept delivery of the District’s water through an acceptable and approved air gap device into a storage device or install a backflow prevention assembly in accordance with these Rules and Regulations.

Minimum Requirements for Containment Cross-Connection Control

<u>Type of Facility</u>	<u>Type of Assembly</u>
Auxiliary water supply	AG, RP
Car washing facilities	AG, RP
Commercial laundry	AG, RP
Construction water service points	AG, RP
Dairy product processing	AG, RP
Dental offices	AG, RP
Drawing water from public fire hydrants for filling trucks	AG, RP
Electroplating	AG, RP
Fire lines	AG, RPDA
Food and Beverage processing plants	AG, RP
Garment finishers	AG, RP
Green houses	AG, RP
Hospitals and clinics	AG, RP
Landscape irrigation systems connected directly to public	AG, RP, PVB
Lease space (shopping centers, warehouse)	AG, RP
Metal finishing	AG, RP
Metal molding and forming	AG, RP
Metal plating	AG, RP
Mortuaries and Morgues	AG, RP
Nursing and convalescent homes	AG, RP
Petroleum processing or storage facilities	AG, RP
Photographic film processing	AG, RP
Plants using radioactive material	AG, RP
Plastic injection	AG, RP
Premises with more than one connection to the public	AG, RP
Premises where inspection is restricted	AG, RP
Premises that are totally or partially outside the State of	AG, RP
Premises containing extremely toxic substances	AG, RP
Premises with uncontrolled cross connections	AG, RP
Premises with complex piping systems	AG, RP
Private/ <u>individual/Unmonitored</u> wells	AG, RP
Radiator shops	AG, RP
Ready-mix concrete	AG, RP
Reclaimed water systems	AG, RP
Sand and gravel plants	AG, RP
Schools and colleges with laboratories	AG, RP
Sewage lift stations	AG, RP
Sewage treatment plants	AG, RP
Steam plants	AG, RP
Tall building (protection against excessive head of water)	DC, RP
Taxidermy	AG, RP
Veterinary and animal grooming	AG, RP

The customer will be responsible for installing the device subject to approval of the District. The failure of the customer to install such backflow prevention after notice by the District shall be a basis for discontinuance of service.

§4.003. Fire Protection Systems.

Fire protection systems begin at the water service connection and include sprinklers, hose connections, hydrants, reservoirs, tanks, stand pipes, pumps distribution pipes and other appurtenances within a premise that are owned, operated and maintained by the customer for the purpose of fire suppression. All existing and new fire protection systems shall have an approved backflow prevention assembly at the water service connection except under the following circumstance.

Fire protection systems with no reservoirs, no fire pumper connections, no connections from auxiliary water systems, no antifreeze or other additives, and with all sprinkler drains discharging through an approved air gap, constructed with acceptable potable water piping materials conforming to ANSI/NSF Standard 61 and certified by an organization accredited by ANSI, except as otherwise required by these rules and regulations.

§4.004. Customer Responsibilities-Backflow Prevention (Cross-Connection Control)

- (a) The Customer is responsible for preventing contaminants or pollutants originating on the customer's premises from entering the public water supply as well as the customer's water system. The Customer is responsible for expenses incurred for proper installations, relocation, repair testing and maintenance of approved backflow prevention assemblies in accordance with the District's requirements. The Customer shall be responsible for annual testing of such assemblies, payment of the expense thereof, coordination and cooperation with the District's Cross-Connection Control Program Manager, and for the retention of accurate records of tests, inspections and repairs made to backflow prevention assemblies. The Customer's responsibility begins at each water service connection and extends throughout the entire length of the water system within the premises. A premise is defined as any and all areas on a customer's property that is served, or has the potential to be served.
- (b) Backflow Prevention Assemblies shall be protected from freezing and vandalism by a method acceptable to the District. Design of such enclosures, their installation and maintenance shall comply with OSHA 29 CFR, Part 1910.146 "Confined Spaces"; shall provide adequate drainage from testing, flushing or relief valve discharges; and shall be maintained so that assemblies are safely and readily accessible for testing maintenance and repairs. The customer shall be responsible for the costs thereof.

§4.005. Water use Survey-Cross Connection Control Program.

- (a) The District shall review all requests for new or revised water service connections to determine if containment cross-connection control is required. If it is determined that a containment backflow prevention assembly is required, the assembly must be installed, inspected and tested for proper operation before water service is granted.
- (b) Premises considered posing an actual or potential threat of contamination or pollution to the public water supply shall be subject to a water use survey upon written notice to the customer by the District. If actual or potential cross connections or potential backflow opportunities exist that could result in the backflow of contaminants or pollutants into the public water supply, the District shall evaluate the degree of hazard and proceed in accordingly.

Lower Valley Water District – Rules and Regulations

- (c) In the event a system hazard is determined to exist, the District shall immediately terminate water service to the premises. Service shall be restored when the system hazard has been controlled or eliminated. The District reserves the right to install backflow prevention assemblies in emergency situations where there is an imminent threat to the public water supply and to charge the customer the costs of such service as part of its monthly billing for service.

- (d) In the event no system hazards exist, but potential cross connections required containment control, the District shall give the customer written notice to comply. The customer shall submit a design and a plan for implementation to the District within **45 Days** of the date of the written notice. In addition, the customer shall have the backflow prevention assembly installed, tested and inspected by a State Certified Backflow Technician. The District reserves the right to terminate water service to the premises for customer's failure, refusal or inability to have the backflow prevention assembly installed, tested, and inspected. Water Service shall not be restored until such conditions are corrected. Termination of water service may be immediate, and without written notice whenever, in the judgement of Lower Valley Water District, such action is necessary to protect the purity and safety of the District's water supply.

Note: (§4.005 (d).) Amended and Approved by The Lower Valley Water District Board on July 26, 2018.

CHAPTER V.

CUSTOMER’S RIGHTS AND RESPONSIBILITIES

§5.001. Service Size.

The District shall determine the size of water and wastewater residential service, within the limitations of these Rules and Regulations except, however, that a single-family dwelling unit having a gross lot area of 10,000 square feet or less shall not be permitted a water service connection larger than $\frac{3}{4}$ inches. Each legally platted property or developable unit shall have a separate water meter and sewer service connection. In no instance shall two properties owned by different individuals or entities and/or properties separated by a street or alley be served by one meter or by one sewer connection. A single platted lot with single ownership or joint ownership having multi-family residential housing may have a single water or sewer service at the discretion of the District.

The sizing of the water and wastewater service for commercial usage shall be the responsibility of the Owner.

§5.002. Extension and Connection Charge.

Once the extension and connection charge has been paid by a customer or developer, the right to the allowable service connection shall be vested in the property, whether used or not. However, should a service connection remain inactive for one year or more, the service may, at the option of the District be removed or plugged; and re-installation shall require a new extension and connection charge, and, if determined appropriate by the District, the payment of a frontage charge.

§5.003. Customer Furnished Equipment.

- (a) The Customer shall be responsible for the furnishing and installation of the water service line from the water meter into the property and for furnishing and installing the sewer service line from the tap at the main into the property, to include the “air gap” or “approved backflow prevention assembly” and “backflow prevention assembly protective enclosures; and for all equipment for controlling the utilizing the services within the property, and for maintaining such line and equipment in a good and safe condition.
- (b) The customer shall extend or cause to be extended the customer’s sewer service line and connect it to the outlet in the District’s line when one has been provided. When no connecting outlet has been provided in the District’s line, ONLY the District can connect to the sewer line to provide the outlet (saddle or tee connection). No connection shall be made to a sewer interceptor line of a diameter 18 inches or greater.
- (c) The Customer shall not extend the water or sewer lines to furnish any service to property other than for which charges have been paid and described in the contract.

§5.004. Water Service Conditions

The Customer agrees to accept such conditions of water pressure or service as may vary from time to time and to hold the District or its Board harmless because of damage resulting from low, high, or fluctuations of pressure, or interruptions of service. The District will endeavor to assure a minimum water pressure of 35 pounds per square inch during normal operating conditions. Where the static water pressure at the meter exceeds 80 pounds per square inch, the Customer should, for his own protection and at his own expense, install a pressure regulator, strainer, and relief valve to be set at the Customers desired pressure. This setting may be varied by the Customer, who assumes all responsibility for its operation and performance.

§5.005. Sewer Service Conditions.

The Customer shall agree to accept the elevation and location of all sewers as laid by the District and will, where necessary, install and operate on his own premises and at his own expense, all necessary sewage lifting equipment or backup protective devices. Customers who have drain or future outlets into the house connections which are at an elevation that is lower than the top of the nearest downstream sanitary sewer manhole shall protect their premises from possible backup of sewage by the installation of backflow or the devices to prevent sewage backing up and flowing out of such outlets. Such customers agree to accept responsibility for any damages caused by a sewage backup where the customer has failed to install devised to prevent such sewage backing up agrees to hold the District, City of Socorro, and El Paso County harmless for any damage caused by such a sewage backup.

§5.006. Water Meter Location.

When a location for the water meter box cannot be set outside the property line for all practical purposes, the water meter box shall be located on the Customer's premises near the point where the service line crosses the property boundary and where the water meter will be accessible at all times for inspection, testing and reading and the customer shall maintain the surrounding property in a manner that protects the meter from damage and assures that it is clearly visible. Application for service by the customer or Owner shall be deemed as permission for the District to set the water meter box on his property, if necessary, and no rent, royalty or other charge shall be levied by the Customer against the District for placing the meter, service line, or other equipment upon the Customer's premises. Care will be taken to prevent any damage to property or structures. If a conflict exists it will be the Customer's responsibility to move the obstruction or waive any claim for damages.

§5.007. Customer Facilities.

The District, without assuming the responsibility for doing so, and within the sole discretion of the District, reserves the right of inspecting any part of the customer's installation of water or sewer facilities. The customer shall be solely responsible for the costs of installing and maintaining any such facilities. Specifically, the District has the right to inspect all backflow prevention assemblies.

§5.008. Damage to Customer's property and/or equipment.

The District or its Board shall not be responsible for any loss or damage due to improper installation, condition, or use of the Customer's property and/or equipment or by any negligence or wrongful act by the Customer, his agents, employees or licensees.

§5.009. Damage to the District's infrastructure.

Any damage to infrastructure owned by the District caused by negligence or a wrongful act of the Customer, his agents, employees or licensees shall be paid for by the Customer upon presentation of a bill, with documentation, for repairs or replacement for restoration to the original condition or performance. Nonpayment of such charges shall be grounds for disconnection of service.

§5.010. Service Size Guide.

The selection of a meter size for suitable water service to be received by the Customer is shown in the following table and is to be used as a guide. The gallons per minute shown are the rate of water to be generally expected as discharged to the atmosphere. The individual rates should be adjusted downwards by the Customer appropriately because of the friction loss to be expected in the Customer's piping. The customer understands and agrees that the below table constitutes an estimate of the amount to be delivered and that neither the District nor its Board shall be responsible for any failure to deliver the estimated capacity shown on the table below.

Meter Size	Gallons per Minute
3/4"	15
1"	37
1 1/2"	75
2"	120
3"	240
4"	375
6"	750
8"	1,400
10"	2,000

§5.011. Backflow Prevention Assembly Application Table.

	Sewage	Health Hazard	Non-Health Hazards	Back Pressure	Back Siphonage	Continuous Pressure
Air Gap	Yes	Yes	Yes	Yes	Yes	Yes
RP	No	Yes	Yes	Yes	Yes	Yes
DC	No	No	Yes	Yes	Yes	Yes
PVC/SVB	No	Yes	Yes	No	Yes	Yes
AVB	No	Yes	Yes	Yes	Yes	No

- The air gap is the only backflow preventer used for sewer connections.
- The reduced pressure assembly is the only mechanical assembly allowed for use in high hazard applications with back pressure.
- The double check valve assembly is the only assembly that is not allowed in high hazard applications, it is restricted for use in low hazard application only!
- The requirements for the spill-resistant pressure vacuum breaker and the pressure vacuum breaker are the same.
- The pressure and atmospheric vacuum breakers must not be subjected to back pressure.
- The atmospheric vacuum breaker must not be subjected to continuous pressure.
- The atmospheric vacuum breaker is limited to isolation applications only.

AG (Air Gap)
 RP (Reduced Pressure)
 DC (Double Check Valve Assembly)
 PVB (Pressure Vacuum Breaker Assembly)
 SVB (Spill Resistant Pressure Vacuum Breaker Assembly)
 AVB (Atmospheric Vacuum Breaker)

§5.012. Customer Water Conservation Measures.

- (a) The Customers of the District shall practice water conservation. Lawn watering is prohibited except in accordance with the following schedule:
 - (1) Houses with odd-numbered addresses may water between the hours of 4:00a.m. and 8:00 a.m. and between the hours of 6:00p.m. and 10:00p.m. on Sundays, Wednesdays, and Fridays.
 - (2) Houses with even-numbered addresses may water between the hours of 4:00a.m. and 8:00a.m. and between the hours of 6:00p.m. and 10:00p.m. on Tuesdays, Thursdays, and Saturdays.
- (b) The waste of water by District customers is prohibited. The “waste of water” is defined as:
 - (1) permitting water from landscape irrigation or other use to escape into gutters, ditches, streets, sidewalks and other surface drains;
 - (2) failure to promptly repair a controllable leak due to defective plumbing after it is discovered;
 - (3) recreational use of faucets, hoses and hydrants; and (4) other obviously wasteful uses as determined by the General Manager.

CHAPTER VI

DESIGN AND OWNERSHIP OF FACILITIES

§6.001. Operations, Maintenance and Ownership.

The District or its agents shall design, operate and maintain all of its water and sewer facilities with due regard and concern for present and future requirements of system capacity, operations and efficiency; the anticipated life of the existing system and any improvements made. Title to all such facilities shall remain with or be dedicated to the District upon completion of the construction of such facilities, meeting District Design Standards, and submitting all needed District documentation. Facilities not properly dedicated to the District will stay into ownership and maintenance of applicant and will hinder area from receiving proper services. Any backflow prevention assembly or enclosure provided by the District becomes the Customer's property for purposes of operation and maintenance.

§6.002. Utility Furnished Material

The District will furnish or provide for the installing and maintenance of all meters, related piping, equipment and materials used for connecting the water meter to the water main as required and defined in the Service Connection Charge; and title to all such installations shall remain in the District. This will be at the Districts discretion that at any time the District can change these requirements and criteria to better fit the needs of the customer and the District. The District is under no obligation to provide piping, equipment and materials used for connecting the water meter to the water main.

§6.003. Line Location.

Water main extensions shall be located on the north and east sides and sewer extensions on the south and west sides of dedicated streets or alleys, as has been the designated location since the early installation of the existing system, except that of such location is not practical or available, or if in the interest of the operations, maintenance and efficiency of the system, the District may designate some other location more suitable. Under no circumstances shall any structure be placed over or around any water main or extension unless by prior written approval by the Board and in a manner which provides for ready and easy access to any or all parts of the main or extension. If temporary variance is allowed, removal will be at the Owners expense when the allowable time has expired if not already accomplished.

§6.004. Right-of-Way.

Before water or wastewater line extensions being financed in whole or in part by the District are made in public street and/or public alleys, the public right-of-way shall be legally dedicated and brought to grade as approved by the District's Engineer. The District will not place meters or services on the outside of the curb line on any existing or newly constructed streets unless the grading is within four (4) inches of finished grade for a distance of (10) feet from the curb.

§6.005. Conditional Services.

When a service is requested that is not adjacent to a water main from which an adequate service can be provided and, when in the opinion of the District, it is not feasible to construct a new main that would provide an adequate service, the District may grant permission to the Customer to take “conditional” service at the nearest existing adequate main. The Customer shall pay the appropriate charges as provided herein, computed as though the main were adjacent to the property unless, in the opinion of the District, the quality of service is such that the frontage charge should be waived. The Customer shall pay all cost of the installation and maintenance of pipe line from the water meter to this property, and assume all responsibility and liability for such installation, maintenance and operation or failure of said pipe line. Such a connection and pipe line shall be installed and used as a temporary arrangement only; and, at such time as an adequate water main is installed adjacent to the property, and on written demand by the District, the Customer will have installed a regular service at his own expense, and will discontinue the use of the temporary connection and pipe line and will pay the District the appropriate charges for a regular service.

§6.006. House Connections.

The line from the meter to a dwelling will be of Type K Copper or PVC schedule 40 pipe and sized by the Applicant or Owner. Also, the customer service line in the property will require a dual backflow preventer device, cut-off valve and a pressure regulator and meter coupling. (See Chapter IV of these Rules and Regulations.)

§6.007. Easements.

No water or wastewater mains will be constructed in easements unless extensions, project areas, properties, and subdivisions are fronting Texas Department of Transportation (TXDOT) or El Paso County Water Improvement District (EPWID) Right of Way. Easements must be in a minimum 15 feet wide per utility (water and wastewater) line. Easements must be cleared of any and obstructions on, along, and fronting the easement prior to acceptance and recording. Obstructions will be deemed as follows; such as rock walls in excess of 2’, foliage, fences, homes (mobile home or otherwise), other utility lines, and any other structure deemed as permanent or possible hindrance to maintenance. Easements must be recorded at El Paso County Records under the Lower Valley Water District.

§6.008. Premises with Private Wells.

Customers with premises which have private wells and who wish to connect to the District’s water supply shall have the following two options:

- (a) Agree to permanently abandon use of the private wells by plugging the well, prior to connect to the public water supply, in accordance with the TCEQ requirements; and
- (b) Agree to completely and permanently sever the private well from the premises water supply system in accordance with the TCEQ requirements, prior to connecting to the District’s water supply and Customer shall install an approved backflow prevention assembly at the water service connection.

CHAPTER VII.

DISCONTINUANCE OF SERVICE

§7.001. General

The District shall have the sole right to connect or disconnect the Customer's water/or sewer service with the water main; to install, move or reset meters; and to operate water main valves and related appurtenances; and no person, other than a duly authorized representative of the District, shall in any manner interfere with the performance or operation of the system or its appurtenances. The District shall have the right, without notice to the Customer, to discontinue water and sewer service and to apply any of the Customer's Bill Guarantee Deposit to any amount owed the authority for any of the following reasons, and such services shall remain discontinued until all errors are rectified and/or violations have ceased:

- (a) Nonpayment of water or sewer service charges.
- (b) Nonpayment of solid waste collection service charges.
- (c) Nonpayment of taxes to the District if they have been delinquent for at least six months.
- (d) Nonpayment of payments due on deferred payment program loans or Colonia plumbing loan program loans, or Revolving Loan Program.
- (e) Excessive waste of water or failure to comply with the District's water conservation rules and regulations.
- (f) For the violation of any applicable County, Town, or District rule, regulation, ordinance or plumbing code, to include these rules and regulations.
- (g) Using a service without applying for and signing the proper service contract.
- (h) For the piping of water service along or across streets, alleys, or to the property of others without prior written approval of the District.
- (i) For supplying water service to property other than on which the appropriate frontage charge has been paid.
- (j) Reselling of water supplied by the District.
- (k) Continuous or repetitious provision of water supplied by the District to persons or activities ineligible for, not qualified for, or approved for water service by the District.
- (l) Failure to maintain a current septic system license where the service property is not +served by a central sewage collection system.
- (m) Furnishing false or erroneous information in any application for service.
- (n) For failure to install a mechanical backflow prevention device when required.
- (o) For failure to pay fees, or other charges assessed by the El Paso County Water Improvement District No. 1 for illegal irrigation use of water Previously assigned to the District (Assignment of Rio Grande Project Water Supply or Assignment of

Irrigation Water for Conversion to Domestic, Municipal and Industrial Use) as consideration for connection to the Districts' system.

- (p) For any other action which interferes with the water service of other customers or which creates a danger of contamination to the water system or an immediate threat to the public health or safety or the environment.

§7.002 Procedure for Discontinuance of Service.

The District shall have the right, with notice to the customer, to discontinue the water and or/sewer service and to apply any of the customer's WATER SERVICE GUARANTEE or DEPOSIT AMOUNTS OWED TO THE District for non-payment of services charges, for the piping of service along or across streets alleys, or to the property of others without the prior written consent of the District; for using a service without applying for and signing the proper service contract; for furnishing false or erroneous information in any application for service; when any existing water and/or sewer service shall become inactive; for the failure to install a mechanical backflow prevention device when required; or for the violation of any other action which interferes with the water service of other customers or which creates a danger of contamination to the water system. Provided, however, the District shall have the authority to immediately discontinue the customers meter or sewer service without notice should any violation of the rules and regulations cause an immediate threat to the public health or safety or the environment. Such service shall remain discontinue until all errors are rectified and/or violations have ceased.

- (a) Unless the violation or basis for discontinuance poses an immediate threat of contamination to the water system or to public health or safety and the environment and immediate disconnection is required, the procedures contained in this subsection shall apply and will be followed prior to disconnection.
- (b) The official of the District who is empowered to conduct disconnection conferences and resolve water service disputes is that employee or official designated for that purpose by order of the Board.
- (c) Written notice of water disconnection shall be posted either on the door of the residence, gate or entrance to the property or on the meter proposed to be disconnected. In any event the posting will be made in such a manner as to assure that the customer has actual notice. The notice will state that the customer may schedule a disconnection conference to resolve the matter to be held within three (3) business days after the notice of disconnection is delivered.
- (d) Upon request of the customer, within three (3) days after the posting of notice of water service disconnection, a water disconnection conference shall be held at the office of the District.
- (e) If the customer does not request a disconnection conference or if the dispute is not resolved to the satisfaction of the District at the disconnection conference, then water service shall be disconnected on the fifth business day after the posting of notice of water disconnection.
- (f) The official conducting the disconnection conference, shall provide to the customer in writing his decision, which may be an appropriate form letter.
- (g) Upon disconnection of water service, a lock or other disabling device shall be affixed to the water connection by the District. No person shall remove, damage, or otherwise tamper with any locking device placed upon a meter connection by the District. No water service which has been disconnected to a location by the District shall be reconnected by any person until another Application for Water Service has been approved pursuant to the rules and regulations of the District.

Lower Valley Water District – Rules and Regulations

- (h) Upon disconnection a Water Service Contract shall be deemed to be terminated.
- (i) For purposes of this rule, in the event a locking device has been removed, damaged, tampered with or bypassed, it shall be presumed that the customer in whose name the water service is or was last billed and who received the benefit of the water service, has knowingly removed, damaged, tampered with or bypassed the locking device.

CHAPTER VIII.

EXTENSION OF SERVICE TO NEW AREA/SUBDIVISIONS

§8.001. Purpose.

This Procedure applies to applications for the extension of water service and wastewater service to areas not currently served by the District's public water system or wastewater system and where construction of an extension to the District's water distribution facilities or wastewater collection system is required. The purpose is to assure that any extension of service is in accordance with the laws and regulations governing public water and wastewater systems and serves the public interest. Projects funded under the Economically Distressed Areas program of the Texas Water Development Board and other state or federal assistance programs will be governed by the applicable laws, regulations and loan conditions rather than this Chapter.

§8.002. Ownership of Facilities.

Any water distribution or wastewater collection facilities constructed within the District to serve new areas/subdivisions will become the property of the District, whether constructed by the District or by the Applicant/owner's contractor. If constructed by the Applicant/owner's contractor, upon completion and acceptance by the District, the Applicant/owner will dedicate or convey the system to the District in accordance with the District's requirements.

§8.003. Water and Wastewater Agreements.

Water and Wastewater Agreements are required in the areas of El Paso County, Texas. The City of Socorro and Town of Clint make no stated requirements for Water and Wastewater Agreements. Water and Wastewater Agreements will be given to Subdivisions that are capable of receiving these services. Water and Wastewater Agreements are for providing water and wastewater services for a period of 30 years to the subdivision. Developers/ Owners can apply for Water and/or Wastewater Agreement by providing a PE certified preliminary subdivision design or RPLS certified preliminary subdivision plat and pay all necessary fees. In the event that the El Paso County denies the subdivision the Water and Wastewater agreement will be null and void. Lower Valley Water District can refuse or deny Water and Wastewater Agreement due to system restrictions, moratoriums, and poor design.

§8.004. Development Agreements.

Development Agreements will be signed by the Developer/Owner and Contractor. This agreement will be made in order to ensure that the Lower Valley Water District Rules and Regulations and Design Standards are being met by both parties. Lower Valley Water District will and can at any time dictate the wording of the Development Agreement. Developer/Owner and Contractor must comply with Development Agreement; if noncompliance occurs the Lower Valley Water District can reject the project and deny service.

§8.005. Refunding Agreements.

As part of the Development Agreement which is entered into between the District and Applicants/owners (hereinafter referred to in this Chapter as “Applicants”) for the extension of service into new areas/subdivisions the Applicant/owner may request that the District enter into a refunding agreement, which shall include provisions for the refund of frontage fees and cost-sharing if appropriate. All lines outside the sub-division required to serve the sub-division will be eligible for refunds as provided in these Rules and Regulations. However, the refunds collected will not exceed 50% of the cost of installation. Contract format shall be dictated by the LVWD Legal Counsel, General Manager, and Engineering Department in order to assure that the District’s and future Customers interests are fully served. The District Board of Directors reserves the right to determine whether such agreements are appropriate and to determine a fair method to provide for the payment of costs under such agreements.

§8.006. Applications and Fees

Developers/Owners, or otherwise known as Applicants, shall file a written application with the District for the extension of services to new subdivisions or areas not currently served. The application will describe the proposed project, to include the size and number of proposed water connections, the anticipated water usage (demand) requirements, warranty deed if applicable, and provide the preliminary plans for the proposed subdivision or new area to be served for review by the District’s Engineering Department in order for the proposed design to meet LVWD Design standards. Designs and operation for proposed commercial and industrial services must comply with PSB’s Pre-Treatment Program under Lower Valley Water District’s e-sign and Construction Standards Appendix K. Designs not complying with LVWD design standards will be turned away. In addition, the applicant will furnish any additional information regarding the project as requested by the District which is necessary to fully evaluate the project. The District at any time can deny service based on the proposed design due to possible hindrance to the current District Infrastructure, unfeasible maintenance structure, not complying with TCEQ Standards, or not within the best interest of the District’s overall system design. The application will be accompanied by the administrative fee of at least \$500.00 for water and \$500.00 wastewater to defray the expenses of processing the application. A proposed cost estimate from a professional contractor (contractor must have previous water and wastewater experience) based on the water and wastewater design must be submitted in order to invoice applicant for review of plans and inspection which will be three percent of the proposed contractors cost of water and three percent of the proposed contractors cost of wastewater. Right to connect fees will be paid as specified below.

- (a) Right to Connect Water Fees: The developer for all new commercial and residential subdivisions will pay Right to Connect Water Fees. Each Residential lot will be charged \$500.00. Commercial Developments which include apartment complexes will be charged \$500.00 per commercial division or per apartment.
- (b) Right to Connect Wastewater Fees: Where the wastewater infrastructure has been provided by the District through grants or subsidized loans, the developer for all new commercial and residential subdivisions will pay Right to Wastewater Connect Fees. Each Residential lot will be charged \$500.00. Commercial Developments which include apartment complexes will be charged \$500.00 per commercial division or per apartment.

§8.007. Subdivision/ Line Extension Procedures

- (a) Applicants will pay and submit application(s) as well as proposed plans of water and sewer design of needed infrastructure for proposed project. After the design is reviewed and redlined by the District’s Engineering Department, the Applicant may then submit the design for quotations by a contractor. Applicant will submit proposed cost estimate given by the Contractor in order for the LVWD to invoice Applicant for review of plans and inspection which will be three percent of the proposed contractors cost water and three percent of the proposed contractors cost of wastewater.
- (b) The LVWD has the right, as the water and wastewater authority, to design the project at the Applicants cost if the personnel and resources are available. The Applicant may submit a written request for the LVWD to release these services to the Applicant’s chosen Engineer. In order for the LVWD to make this consideration the Applicant’s Engineer must submit license information valid in the State of Texas.
- (c) When project is designed by Applicant’s Engineer the Applicant’s Engineer will submit the proposed change to the District’s water system to the Executive Director of the TCEQ. TCEQ must be notified in accordance with 30 T.A.C. §290.39, this notification will be made and TCEQ will determine whether plans and specifications must be submitted to TCEQ for approval. Applicant will send notifications through certified mail and then submit return receipt to the LVWD as well as turning in any further correspondences between the Engineer and TCEQ. At the time of TCEQ approval the Applicant will enter into a Development Agreement with the LVWD.
- (d) If the project is within the City of Socorro or Town of Clint then all fees shall be paid at the time that the LVWD issues a formal invoice and no Water and Wastewater Agreement will be needed. If the project is within El Paso County, then a Water and Wastewater Agreement shall be filled. The Water and Wastewater Agreement is provided by the District, not by El Paso County. For more details, refer to “Agreements” section bellow. All applicable fees shall be paid at this time through a formal Invoice issued by the LVWD. All Right to connect fees will be paid by Applicant at this time as well, yet if the Applicant shows that lots will be sold to professional registered home builders the Right to connect fee will be paid by the Home builder at the time of residential application. All fees must be paid in order so that project can be allowed to continue through the process.
- (e) After signing Water and Wastewater Agreements as well as the signing the Developments Agreement, applicant will submit 3 sets of the final set of water and/or wastewater design plans to the District. Plans must have original Applicant’s Engineer signed and sealed license. The Applicant’s contractor will submit material submittals for review, modification, and approval by the LVWD. At any time, the LVWD can request materials or documents that are outside of the LVWD Design Standards or outside of standard use. Other required items are: Registered Professional Land Surveyor (RPLS) Cut or Depth Sheets for wastewater pipe slope verification, trench safety details, detailed construction schedule, dewatering plan and schedule, and all needed street permits. Permits

needed for work on the Texas State Right of Way or Water Improvement District Right of Way will require a Texas Department of Transportation (TX DOT) Permit or a Water Improvement District (WID) Permit. TX DOT or WID permits will be submitted by the LVWD yet all needed designs, fees, submittals, construction, and any TXDOT or WID requests will be performed by the Applicant. Applicant will make arrangements for these permits prior to construction.

- (f) Preconstruction meeting will be held with all parties, being the LVWD, Applicant, Applicant's Engineer, Applicant's Contractor, and any other entities affected by the project. It will be the responsibility of the Applicant to organize the preconstruction meeting. Preconstruction meetings will be scheduled a week in advance and be held one week prior to start of construction all street curbs shall be installed prior to construction. No variance shall be given to this standard. The Applicant must have the project area staked out with all property lines, water system, and wastewater stakes prior to construction. The stake-out must be reviewed by the LVWD Inspector.
- (g) Construction will occur once all items have been addressed and all paperwork and/or requirements have been submitted. The LVWD will issue a notice to proceed for the project, and it is at that time that the Applicants Contractor will be responsible for all work and safety on the job site. At no time is the LVWD responsible for damages or injuries out in the field. The LVWD's inspector will revise the water and wastewater installation. This inspection will not mean approval of main line, safety, or any other issue. The contractor will be responsible for collecting the as-built documentation. As-builds will be documented as per LVWD Design Standards and if they are collected improperly the project will not be allowed to be dedicated to the LVWD's infrastructure. Water and wastewater connections must be scheduled 48 hours ahead of time. Connections on to LVWD system cannot occur without District Inspector being present. Water will be allowed to flow through to fill the system for testing, yet valves must be shut after this takes place. Manhole connections must be plugged after connection. Testing of infrastructure shall be scheduled 48 hours ahead of time and the LVWD inspector has to be present. The inspector can at any time reschedule or cancel test if a contractor is late, not fully set up, inspector scheduling conflict, and/or an emergency comes up. Inspector will wait no longer than 15 minutes from time scheduled after that contractor must reschedule. Test must be performed as per LVWD Design Standards. At any time, the LVWD can request tests or methods that are outside of these standards.
- (h) Substantial Completion Walkthroughs shall be scheduled one week in advance and after all testing and construction has been completed. Manhole vacuum testing will be held pending to final adjustment. Walkthroughs will check for overall operation of project such as manhole inverts, water valve operation, fire hydrant operation, water service conditions, etc. At the Applicants cost, arrangements must be made to televise the condition of all wastewater mains in the project. This recording must be turned in to the LVWD in CD or DVD format. The Lower will review the tape and make assessment of condition as a result of this the walkthrough can then be scheduled. Walkthroughs will be organized by Applicant and must have project Engineer, Contractor, appropriate government entities representatives, and LVWD Engineering Department representatives. LVWD can at any time reschedule or cancel the walkthrough. After all items are seen and

reviewed, the LVWD will make an assessment of what condition the project is in and will make a determination of the project being Substantially Complete. LVWD will issue the Applicant a Letter of Substantial Completion, in the letter a list items will be given to correct that will dictate Substantial Completion or call for another walkthrough. Substantial Completion will signify a milestone that the majority of the project is complete, that the system is in operational condition, and that the project can open connections to the LVWD Infrastructure to provide flow and circulation. This in no way signifies that the LVWD will provide services (water, wastewater, and solid waste) to the project area and does not signify that a subdivision is ready to be legally recorded with the appropriate government entity. No service will be provided until the project has been dedicated to the LVWD and acceptance has been accomplished by the Board of Directors.

- a. Final Completion Walkthroughs will be scheduled once a Substantial Completion Walkthrough is passed and completed. All street must be paved and all water and wastewater infrastructure must be set to final grade. Walkthroughs must be scheduled one week in advance. Walkthroughs will check for Final Completion of project. Such as manhole inverts, water valve operation, fire hydrant operation, water service conditions. Walkthroughs will be organized by Applicant and must have project Engineer, Contractor, appropriate government entities representatives, and LVWD Engineering Department representatives. LVWD can at any time reschedule or cancel the walkthrough. After all item are seen and reviewed LVWD will make an assessment of what condition the project is in and will make a determination of the project being Finally Complete. LVWD will issue the Applicant a Letter of Final Completion, in which a list of items to correct will be given. This letter will dictate Final Completion or call for another walkthrough. Final Completion will signify a milestone that the entire project is complete, that the system is in operational condition, and Applicant can move their efforts towards Dedication of the project. This in no way signifies that the LVWD will provide services (water, wastewater, and solid waste) to the project area. This does signify that a subdivision is ready to be legally recorded with the appropriate government entity. No service will be provided until the project has been dedicated to the LVWD and acceptance by the Board of Directors has been accomplished.
- (j) Dedication of project will require that Final Completion be passed and completed. Applicant may request Dedication through a Certificate of Dedication, which is provided by the District and filled out by the Applicant. If project is not dedicated the Applicant will maintain ownership of water and wastewater infrastructure. Dedication will require all needed documentation turned in to the LVWD Engineering Department. Documents that will be required will be specified at the time of request. LVWD Engineering Department can at any time request documentation outside of standard procedure in order to ensure the best interest of the LVWD. All paper work must be submitted one week before regularly scheduled Board Meetings. The LVWD Engineering Department will present and propose to the Board of Directors the acceptance of the project.
- (k) Applicant as stated in the Development Agreement and Certificate of Dedication will have one-year warranty as of day of Board approval. Two months from stated

termination date of warranty the Applicant will organize a warranty walkthrough. Walkthrough will check for overall workmanship. At the Applicants cost and responsibility must make arrangements to televise the condition of all wastewater mains in the project. This recording must be turned in to the LVWD in CD or DVD format. The Lower will review tape and make assessment of condition. If corrections are needed the Applicant will be responsible for repairs and rehabilitation at his or her cost. If corrections are not made then the LVWD will stop providing individual water, wastewater, and solid waste services to the project area until improvements are made.

- (1) Modification of Procedures. The District, through its General Manager and Engineering Department, may make modifications of the procedures, deposits, fees, and contractual arrangements provided for in this Section to assure that the District's interests are fully served, and as special circumstances may require.

§8.008. Provision of Water Taps Within a New Subdivision.

The Applicant of a subdivision will also make a water tap and, if applicable, a sewer connection, and extend the services to the property line for each lot in the subdivision. Similar arrangements will be made regarding sewer service in accordance with the directions of the LVWD Design Standards. The service lines will normally be placed in the middle of the property when the water main passes completely in front of the lot. All services will have magnetic tape installed above the water service, so as to be able to locate the pipe after the ditch is backfilled and be inspected by the Lower Valley Water District.

§8.009. Application for Individual Water Service within a New Subdivision.

The approval of extension of service to a subdivision and the related agreement(s) with an Applicant in accordance with this procedure does not reserve any meters or sewer connection for individual customers within the subdivision. Individual applicants for meters, water, and wastewater service must comply with the applicable rules and regulations of the District in order to obtain these individual services.

CHAPTER IX.

DEPOSITS AND CHARGES

SUBCHAPTER A. GENERAL PROVISIONS

§9.001. No Exceptions to Deposits and Charges.

The deposits and charges set forth in this Chapter will apply to projects constructed utilizing federal and/or state funds under the various programs addressing "Colonia" problems nor to individual beneficiaries of those programs where federal and/or state funds pay the required deposits and fees.

§9.002. Rate Orders.

WATER

This Chapter does not include the rates which customers pay for water, wastewater, solid waste collection and disposal, and for other services rendered by the District. These rates are set forth in separate Rate Orders adopted from time to time by the District's Board of Directors.

There shall be collected from the users of each and every water service connected to the water system of the Lower Valley Water District, for use thereof, a monthly charge consisting of a minimum charge plus commodity charge for water used. For residential customers, a volume of 4 hundred cubic feet (4 ccf) will be included in the minimum charge.

All of the aforementioned charges apply to water service to property within the LVWD. This rate structure applies to all users – residential and commercial, fire line and water haulers. However, the rate structure will affect each customer differently depending on their monthly usage and meter size.

**RATE SCHEDULE
EFFECTIVE JULY 1, 2008**

WATER RATES MINIMUM MONTHLY CHARGE INCLUDES 4 CCFS OF USAGE

Residential (Single, Duplex, Triplex)	
¾"	\$8.00
1"	\$21.75
1 ½"	\$27.00

Non-residential/Commercial	
¾"	\$20.65
1"	\$21.75
1 ½"	\$27.00
2"	\$32.00
3"	\$38.50
4"	\$55.00

The charge for the first 4 CCFS (400 cubic feet) of water is included in the minimum charge, which varies by meter size. Water usage of more than 4 CCFS will be billed in the following manner in an inclining block rate structure:

Residential	
Level 1: 4.1 – 10.0 CCFs	\$2.40/CCF
Level 2: 10.1 – 50.0 CCFs	\$3.02/CCF
Level 3: 50.1 and above	\$3.76/CCF

Non-residential/Commercial	
Level 1: 4.1 – 10.0 CCFs	\$2.40/CCF
Level 2: 10.1 – 50.0 CCFs	\$3.02/CCF
Level 3: 50.1 and above	\$3.76/CCF

Water Hauler Rates

The charge for the first 4 CCFS (400 cubic feet) of water is included in the minimum charge of \$20.65. Water usage of more than 4 CCFS will be billed in the following manner in an inclining block rate structure:

Water Hauler Rates	
Level 1: 4.1 – 10.0 CCFs	\$2.10/CCF
Level 2: 10.1 – 50.0 CCFs	\$2.84/CCF
Level 3: 50.1 and above	\$3.55/CCF

Fire Line User Rates

The charge for the first 4 CCFS (400 cubic feet) of water is included in the minimum charge, which varies by meter size.

Minimum Charge	
4"	\$45.00
6"	\$90.00
8"	\$180.00
10"	\$360.00

Water usage of more than 4 CCFS will be billed in the following manner in an inclining block rate structure:

Fire Line Users	
Level 1: 4.1 – 10.0 CCFs	\$2.10/CCF
Level 2: 10.1 – 50.0 CCFs	\$2.84/CCF
Level 3: 50.1 and above	\$3.55/CCF

WASTEWATER

There shall be collected from each and every user connected to the sewer system of the District, a sewer service charge. Said sewer service charge shall consist of a minimum monthly charge plus a commodity charged on the water usage as measured by the water meter servicing the property of as otherwise provided herein. For residential and non-residential customers, a volume of 4 hundred cubic feet (4 CCF) will be included in the minimum charge. The following charges shall apply:

**SEWER RATES
EFFECTIVE JULY 1, 2008**

MINIMM MONTHLY CHARGE

Level 1: 0.0 – 8.0 CCFs	\$22.75 per ccf
Volume Charge in excess of 8 ccfs:	\$ 2.40 per ccf

COMMODITY CHARGE-RESIDENTIAL

The commodity charge for sewer service to all customers is \$2.40 per CCF. The commodity charge for residential shall be calculated based on 100% of AWC* in excess of the volume allowance included in the minimum charge. The minimum and commodity charge will be set through the following February billing cycle.

*Average Winter Consumption (AWC) is the average amount of water used during the most recent November, January, and February billing periods.

COMMODITY CHARGE – NON-RESIDENTIAL/COMMERICAL

The commodity charge for non-residential/commercial customers shall be calculated based on 100% of the monthly water volumetric usage.

SUBCHAPTER B. WATER SERVICE DEPOSITS AND CHARGES

§9.003. Monthly Charges.

Monthly charges for water service shall be in accordance with the Rate Order adopted by the Board of Directors of the District.

§9.004. Bill Guarantee Deposit.

- (a) A Bill Guarantee Deposit shall be required on all new services when a meter is set and the line made active. The following rates shall apply:

<u>Meter Size</u>	<u>Amount of Deposit</u>
¾ inch	\$47.00
1 inch	\$83.00
1 ½ inch	\$130.00
2 inch	\$239.00
3 inch	\$307.00
4 inch	\$443.00
6 inch	\$614.00
8 inch	\$1227.00
10 inch	\$1636.00

- (b) Bill Guarantee Deposits for all other service accounts, the deposit shall apply.

<u>Service Type</u>	<u>Amount of Deposit</u>
Garbage Only (residential)	\$65.55
Garbage Only (commercial)	??????
Sewer Only	\$52.77

Fire Hydrant Construction Meter	\$1,500.00
Developer/Builder	\$32.00

- (c) This deposit will not earn interest and is refundable when it is required that the service be made inactive.

§9.005. Service Connection Charge.

- (a) A Service Connection Charge is a non-refundable payment to the District for the line from the main to the meter including the meter box. When the main is fed from only one direction, the service line shall be limited to one-half the main’s diameter. The following Service Connection Charges are typical charges that a customer would expect to pay, however, each service charge will be based on a case-by-case site specific survey and prices may vary accordingly.

Size of Service	Connection Charge
¾ inch	\$1,480 (avg.)
1 inch	\$1,965 (avg.)
1 ½ inch or larger	Estimated Cost

- (b) When it is necessary to cut paving and/or to bore to make a connection an additional charge will be estimated following specific requirements from the Texas Department of Transportation (TX DOT), County, City of Socorro and/or Clint.

§9.006. Limits of Water Service Connection.

Payment of the Water Service Connection Charge and other applicable charges provided herein entitles the applicant to service at the meter. The extension beyond the meter, into the property to be served, shall be entirely at the customer’s expense for construction and maintenance.

§9.007. Requirements for Customer Service Extension.

Customer service extensions (by the applicant) of lines for water service from beyond the meter to the building or project of use, shall conform to the City of Socorro Plumbing Code and/or Standard Nation Plumbing Code and City County Health & Environment District requirements, as applicable. Extension shall be made only on the property on which the service application has been made and the appropriate charges paid. Customers shall adhere to the El Paso County Road and Bridge Department Standards when backfilling and compacting within their Right-Of-Way.

§9.008. Fees Associated with Cross-Connection Control Program.

- (a) Lower Valley Water District will bill \$50.00 as an initial acceptance fee on a containment cross-connection control assembly that is installed and tested by a State Certified Backflow Technician at start of service. If assembly does not pass due to malfunction or because a certified technician did not properly prepare the

assembly it will result in disconnection of service. A \$50.00 reconnection fee will be charged after the assembly has been installed, tested, and inspected, and has been passed by a State Certified Backflow Technician. Any additional fines assessed to the Lower Valley Water District in regards to customer's account will be charged to the customer.

- (b) All backflow prevention assemblies within the jurisdiction of the District shall be tested for proper operation by a State Certified Backflow Technician at the time of installation, repair, or relocation. Assemblies should be tested annually thereafter or more often when required by the Cross-Connection control program also by a State Certified Backflow Technician.
- (c) A State Certified Backflow Technician is a person who is approved to test, maintain, inspect and repair backflow prevention assemblies within the jurisdictional limits of the District. The Technician's primary responsibility is the Lower Valley Water District. The technician shall have completed a training course on cross-connection control and backflow prevention approved by the Texas Commission on Environmental Quality. In the event the certified tester fails to comply with the Lower Valley Water District Rules and Regulations, his right to test, maintain, inspect, or repair backflow assemblies as a listed Lower Valley Water District Certified Backflow Technician shall be revoked. Technician classifications are as follows:

- General Tester/Repairman
 - The General Tester is qualified to test and repair assemblies on any domestic, commercial, industrial, or irrigation service.
- Fire line Tester/Repairman
 - The Fire line Tester is qualified to test and repair assemblies on fire lines only. The Texas Fire Marshall's office requires that a person performing maintenance on fire lines must be employed by an approved fire line contractor.
- Technicians shall register with the Cross-Connection Control Program Coordinator prior to testing any assemblies within the jurisdiction of Lower Valley Water District. Each technician will be issued a certification number that must appear on all assembly test report forms. Every year the certified technician shall reapply with the Cross-Connection Control Program Coordinator for approval to continue installing, maintaining, inspecting, or repairing backflow assemblies.
- Technicians shall test, maintain, inspect, and/or repair assemblies in accordance with methods approved by Lower Valley Water District. The Technician will submit reports of assembly testing and repairs to the LVWD Cross-Connection Coordinator.
- If the Technician determines that any existing assembly is not installed correctly or not working properly the technician will inform the owner and the District. It will be the responsibility of the LVWD Cross-Connection

Coordinator to enforce the provisions of the Cross-Connection Program to bring the assembly into compliance. The technician does not have the authority to discontinue/continue the customer’s water service or alter the operation of the assembly.

- Lower Valley Water District has a contractual relationship with the customer, and not with the Certified Technician. Therefore, actions related to the

CDBG (COUNTY AND/OR SOCORRO)	\$0.00	\$0.00
USDA/RD PROJECTS		
ORCA PROJECTS		
OTHER / SELF-HELPED PROJECTS	\$0.00	<u>\$0.00</u>

customer’s non-compliance with the Cross-Connection Rules and Regulations of LVWD will go through the customer and not the technician. However, LVWD will deal directly with the technician for cases involving Lower Valley Water District’s Rules and Regulations.

§9.009. Extension Charge.

An Extension Charge is a non-refundable payment to the District for installing or having previously installed a water main in a dedicated street or alley adjacent to the property to be served. The Extension Charge shall be determined by applying the appropriate sub-subsections (1), (2), (3), (4) or (5) of this section. The District shall determine which of these sub-paragraphs shall be applicable to the property to be served. It is the intent of this policy that each property be charged an Extension Charge before obtaining service.

- (1) Extension Charges to Connect to Existing Lines. The Extension Charge for property obtaining water service from existing mains when the property obtaining such service did not participate in the cost of construction of the lines shall be based on the “Frontage” of the property multiplied by the frontage rate per foot of **\$7.00** for water service. This charge shall not apply to property on which a frontage or extension charge has been paid previously except that such property on which the frontage charges were paid at the special rate of ¾ inch residential service shall pay an additional water frontage charge of \$1.00 per front foot if the property is used for other than single family resident purposes, or if a larger than ¾ inch water service connection is desired.

- A. The Frontage Charge for a property obtaining water and sewer service from existing lines contributed by a funding agency shall be based on the “Frontage” of the property multiplied by a ratio calculated based on the percentage of loan portion or cost of the extension, if applicable. The charges for the following funding programs are:

<u>Program</u>	<u>Water Frontage</u> (per foot)	<u>Sewer Frontage</u> (per foot)
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- B. This will be only for eligible contributors to the project or meet the eligible grant criteria. The Frontage Charge as referred to above will be in effect for a period of

Lower Valley Water District – Rules and Regulations

one year from the date the referenced water and/or sewer system is in operation. Thereafter, the Frontage Charge will be as determined in the Subsections entitled “Extension Charges to Connect to Existing Lines for Water and Sewer”.

- I. The frontage to be used in determining the Extension Charge shall be the distance across the property, measured along a line parallel to the center line of the street which abuts the property or is the average length midway between the front and rear property lines.
 - A. In no case shall the frontage for each water meter be less than 50 feet.
 - B. If the property is occupied or is to be occupied by a single family or duplex residence and abuts on two or more streets, the frontage is to be measured as though the property abutted only on that street which produces the smallest frontage.
 - C. If any property other than those provided for in Subsections (B) and (E) of this Section abuts on two or more streets and has a depth greater than 150 feet, the frontage to be used shall be equal to the sum of the frontage for each abutting street less a credit of 150 feet for each street intersection adjacent to the frontage, but not twice the aggregate water demand in gallons, whichever is greater.
 - D. If the aggregate demand of all water meters, in gallons per minute, on any property exceeds one-half of the frontages in feet, then such excess demand shall be charted as excess frontage at the rate of two feet of frontage for each additional gallon of demand. The demand shall be determined by using the following flow rates for the various sizes of meters.

Meter Size	Gallons per Minute
¾”	15
1”	37
1 ½”	75
2”	120
3”	240
4”	375
6”	750
8”	1,400
10”	2,000

- E. The frontage for public schools, parks, churches and United Fund agencies may be the longest dimension of the property which abuts a single dedicated street, or as determined by the aggregate water demand as specified in Subsection (D), whichever is greater.
- F. The frontage to be used for a single family residence situated on a tract of land of two acres or more in area may be reduced to a minimum of 174 feet, provided that all of the water supplied by the District shall be used within an area of 175 feet wide fronting on the street from which service is taken and less than 500 feet in depth.

- G. When, in the opinion of the District, none of the above methods yield an equitable and appropriate charge within the intent of this Rule, the frontage may be determined on the basis of the demand for water as provided in Subsection (D) or by other equitable methods to derive a charge that is proportionate to the water demand and/or size of the property in relationship to the charge for another similar property, but will not be less than a 50-foot frontage.

(2) Extension Charges for Small Tracts.

- A. The water Extension Charge for lots within subdivisions when such lots are individually owned shall be the same as described in (a) provided the extension charge is paid on the property that is adjacent to the required extension or which could conceivably be considered to obtain service from said extension. When more than one-half of the property adjacent to the extension does not pay the extension charge prior to the construction of the line, the Customer or Customers desiring water service must pay the cost of the line required to reach their property and be eligible for a refund. Payment of the Extension charge on an individually owned property shall entitle that property to water services if the extension required reaching that property is 150 feet or less and if the property is owned by an individual who has not previously been granted an extension for other property.
- B. When water service is desired to a tract of land of 20 acres or less in size and the owner of said tract does not at the time of application for service own any other land immediately adjacent to the property to be served and when a line 12-inches or larger is required, he may pay the Frontage Charges provided for in (a) on all of the property in lieu of paying the total cost of the extensions required within or adjacent to his subdivision. When the property to be served is not adjacent to an existing line from which service lines can be extended, the Customer shall pay the total cost of the “off-site” or “approach” main required to reach the property to be served and be eligible for refunds in accordance with these Rules and Regulations.

(3) Extension Charges for Other Areas.

- A. The Extension Charge for water or wastewater service to new subdivisions and all other areas not included in Subsections (1) or (2) of this Section shall be the total cost of all the lines and appurtenances required to serve the property as determined by the District. This cost shall include the furnishing and installing of all lines, valves, manholes, paving repair and other appurtenances completely in-place in accordance with the District’s plans and specifications. Lines in all dedicated streets that are adjacent to the property, including boundary street, shall be included as part of the cost and “off-site” or “approach” mains that are necessary to provide service shall also be included. The Customer or Developer may also be required to pay for the construction of reservoirs, pumping stations, and other facilities that are needed to adequately serve that area. Payment and refunds for such facilities will be as provided for in Section 9.010. No street shall be approved to be paved until lines required in that street have been installed by the adjacent owner who desires the paving. The property owner shall be eligible for the refund for lines that are installed where there is other property perpendicular to the line that can be expected to take service directly from that main; however,

property owners will not be eligible for refunds when property owners/applicants extend water or wastewater infrastructure from that point to serve a new area.

- B. In addition to the cost of the lines as required by District’s plans and specifications for construction to provide service to the Customer’s or Developer’s property, the Customer or Developer shall also be obligated to pay his proportionate part of the cost of all lines that were constructed by others which are adjacent to the boundaries of their properties. The charge shall be based on the average lineal foot cost of the facility as determined by the refund agreement for lines that are installed where there is other property adjacent to the line that can be expected to take service directly or indirectly from that main.

(4) Extension Charges for Water Mains Constructed Crossing Drains and Easements of El Paso County Water Improvement District No.1 (EPWID#1)

- A. Subject to availability of District funds as determined by the General Manager and subject to approval of the Boards, in the exercise of absolute discretion, the District may promote extensions of water mains crossing over drains and easements of EPWID with the District advancing sixty (60%) percent of the cost of such extensions and the initial customers seeking to connect to such extensions advancing forty (40%) percent of the cost prior to commencement of work on the extensions.

NOTE: On completion of the extension, the initial customers shall commence repayment of the 60% costs advanced by the District and 40% of any costs advanced by a Third-Party Sponsor as permitted in Section 4(C) below. The costs shall be apportioned and repaid on a per meter/customer basis i.e. six initial customers shall be responsible for one sixth of the cost. No interest shall be required to be paid on either the costs advanced by the District or any Third Party Sponsor.

- B. The costs advanced by the District and any Third-Party Sponsor shall be repaid by equal monthly payments amortized over a term not to exceed ten (10) years. Failure of any customer to pay the portion of the cost for which such customer is liable shall entitle the District to exercise all of the remedies set forth in Chapter VII and additionally to foreclose the lien on the customer’s real property which is served by the extension. A real estate lien note payable to the District and deed of trust securing such note in form satisfactory to the District shall be required to be executed by all owners of the real property.
- C. The Third-Party Sponsor may advance all or any portion of the 40% of the costs required to complete the extension and shall be repaid the costs in the same manner as above provided for 60% of the costs advanced by the District. The 60% costs to be repaid to the District and the 40% of any costs advanced by a Third-Party Sponsor shall be combined in one real estate lien note payable to the District and payment shall be remitted to the Third-Party Sponsor only if as and when payments are received by the District. The District shall reserve exclusively unto itself the right to exercise the remedies set forth in Chapter VII and the District shall have no obligation whatsoever to the Third-Party Sponsor except to remit 40% of the payments as and when received by the District.

Lower Valley Water District – Rules and Regulations

- D. As subsequent customers are connected to the extension; a reallocation of the costs shall be made according to the following example:

EXAMPLE:

\$25,000	Total Costs
\$15,000	District Share
\$10,000	Initial Customers and/or Third Party Sponsor

Assume 6 initial customers each to pay 1/6 of \$25,000 i.e. \$4,166.
As monies are repaid the District receives 60% of the payments and the Third Party Sponsor receives 40%.

As subsequent customers may be added, a reallocation would occur in the following manner:

6 initial customers
4 subsequent customers
10 Total Customers Each to pay a total of \$2,500 or 1/10 of the total cost.

The four subsequent customers will pay a total of \$10,000 which will be paid 60% to the District and 40% to the Initial Customers and/or Third Party Sponsor.

IF NO THIRD PARTY SPONSOR

This same program will be followed if no Third Party Sponsor and the initial customers will provide the 40% cost portion and repay the 60% in the same manner set forth above.

Initial, as well as subsequent customers, shall be required to execute such documents as the District shall require to provide for repayment to the District of costs advanced. The District shall be under no obligation and assumes no duty to any parties entitled to repayment of costs advanced except to remit to such parties 40% of the payment for such costs if as and when received by the District.

(5) Extension Charges for Water Mains Not Crossing Over Drains and Easements of El Paso County Water Improvement District No. 1 (EPCWID#1)

- A. Subject to availability of District funds as determined by the General Manager and subject to approval of the Board, in the exercise of absolute discretion, the District may promote extension of water mains which do not cross over drains and easements of EPWID and which are located in public right of way. The District may advance sixty (60 %) percent of the cost of such extensions subject to the initial customers seeking to connect to such extensions advancing forty (40%) percent of the cost prior to commencement of work on the extension.

NOTE: On completion of the extension, the initial customers shall commence repayment of the 60% costs advanced by the District and 40% of any costs advanced by a Third-Party Sponsor as permitted in Section 5 (C) below. The costs shall be apportioned and repaid on the frontage basis set forth in Chapter IX. No interest shall be required to be paid on either the costs advanced by the District or any Third Party Sponsor.

B. The terms and conditions set forth in Sections 4 (B), (C) and (D) shall apply to the costs advanced under this Section.

§9.010. Refunds.

- a) The Customer or Developer shall be entitled to a refund providing that:
- (1) The customer is required to construct or pay to construct “boundary” water lines along the perimeter of the area to be served when such lines are adjacent to other property that can be expected to obtain service directly or indirectly from the lines;
 - (2) The customer is required to construct or pay to construct lines that are outside the area (off-site) from where he desires service when the property on either side of the line is owned by others and when such property may be expected to obtain service directly or indirectly from said line;
 - (3) The customer is required to construct or pay to construct water lines larger than 12-inches in size;
- b) In order to obtain a refund, contracts providing for refunds must be entered into with the District. Monies to make refunds for facilities included in (1) and (2) below shall be obtained from property owners who receive service directly or indirectly from the lines eligible for refunds and the District shall not be obligated to make any refunds until it has received payment from those properties which benefit from the lines. The district obligation to make such refunds shall never exceed 50% of the amount which it receives from the owners adjacent to the extensions and never exceed 50% of the actual cost of construction. Collection method will be also dictated by the amount of property owners abutting the line extension. If property owners that are on either side of the extension the developer/owner will only be entitled to half of the frontage fee. This will divide the frontage fee into half for property owners of either side of the extension and will be the set amount for the area. Such refund contracts shall provide for the District to make refunds no more frequently than once each year for a period of 20 years from the date of the contract without interest.
- (1) Refunds for Boundary Lines. The refunds for “boundary” lines shall be limited to one-half of the estimated cost of the line as installed. The estimated cost of the line installed shall be the price of the pipe as determined by the actual cost of construction.
 - (2) Refunds for Off-Site Lines. The refunds for “off-site” lines shall be limited to one-half of the estimated cost of the line as installed. That are constructed outside of the limits of the area to be served, but necessary to provide service, shall be eligible for a refund based on the actual cost of facilities. The applicant will provide all needed construction data.
- c) Refund contracts will not take effect until the extension/project is dedicated to the Lower Valley Water District. Contracts will be reviewed by Lower Valley Water District. All contracts will comply with Lower Valley Water District Rules and Regulations.

§9.011. Special Deposits.

- a) Special Deposits are for “off-site” facilities such as reservoirs, pump stations, and line outside the boundaries of the property to be served but will become part of the total water system. The total cost of these facilities shall be paid by the Customer or Developer first

requiring the facilities. The District shall determine the size and type of facility required with consideration towards future growth.

- b) A special refund contract will be executed with the Customer or Developer which will provide for a portion or all of the cost to be eligible for a refund as development takes place which the facility serves. The refund on water facilities shall be pro-rated based on the number of residences it will serve. For other than residential connections, refunds will be based on the anticipated water usage proportional to the residential use rate.

§9.012. Fire Hydrant Installations.

This District will not participate in the cost to install fire hydrants where deemed to be required. If the Customer or Developer chooses to install any fire hydrants it will also be at their own cost.

SUBCHAPTER C. – WASTEWATER SERVICE DEPOSITS AND CHARGES

§9.013. Monthly Charges.

Monthly charges for wastewater (sewer) service shall be in accordance with the Rate Order adopted by the Board of Directors of the District.

All real property located within the District that receives water service from LVWD must be connected to the District's sanitary sewer system if:

- a. use of the property generates any sewage;
- b. the property abuts on an easement or street with a sewer line capable of providing service; and;
- c. the distance from the building to the sewer line does not exceed 150 feet measured perpendicular to the sewer line.

Connection to the sewer system shall be at the expense of the owner and in accordance with applicable Rules and Regulations of the Lower Valley Water District.

Notice of Violation, Termination of Water Service

Whenever the LVWD finds that any owner has violated or is violating these Mandatory Sewer Connection Rules, the LVWD will serve upon said owner, by U.S. mail, certified/return receipt requested, written notice of the violation. Within 180 days of the receipt of the notice, the owner shall provide evidence that connection to the District's sewage system has been completed. Failure to connect after notice shall result in the District initiating a mandatory standby fee. **(For fee information contact the Lower Valley Water District's Customer Service Department.)**

§9.014. Surcharges.

Sewer charges are based on the "normal" quality (or strength) of sewage. A surcharge shall be added for strengths exceeding the normal limits based on analysis of samples taken by the PSB or the District under the provisions of these Rules and Regulations and upon the quantities of sewage determined by the same methods used to calculate the regular sewage charge. The surcharge shall be 22.0 cents for each pound of BOD in excess of 300 parts per million ("ppm"), plus 10.0

cents for each pound of suspended solids in excess of 300 ppm. This surcharge is designed to be the same as the surcharge imposed by the PSB and is based on the PSB's surcharge set forth in Section V of the PSB's Rules and Regulations No. 6. If the PSB amends Section V of its Rules and Regulations No.6 to provide for an adjustment in its surcharge, the surcharge provided for in this section shall be adjusted accordingly.

§9.015. Wastewater Bill Guarantee Deposit.

Refer to Section 9, Subsection 9.004.

§9.016. Sewer Service Connection Charge.

When the District has provided a sewer service line from the sewer main to the pavement edge, a SEWER SERVICE CONNECTION CHARGE will be made. A sewer Service Connection Charge is a non-refundable payment to the District for **tapping the main, installing the service line from the main to a location at the edge of the property line or repaving a street. THE SEWER SERVICE CONNECTION CHARGE shall be \$946.00 for a short service connection and \$1,465.00 for a long service connection. The District warrants and guarantees the sewer service line from the main to a location at the property line or edge pavement and repaving the street for a period of one year from the time of installation. Additional cost associated with boring/tunneling services will be added to the service connection charge. This charge does not include Administrative Fees.**

The approximate charge for furnishing and installing a standard 6-foot high sewer manhole shall be **\$3,000.00** and \$175.00 for each additional vertical foot beyond the 6-foot depth

If customer contracts a plumber, then a SEWER SERVICE CONNECTION CHARGE shall be \$300.00 for tapping the main only. When no connecting outlet was provided in the main line, a customer shall contract a plumber to excavate and uncover the main line, backfill and compact the trench and repave the surface. The sewer service line from the premises to the public sewer outlet will be installed in accordance with the applicable El Paso County Road and Bridge backfill requirements and the Standard Plumbing Code adopted by the City of Socorro, as amended, at the center of the lot unless otherwise requested by the customer. The customer is responsible for maintaining the sewer service line from the premises to the public sewer outlet at the main in good and safe condition.

It will be determined otherwise in writing by the District's representative, normally, if wastewater facility is not reasonable accessible or are under difficult conditions to provide a sewer service connection. The District, then, reserves the right to refuse to install the service.

§9.017. LVWD Sewer Inspection Fee (All Customers).

A Sewer Connection Inspection Fee of \$40.00 will be charged. However, the customer must hire a licensed plumber to physically connect to the public sewer main. In no instance will a customer connect to the outlet in the District's line without an inspection by the District.

§9.018. Initial Sewer Plumbing Inspection Fee for Applicants Outside the City of Socorro

Applicants located outside of the City of Socorro will be required to pay an Initial Sewer Plumbing Inspection Fee of \$45.00. These applicants must have a license plumbing inspector or a code compliance inspector from the District to inspect the customer sewer service line from the premises

to be served to the outlet in the District's line before the licensed plumber is allowed to connect to the District's sewer outlet. In return for the Initial Sewer Plumbing Inspection Fee the applicant will be provided with the specifications and one inspection. Any additional inspections shall be \$25.00.

§9.019. Sewer Permit Requirement for Applicants Within the City of Socorro.

Applicants located within the City of Socorro will be required to obtain a permit from the City of Socorro to construct the sewer service line from the home to the outlet or to a semi-lateral up to the property line. The permit issued by the City of Socorro will provide the applicant with the specifications required to construct and inspect the sewer service line from the premises to be served to the outlet. The amount of the permit fee is established by the current ordinance adopted by the City of Socorro for sewer service inspections.

§9.020. Sewer Application Fee.

A Sewer Application Fee of \$27.50 will be charged. The application fee is to cover the administrative cost of estimating the costs of the sewer connection and preparing the necessary contract or contracts to make the sewer connection, if permitted by these Rules and Regulations. The application in no way obligates the applicant to the District, or is an indication that the applicant will make contract, or contracts, for the services applied for. The price or charges quoted on the application are subjected to change. No price or charge quoted on the application will remain valid for a period of more than one (1) year from the date of the application.

§9.021. Extension Charges for Sewer Service.

An Extension Charge is a non-refundable payment to the District for installing or having previously installed a sewer main in a dedicated street or alley adjacent to the property to be served. It is the intent of this requirement that each property be charged an Extension Charge before obtaining service. Extension Charges for extension of sewer service to a property are in addition to Extension Charges for water service. Extension Charges for Sewer Service and the procedure for calculating Frontage Fees shall be the same as those set forth for water service in **§8.009** of these Rules and Regulations except that under §8.009(a)(1), the frontage rate per foot for sewer service shall be **\$11.00**.

§9.022. Refunds.

The Customer and Developer shall be entitled to a refund under the same conditions and under the same general guidelines set for refunds for water facilities set forth in **§9.010** of these Rules and Regulations. The District may vary from these guidelines in negotiating refund contracts for wastewater facilities in order to assure fairness to the Customer or Developer.

§9.023. Special Deposits for Off-Site Facilities.

- (a) Special Deposits are for "off-site" facilities such as mains, lift stations, force mains or manholes or other improvements which are outside of the limits of the property to be served, but which must be extended from an existing main to provide service to the property, but will become part of the total sewer system. The total cost of these facilities shall be paid by the Customer or Developer first requiring the facilities. The District shall determine size and type of facility required with consideration towards future growth.
- (b) A special refund contract will be executed with the Customer or Developer which will provide for a portion or all of the cost to be eligible for a refund as development takes place which the facility serves. The refund on sewer facilities shall be pro-rated based on the number of residences it will serve. For other than residential connections, refunds will be based on the anticipated water usage proportional to the residential use rate.

Lower Valley Water District – Rules and Regulations

- (c) No interest will be paid on special deposits and the period in which the Customer or Developer is eligible for refunds shall be 10 years from the date of the contract. In no instance shall the District refund more than the original cost of the facilities constructed and paid for by the owner or developer. Refunds will be made annually.
- (d) Refund on Special deposits for off-site mains will be made when the property that is adjacent to the approved main pays its portion of the cost of the facility and the District shall never be obligated to refund more money than it receives from the property adjacent to the approach main.

SUBCHAPTER- ILLEGAL IRRIGATION FEES

§9.024 Charges.

The customer shall pay the Lower Valley Water District all costs, fees or other charges assessed by the El Paso County Water Improvement District No. 1 for illegal irrigation use of water previously assigned to the District (Assignment of Rio Grande Project Water Supply or Assignment of Irrigation Water for Conversion to Domestic, Municipal and Industrial Use) as consideration for connection to the Districts' system.

CHAPTER X.

**DISCHARGE OF WASTEWATER INTO THE
LOWER VALLEY WATER DISTRICT'S
WASTEWATER SYSTEM**

§10.001. General.

The District owns and operates a wastewater collection system. However, the treatment of wastewater is performed by the PSB at its Publicly Owned Treatment Works (“POTW”) under new contracts between the District and the City of El Paso by and through its PSB. For this reason, wastewater customers of the District must comply with PSB’s Rules and Regulations No. 9 governing the discharge of wastewater into the City’s wastewater system. Additionally, the District has granted to the PSB the authority to issue Industrial Wastewater Discharge Permits to users of the District’s wastewater collection and transmission system, and to perform any necessary monitoring, inspection, and enforcement related thereto as required under PSB’s Rules and Regulations No. 9 within the boundaries of the District. For this reason, the District hereby grants authority to the PSB to conduct those activities within the boundaries of the District necessary to protect the City’s wastewater treatment system.

§10.002. Adoption of Wastewater Discharge Rules.

The District hereby adopts the PSB’s Rules and Regulation No. 9 governing the discharge of wastewater into El Paso’s wastewater system and incorporates PSB Rules and Regulations No. 9 into these Rules and Regulations by reference as if set forth herein except as provided below. Any changes made in PSB Rules and Regulations shall be automatically adopted and incorporated herein, unless the District’s Board of Directors acts to provide otherwise. The PSB is authorized to collect any and retain the fees provided for under Rules and Regulations No. 9 from the District’s customers. The following provisions of PSB Rules and Regulations are modified as indicated.

(a) The last sentence of Section II-1. A. providing that “All other persons must enter into a wastewater service contract with the PSB prior to any discharge.” Is changed to read: “All other persons must enter into a wastewater service contract with the District prior to any discharge.”

(b) Section VI-9 SURCHARGE, is not adopted

§10.003. Protection of Sewer System.

No Customer, facility or system shall be connected to the sewer system or any matter discharged into the said system until an executed contract with the District has been completed. Said contract shall only entitle the Customer to discharge liquid wastes considered “normal” for domestic discharge. “Normal” quality shall be defined as liquid waste containing no more than 300 mg/l (milligrams/liter) of biochemical oxygen demand, a maximum of 300 mg/l suspended solids and a chemical quality that does not exceed any of the limits established by the TCEQ for municipal discharges into the Rio Grande River at or near El Paso. See Section **§9.014** of these Rules and Regulations which provides for a surcharge imposed for discharges in excess of normal limits. No solid wastes shall be contained in the sewage that will be detrimental to its function or react chemically (or physically) to impede any processes utilized in sewage treatment.

CHAPTER XI.

SOLID WASTE COLLECTION AND DISPOSAL SERVICES

§11.001. Residential Solid Waste Collection and Disposal Services.

The District established a solid waste collection service (the “service”) for all its residential water customers (“customers”) effective January 1, 1996. Solid waste collection service is expected to be established hereafter for commercial customers. These rules and regulations establish the conditions under which the service is furnished to customers.

§11.002. General.

As a condition of receiving water service, all residential water customers of the District are required to use the solid waste collection and disposal services provided by the District and will therefore be billed by the District in accordance with the Rate Order adopted by the District whether or not the service is utilized by the customer. Commercial water customers are likewise required to use the solid waste collection and disposal services provided by the District when available and will be billed for such service if not utilized by the customer.

§11.003. Services to Residents or Commercial Accounts Who Are Not Water/Wastewater Customers.

If a resident of the District or a commercial account, not currently receiving water and/or wastewater services from the District, requests that the District provide solid waste collection service., the resident or commercial account will be required to pay a deposit equal to three times the monthly fee, plus all applicable taxes and fees. These solid waste collection customers will be billed on a monthly basis. If service is terminated for any reason, and there is an outstanding balance due, the deposit will be credited to the account with any remainder being refunded to the customer. Once these customers receive water/wastewater services from the District, the deposit will be credited to the customer’s account.

§11.004. Residential and Commercial Refuse.

Under the service provided by the District, only residential and commercial refuse will be collected. This means all garbage and rubbish generated by residential and commercial customers, and defined in these Rules and Regulations as being acceptable for pick-up by the District. It does not include liquid wastes, hazardous, animals, animal’s waste or toxic wastes as defined by applicable statutes or by the rules and regulations of the United States Environmental Protection Agency or by the TCEQ; or infectious or medical wastes.

§11.005. Provision of Waste Containers.

Each residential customer shall be provided with a new durable plastic collection container with wheels (hereinafter referred to as “carts”) based on one per cart per water connection. The cart shall remain the property of the District. Residential water customers who have multiple dwellings or otherwise require additional carts will be furnished additional carts upon request, and will be billed an additional monthly charge for each additional cart as established from time to time.

Each commercial customer shall be provided with a dumpster(s) appropriately sized and charged according to frequency of collection. Dumpster(s) shall remain the property of the District.

§11.006. Routes and Pick Up Days.

Routes for services and schedules for pick up days will be established by the District and all customers will be given written notice of the day of the week trash pick-up will occur and of any changes in the schedule.

§11.007. Solid Waste Pick-Up.

Curbside collection service for the collection of residential refuse will be provided to each customer one day per week. The customer is responsible for placing waste in the carts and for placing the cart at the shoulder or edge of the street adjacent to paved or traveled roadways by 6:00 a.m. on the designated collection day in such a position that the cart can be picked up by the truck's automated pick-up mechanism. The District may decline to collect any refuse not properly placed in the container. The customer will be responsible for returning the carts to their property after the waste is collected.

Commercial refuse collection service shall be provided according to terms and delivery schedule agreed upon with each customer.

§11.008. Responsibility for Damage or Loss of Carts/Dumpsters.

Once issued, the cart/dumpster shall be the responsibility of the customer. In the case of theft or other damage to the cart/dumpster, which was not caused by the District's employees or equipment, the customer will be required to replace the cart/dumpster at customer's cost. A charge for the replacement cost of the cart/dumpster will be added to the customer's water bill for the following month.

§11.009. Overloading of Carts/Dumpsters.

If a customer overflows a cart/dumpster, the District will not pick up the waste in that container. Containers with overflowing trash where the lid is open more than 3 inches will not be serviced.

§11.010. Holidays.

Collections will not be made on holidays observed by the District. Advance notice will be given to customers whose normal pick-up days fall on these holidays and they will be notified as to the alternate pick-up day which shall be during the same week which includes the holidays.

§11.011. Special Arrangements.

Those customers who are physically unable to place their carts at the edge of the street shall contact the District office and suitable arrangements will be made to assist these customers on a case-by-case basis as necessary. A doctor's certificate is required for special pick-ups to be arranged. The water service account must be under the name of the person requesting the special pick-up arrangement.

§11.012. Annual Pick-Up of Bulky Waste.

The District will establish procedures and provide for the collection of bulky wastes and rubbish not suitable for placement in the cart **not more than once a year** for each customer with a maximum of 2 cubic yards per pick-up. Customers must call the District directly and make arrangements for the date of this bulk pick-up. Such bulk waste shall be placed at the edge of the street. For bulk pick-ups the District will utilize a one-man truck with a grappler type arm. A fee of **\$30.00** for bulk

waste pickups **in excess of the once a year policy** shall be applied. The customer must make arrangements with the District.

§11.013. Bulky Waste Guidelines.

Remodeling or construction debris, tires, dead animals, animal's waste, dirt, rocks, flammable materials, liquid waste and automobile parts will not be included in the bulk pick-up. For the purposes of these Rules and Regulations, bulk wastes include stoves, refrigerators, freezers, air conditioners, furnaces, hot water tanks, washing machines, used and discarded mattresses, pallets (maximum of 3), furniture or any other waste not suitable because of weight or volume for placement in the trash carts, being specifically other than construction debris, dead animals or hazardous waste. Customer shall be responsible for removing all refrigerant from item placed for bulk collection. All loose material and yard waste included in the bulk pick-up must be bagged in plastic sacks designed for refuse with sufficient wall strength to maintain physical integrity when lifted by the top, when lifted by the top, with such bags being securely tied at the top for collection, and having a capacity not to exceed 30 gallons and a total weight not to exceed 35 pounds and 2 cubic yards in volume. Limbs and garden trimmings shall be cut in lengths not to exceed four feet and shall be tied in bundles not exceeding 35 pounds in weight and 2 cubic yards in volume. Bulky waste shall be prepared and placed at the edge of the street by 6:00 a.m. on the designated collection day. The District shall endeavor to pick-up all bulky waste placed as required herein shall be picked up no later than 5:00 p.m. on the day agreed upon by the District and the customer.

§11.014. Delinquent and Closed Accounts.

Services to any customer shall be discontinued upon non-payment of charges or fees billed for water, wastewater, or waste collection services in accordance with the applicable District policy. If an account is delinquent or closed and the cart/dumpster is picked up, the customer is liable for a charge of \$25.00.

§11.015. Ownership of Waste.

Title to refuse and legal waste shall pass to the District when it is placed in the District's container (which shall be deemed abandonment of title by the customer). As used herein, the term "legal waste" shall mean solid waste which the District can legally accept for collection by rule, or regulation. Title to all other waste shall remain with the producer who shall be responsible for all injury to persons or damage to property or the environment which is caused by anything placed in the District's container which is not legal waste.

§11.016. Disposal of Waste.

All waste collected from customers will be disposed of in a properly permitted Municipal Solid Waste Landfill (the "disposal site"). The District shall have the right, if it so desires, to sort the waste collected by it and remove any recyclable items. In such event, there shall be no requirement that the items removed for recycling be taken to the disposal site.

§11.017. Refusal to Accept Waste.

The District shall not be required to collect or accept any liquid wastes, hazardous or toxic wastes as defined by applicable statutes or by the rules and regulations of the United States Environmental Protection Agency or by the Texas Commission on Environmental Quality; household or toxic wastes; or infectious or medical wastes.

§11.018. Complaints and Point of Contact.

Lower Valley Water District – Rules and Regulations

Complaints regarding the services will be made to the District office. All complaints shall be referred to District and such complaints will be given prompt and courteous attention. In the case of alleged missed scheduled collections, the District shall investigate and, if such allegation is verified, shall arrange for the collection of the refuse not collected within twenty-four (24) hours after the complaint is received.

§11.019. Cleanliness of Carts/Dumpsters.

Each customer shall be required to maintain the cart/dumpster located at their property in a clean, neat and sanitary condition which shall include washing the container as often as necessary to maintain good appearance, sanitary condition and adequate fly control.