

**FORT BEND COUNTY MUNICIPAL UTILITY
DISTRICT NO. 25, OF FORT BEND COUNTY, TEXAS**

RATE ORDER
(Effective May 21, 2010)

Table of Contents

SECTION 1: DEFINITIONS.....	- 2 -
SECTION 2: TAP FEES AND INSPECTIONS	- 2 -
SECTION 3: RULES AND REGULATIONS GOVERNING SEWER HOUSE LINES AND SEWER CONNECTIONS.....	- 3 -
SECTION 4: WATER.....	- 6 -
SECTION 5: SEWER.....	- 8 -
SECTION 6: TEMPORARY WATER SERVICE.....	- 10 -
SECTION 7: SECURITY DEPOSITS.....	- 11 -
SECTION 8: BACKCHARGES TO BUILDERS.....	- 11 -
SECTION 9: REGULATORY ASSESSMENT	- 12 -
SECTION 10: TRANSFER FEE; NEW SERVICE FEES	- 12 -
SECTION 11: PAYMENT METHOD.....	- 12 -
SECTION 12: LATE PAYMENTS.....	- 13 -
SECTION 13: TERMINATION AND RECONNECTION OF SERVICE	- 13 -
SECTION 14: OBSTRUCTION.....	- 14 -
SECTION 15: CALIBRATION OF METERS; DAMAGE TO METERS AND APPURTENANCES	- 14 -
SECTION 16: BUILDER RESPONSIBILITIES	- 15 -
SECTION 17: PLUMBING REGULATIONS; PROHIBITION AGAINST CROSS- CONNECTIONS AND UNACCEPTABLE PLUMBING PRACTICES; PENALTY FOR VIOLATION	- 15 -
SECTION 18: RETURNED ITEMS.....	- 19 -
SECTION 19: REQUIREMENTS FOR SERVICE.....	- 19 -
SECTION 20: CAR WASH FACILITIES REQUIREMENTS.....	- 20 -
SECTION 21: DISCHARGES TO THE STORM DRAINAGE SYSTEM.....	- 20 -
SECTION 22: MISCELLANEOUS PROVISIONS	- 24 -
SECTION 23: EFFECTIVE DATE; SUPERSEDING ORDER.....	- 25 -

SECTION 1: DEFINITIONS

- A. **"Single-Family Residential User"** shall mean any user of the District's water and sewer system that consists of one residence designed for use and occupancy by a single-family unit.
- B. **"Multi-Family Residential User"** shall mean any user of the District's water and sewer system, other than a Single-Family Residential User or a Commercial User, that consists of a building designed for use and occupancy by multi-family units, including apartments, townhouses, and other multi-family dwelling units.
- C. **"Commercial User"** shall mean any user of the District's water and sewer system that is not a Single-Family Residential User or a Multi-Family Residential User, including, but not limited to, commercial establishments, churches, homeowners' association facilities and schools.
- D. **"Storm Sewer User"** shall mean a user of the District's storm drainage system, including, without limitation, construction site operators and District residents.

SECTION 2: TAP FEES AND INSPECTIONS

A. Tap Fees.

Prior to connection to the District's water system, an electronic water meter must be installed. The fees for such meters are as follows:

- (1) Single-Family Residential Users. Prior to the connection of a Single-Family Residential User to the District's water system with a water meter that is 3/4" or 5/8", a tap fee of \$700.00, plus all expenses incurred by the District in making said connection (provided that the total tap fee paid does not exceed three (3) times the District's actual cost of installing the tap and meter), shall be paid to the District. Prior to the connection of a Single-Family Residential User to the District's water system with a water meter that is 1", a tap fee of \$1,100.00, plus all expenses incurred by the District in making said connection (provided that the total tap fee paid does not exceed three (3) times the District's actual cost of installing the tap and meter), shall be paid to the District.
- (2) Multi-Family Residential Users and Commercial Users. Prior to the connection of a Multi-Family Residential User or a Commercial User that is not exempt from the payment of ad valorem property taxes under Texas law, a tap fee equal to three (3) times the cost to the District of installing the tap, meter, and any necessary service lines and of repairing or restoring any yards, sidewalks, streets, or other improvements affected by the installation shall be paid to the District. Notwithstanding that the repair and/or restoration costs are part of the tap fee, the repair and/or restoration costs shall be billed to the User on a monthly water and sewer bill.

- (3) Non-Taxable User. Prior to the connection of a Commercial User that is exempt from the payment of ad valorem property taxes under Texas law, a tap fee equal to the District's actual cost of installing the tap, meter and any necessary service lines plus such User's pro rata share of the District's actual cost of the facilities necessary to provide District services to such User that are financed or to be fully or partially financed by the District's tax bonds [as determined by the District's consultants and approved by the District's Board of Directors (the "Board")] shall be paid to the District.
- (4) Irrigation Systems. Prior to connection to the District's water system, a tap fee equal to the District's actual cost for installation plus the cost of the electronic meter shall be paid to the District for irrigation systems that have been authorized by the District and that are to be used solely for the purpose of providing irrigation water to landscaped areas within the District.
- (5) Installation and Inspections. All connections to the District's water system shall be made by a representative of the District. Connections to the District's water system shall not be allowed prior to an approved sewer inspection as provided in this Order. A backflow prevention assembly must be installed prior to the testing of any line that is connected to the District's water system.

SECTION 3: RULES AND REGULATIONS GOVERNING SEWER HOUSE LINES AND SEWER CONNECTIONS

The following regulations are to govern the installation of all sanitary connections within the District.

A. Service Lines

- (1) Service line is defined as the sewer line from the foundation of the house or commercial building to the sewer line owned by the District.
- (2) Only one service line connection to the District's sanitary sewage collection system is permitted for each residence or commercial building.
- (3) Only the following types of pipe and fitting materials are approved for constructing services lines. Pipe and fittings in each individual service line will be of identical material.
 - a. Schedule 40 conforming to ASTM, D-1785 and installed as per section II of these specifications.
 - b. Six-inch lines and over; polyvinylchloride (PVC) pressure rated pipe SDR 26 or SDR 21 conforming to ASTM D 2241 SDR 26 with rubber gasket joints conforming to ASTM, F-477 and installed as per section II of these specifications.

- (4) Minimum sizes of service lines shall be as follows:
 - a. Residential – 4 inches in diameter.
 - b. Commercial – 6 inches in diameter.
- (5) Minimum grades for service lines shall be as follows:
 - a. 4 inch pipe – one foot drop per hundred feet (1%).
 - b. 6 inch pipe – six inches drop per hundred feet (.50%).
 - c. 8 inch pipe – four inches drop per hundred feet (.40%).
- (6) Maximum grades for service lines shall be as follows:
 - a. 4 inch pipe – one inch drop per ten feet
 - b. 6 inch pipe – one inch drop per ten feet
 - c. 8 inch pipe – one inch drop per ten feet
- (7) Construct service lines to true alignment and grade. Warped and sagging lines will not be permitted.

B. Connection of Building Sewer Outlet to Service Lines.

- (1) Building tie-on connection will be made directly to the stub-out from the building plumbing at the foundation on all waste outlets.
- (2) Water-tight adapters of a type compatible with the materials being joined will be used at the point of connection of the service line to the building plumbing. No cement grout materials are permitted.
- (3) Existing “wye” and stack connections must be utilized for connection of the service line to the sewer main unless an exception is permitted by the District’s operator.
- (4) The physical connection to the sewer main shall be made by use of an adapter of a type compatible with materials being joined. The connection shall be watertight. Portion to be cut out from sewer main shall be circular and available for inspection.
- (5) No connection shall be made into a manhole without approval from the District.
- (6) No sewer lines shall be laid within nine (9) feet of a water line unless the sewer pipe and its couplings have a pressure rating of not less than one hundred fifty (150) pounds per square inch (psi).

C. Fittings and Cleanouts

- (1) No bends or turns at any point will be greater than 45 degrees. Each 45-degree or 22-degree fitting must be no less than six (6) inches apart.
- (2) Each horizontal service line will be provided with a cleanout at its upper terminal; and each such run of piping which is more than fifty (50) feet in length will be provided with a cleanout for each fifty (50) feet or fraction thereof, in the length of such piping.
- (3) Each cleanout will be installed so that it opens in a direction opposite to the two (2)-way flow of the waste and, except in the case of “wye” branch and end-of-the-line cleanouts, cleanouts will be installed vertically above the flow line of the pipe.
- (4) Cleanout will be made with air-tight mechanical plug.

D. Connection Permit

- (1) Application for Sanitary Sewer Service must be filed prior to construction of the service line and the connection fee should accompany this application. (Application forms are available at the District’s offices). Construction must not begin until authorized by the District.
- (2) When the service line is complete, and prior to backfilling the pipe trench, the application for sewer service shall request an inspection of the installation. Requests for inspections shall be made to the District twenty-four hours in advance of the inspection.
- (3) The physical connection to the District’s sewer main will be made by use of an adapter of a type compatible with materials being joined. The connection shall be water-tight. No cement grout materials are permitted.
- (4) All tie ends to the District’s sewer main shall be sealed inside and out with mortar or grout, and inspected.
- (5) Backfilling of service lines trench must be accomplished within twenty-four (24) hours of inspection and approval. The trench backfill material will be clean and free of debris and will be compacted in one foot lifts to prevent trench settlement.
- (6) A connection permit will be granted after inspection confirming that all requirements of these Rules and Regulations have been met.

SECTION 4: WATER

A. Monthly Rates.

- (1) **Builder Connections.** During construction and prior to initial occupancy, a builder shall be charged monthly for water as follows:

0 - 25,000 gals.	\$3.00 per 1,000 gals.
25,001 to 50,000 gals.	\$3.35 per 1,000 gals.
All over 50,000 gals.	\$3.65 per 1,000 gals.

- (2) **Single-Family Residential Users.** Single-Family Residential Users shall be charged monthly for water as follows:

0 - 5,000 gals.	\$18.00 (minimum)
5,001 to 10,000 gals.	\$2.00 per 1,000 gals.
10,001 to 15,000 gals.	\$2.50 per 1,000 gals.
15,001 to 25,000 gals.	\$3.00 per 1,000 gals.
All over 25,000 gals.	\$3.50 per 1,000 gals.

; provided, however, that for new accounts activated or existing accounts finalized during a month, the minimum charge set out above will not apply. Instead, the first or final invoice (as applicable) will be based on a per day estimated usage (as determined by the District) for the number of days in the month the account was active.

- (3) **Multi-Family Residential Users.** For each meter serving a multi-family building, the multi-family building shall be charged monthly for water at the following rates times the number of units served by each meter:

0 - 5,000 gals.	\$13.00 (minimum)
5,001 to 10,000 gals.	\$2.00 per 1,000 gals.
10,001 to 15,000 gals.	\$2.50 per 1,000 gals.
All over 15,000 gals.	\$3.00 per 1,000 gals.

For a multi-family building served by a single meter, the total water usage per month shall be divided by the number of units to determine the monthly water usage per unit. The charge for a single unit shall be calculated on the basis of the rates set forth above and the unit charge shall be multiplied by the number of units to determine the total charge for the multi-family building.

Water charges in accordance with this subsection shall commence when the District's inspection of the multi-family building's sanitary sewer connection is complete.

- (4) **Commercial Users.** Each business unit occupied by a separate business, including separate establishments within a single building, shall be charged a monthly minimum of \$18.00 per unit *or* per equivalent connection, whether connected by a single meter or multiple meters, for 0 to 5,000 gallons. Water

usage in excess of 5,000 gallons per unit, or equivalent connection, per month shall be charged at the following rates:

5,001 to 10,000 gals.	\$2.00 per 1,000 gals.
10,001 to 15,000 gals.	\$2.50 per 1,000 gals.
15,001 to 25,000 gals.	\$3.00 per 1,000 gals.
All over 25,000 gals.	\$3.50 per 1,000 gals.

(5) **Irrigation Systems.** Metered water connections authorized by the District and established solely for the purpose of providing water to irrigation systems shall be charged monthly for water usage at the following rates:

0 - 5,000 gals.	\$18.00 (minimum)
All over 5,000 gals.	\$2.25 per 1,000 gals.

There shall be no sewer service charge for irrigation meters.

Notwithstanding the foregoing, the District reserves the right to forego mailing water bills when the amount due is less than \$1.50.

B. Pressure of Water. The District agrees to use all reasonable efforts to supply adequate pressure of water to any User. The District does not and will not guarantee to any User a specific quantity or pressure of water for any purpose whatsoever. The District is required only to furnish a connection to its water system and in no case shall the District be liable for the failure or refusal to furnish water or any particular amount or pressure of water; however, the District shall use reasonable efforts to supply water to all Users at an acceptable minimum pressure.

C. Sale or Provision of Water. It shall be an unauthorized use of District services and facilities for any person, firm, or entity to sell or use water from the District's water system without having a direct connection to the District's water system, unless such sale or use of water is to or by Users having common ownership or tenancy of the land being served by the District's water system or with the written consent of the Board of Directors.

It also shall be an unauthorized use of District services and facilities for any person, firm or entity to sell or provide water from the District's water system to any other person or entity whose service has been disconnected by the District.

D. No Potable Water for Amenity Lakes. It shall be unauthorized use of District services and facilities for any person, firm or entity to use water from the District's water system to recharge, refill, add to or deposit in a lake or other body of water, any portion of which was/is designed, constructed and/or used for amenity purposes.

SECTION 5: SEWER

- A. **Sewer Connections and Inspections.** All connections to the District's sewer system shall be made in accordance with the District's Rules and Regulations Governing Sewer House Lines and Sewer Connections, as may be amended from time to time. No sewer connection or house lead shall be covered in the ground before a representative of the District has inspected the connection. A fee of \$50.00 for each single-family residential sewer inspection and a fee of \$75.00 for each multi-family and commercial sewer inspection made by the District shall be charged. If a sewer connection fails an inspection, an additional inspection fee at the same rate shall be paid to the District prior to reinspection.
- B. **Monthly Rates.**
- (1) **Builder Connections.** \$15.00 per month per connection.
 - (2) **Single-Family Residential Users.** \$15.00 per month per connection.
 - (3) **Multi-Family Residential Users.** \$10.00 per month per unit. Sewer charges in accordance with this subsection shall commence when the District's inspection of the multi-family building's sanitary sewer connection is complete.
 - (4) **Commercial Users.** \$15.00 per month per unit or per equivalent connection plus \$1.00 per 1,000 gallons water consumption in excess of 5,000 gallons per unit or equivalent connections per month and \$1.50 per 1,000 gallons water consumption in excess of 10,000 gallons per unit or equivalent connection per month and \$2.00 per 1,000 gallons water consumption in excess of 15,000 gallons per unit or equivalent connection per month.

Notwithstanding the foregoing, the District reserves the right to forego mailing sewer bills when the amount due is less than \$1.50.

- C. **Quality of Sewage.**
- (1) **Domestic Waste.** Only ordinary liquid and water-carried waste from domestic activities that is amenable to biological treatment and that is discharged from sanitary conveniences of buildings connected to a public sanitary sewer system shall be discharged into the District's sanitary sewer lines. Waste resulting from any process of commerce or industry may not be discharged into the District's sanitary sewer lines except as authorized pursuant to the following subsection.
 - (2) **Commercial and Industrial Waste.** All discharges other than waste described in the preceding subsection are prohibited unless the user has applied to and received written authorization from the District for such discharge. The applicant must file a statement with the District containing the following information:
 - (a) Name and address of applicant;

- (b) Type of industry, business, activity, or other waste-creative process;
- (c) Quantity of waste to be discharged;
- (d) Typical analysis of the waste;
- (e) Type of pretreatment proposed; and
- (f) Such other information as the District may request in writing.

The District shall have the right to reject any application for discharge of non-domestic waste into the District's sanitary sewer lines if the District determines in its sole discretion that the proposed discharge may be harmful to the District's sanitary sewer system or the environment. The District also shall have the right in approving any application for the discharge of non-domestic waste to impose any limitations on such discharge that the District determines in its sole discretion to be necessary to protect the District's sanitary sewer system or the environment.

- (3) National Categorical Pretreatment Standard. If a user is subject to a national categorical pretreatment standard pursuant to regulations promulgated by the Environmental Protection Agency under Section 307 of the federal Clean Water Act, the user is prohibited from discharging pollutants into the District's sanitary sewer system in violation of applicable categorical pretreatment standards.
- (4) District Testing; Pretreatment. The District shall have the right to sample and test any user's discharge at the discretion of the District', with no limit as to the frequency of the tests, and to charge the user for the District's cost of such sampling and testing. The District also shall have the right to require pretreatment, at the user's expense, of any discharge of non-domestic waste if the District determines in its sole discretion that pretreatment of such waste is necessary to protect the District's sanitary sewer system or the environment, even if pretreatment is not otherwise required pursuant to the preceding subsection.

D. Grease Trap and/or Sand Trap Inspections. Any User responsible for a discharge requiring a trap and sampling well and/or a sand trap shall provide equipment and facilities of a type and capacity approved by the District, locate the trap in a manner that provides ready and easy access for cleaning and inspection, and maintain the trap in effective operating condition. It shall be the responsibility of the User to maintain and service such User's traps. All traps shall be cleaned a minimum of once a month only by a company having the required licenses and permits. For each grease and/or sand trap installed, there shall be charged a flat rate initial inspection fee of \$50.00. If the operator is required to reinspect the grease and/or sand trap after the initial inspection due to problems or concerns about the grease and/or sand trap, such reinspection shall be charged at the same \$50.00 rate. Thereafter, for each monthly inspection and/or reinspection, if required, a fee of \$25.00 shall be charged.

E. Required Service. No sewer service shall be provided by the District except to customers of the District's water system.

- F. Swimming Pool Inspections and Fee.** Every User who plans to construct or install a swimming pool within the District shall notify the District in writing prior to commencing construction of the pool. Upon notification by the User of the intention to construct or install a swimming pool, the User shall pay an inspection fee of \$50.00. After the notification is received, the District shall ensure that all drains from the swimming pool are connected to the District's sanitary sewer system. After the drains have been installed, the User shall notify the District, who shall make an inspection of all swimming pool drains to verify that the proper connection is made, before service is authorized for said swimming pool.
- G. Excluded Flow and Waste.** No waste material which is not biologically degradable will be permitted to be discharged into the District's sanitary sewer facilities, including mud and debris accumulated during service line installation or otherwise. If a resident discharges any unauthorized material, including but not limited to grass clippings, into a storm sewer within the District, the District has the right to either fine the resident or disconnect water service pursuant to Texas Water Code §49.212(c) and Section 12 of this Rate Order. No downspouts, yard or street drains, or gutters will be permitted to be connected to the District's sanitary sewer facilities. Swimming pools, spa drains, overflow piping and filter backwash piping connections will be made to the District's sanitary sewer system.

SECTION 6: TEMPORARY WATER SERVICE

- A. The District shall be authorized to make a temporary connection to any fire hydrant or flushing valve upon request for temporary water service within the area of the District. Such temporary service shall be supplied only through a District meter installed by the District
- B. The person applying for temporary water service shall be required to deposit \$500.00 with the District to secure the payment for water supplied by the District and the safe return of the District's meter and to execute the Temporary Construction Water Permit in the form attached hereto as **Exhibit "D"**. Upon receipt of full payment for temporary water used and return of the meter and hydrant wrench in good condition, the deposit will be returned, provided, however, that any damage to the meter or any unpaid balances will be paid from the deposit and a \$35.00 fee will be deducted from the deposit if the hydrant wrench is not returned in good condition.
- C. The fees for temporary water service shall be as follows: (1) a \$50.00 one-time setup fee; and (2) \$3.00 per 1,000 gallons of water delivered through the meter; and (3) a monthly (each thirty day period or any portion thereof) rental charge of \$25,000 for a 5/8" meter, \$37.50 for a 1" meter, \$50.00 for a 2" meter and \$100.00 for a 3" meter. The rental meter shall be returned to the District office between the 15th and 20th day of each month for inspection and reading by District personnel. Failure to report meter readings for two (2) months can result in forfeiture of the deposit required in Section 5.B.

SECTION 7: SECURITY DEPOSITS

- A. **Security Deposits.** A deposit of \$75.00 shall be charged to all new Single-Family Residential Users in the District. A deposit equal to three times the average monthly utility bill, as determined by the District, shall be required of all other Users in the District. Any User whose service is terminated two (2) times within a six (6) month period pursuant to Section 12A or B hereof also shall be required to increase the deposit to two (2) times the amount stated above. Such sums shall be required prior to service being initiated or restored and shall be held by the District as a deposit to assure prompt payment of all charges for utility service. No interest will be allowed on such deposits. Upon final termination of service, such deposit shall be credited against amounts owed to the District and any balance exceeding \$1.50 will be refunded to the User within forty-five (45) days after termination of service.
- B. **Deposit Transfers.** Security deposits may not be transferred from one User to another; provided, however, that a User who moves from one address to another within the District may have the security deposit from the account at the previous address transferred to the account at the new address.
- C. **Builder Deposits and Inspection Fees.** A \$2,000.00 deposit shall be required of builders at the time a request for an initial water tap is made for each single-family residential building, commercial building, or other structure in the District, provided no builder shall be required to deposit more than \$6,000 at any one time with the District under these provisions. Said deposit will be refunded by the District upon a builder's written request; provided, however, that the entire deposit shall be forfeited as a penalty in the event any provision of this Order or the District's Rules and Regulations Governing Sewer House Lines and Sewer Connections, as may be amended from time to time, is violated. The deposit described herein may be applied by the District to the cost of repair of any damage caused to District property by the builder or builder's agent, whereupon it will be the builder's responsibility to reinstate the original amount of the deposit prior to the District' making any additional water taps for said builder.

SECTION 8: BACKCHARGES TO BUILDERS

- A. **Pre-Facility Inspection.** All builders or contractors for property owners within the District must contact the District office prior to starting any work on property within the District, to do an inspection to verify District facilities. If any District facility is either damaged or cannot be located, the operator will make necessary repairs or locate and make the facilities visible at the expense of the District. A copy of the inspection report will be given to the builder's or contractor's representative. After the inspection and any necessary work is completed, the builder or contractor will then be responsible for paying the costs of all damages, adjustments, relocations and repairs found during the final site survey described below. The cost for each inspection is \$25.00 and must be paid with payment of the tap fee.

B. Final Site Survey. After construction has been completed on the property, but before service is transferred to a User, the District will conduct a final site survey to inspect the water tap, meter and all other District facilities on the property for a fee in the amount of \$25.00, which must be paid with payment of the tap fee. The property owner, builder, or contractor will be held responsible for any damages or adjustments to District facilities and the cost of repairing, adjusting or relocating the facilities (the "Backcharges") before service shall be initiated to a User. If any reinspections of the facilities are required to ensure that the District's facilities are repaired, relocated or adjusted, a fee in the amount of \$25.00 shall be charged for each such reinspection before service will be transferred to a subsequent User. Payment of the Backcharges or inspection or reinspection fees shall be made on or before the due date of the invoice for said charges. The District may withhold the provision of service to the property or to other property owned by any User, property owner, builder or contractor who has failed to timely pay for the Backcharges or inspection or reinspection fees, including specifically the provision of additional taps.

SECTION 9: REGULATORY ASSESSMENT

As required by the Texas Water Code, each User of the District's water and sanitary sewer system is hereby assessed a charge of one-half of one percent of the District's charge for water and sewer service. This assessment is included in the rate schedules listed above and will be forwarded to the Texas Commission on Environmental Quality for use in paying costs and expenses incurred in its regulation of water districts.

SECTION 10: TRANSFER FEE; NEW SERVICE FEES

A fee in the amount of \$15.00 shall be charged by the District to all Users opening an account to cover the expense to the District for the transfer of water and sewer service from one User to the subsequent User. The transfer fee shall be billed to each new User as an item on that User's first monthly bill for water and/or sewer service. Additionally, a customer service inspection is required, but not to exceed more than one inspection per twelve month period. There is no fee for the customer service inspection for Single-Family Residential Users and \$50.00 for all other Users (commercial and builders). The fee is the responsibility of the User. The District shall perform the customer service inspection. The customer service inspection fee shall be billed to each new commercial user or builder on that User's first monthly bill for water and/or sewer service.

SECTION 11: PAYMENT METHOD

All payments required by this Rate Order must be made by check, automatic bank draft, cashier's check, money order, online or telephone check and credit card payments unless otherwise specified in this Rate Order. Certain payment options are made available through service providers who may charge Users a convenience fee. Such convenience fees are the sole responsibility of the User and are separate from any amount owed by the User to the District. Acceptable payment methods for delinquent accounts may be restricted as specified elsewhere in this Rate Order.

SECTION 12: LATE PAYMENTS

A late payment fee of ten dollars (\$10.00) for overdue bills for single-family residential customers and ten percent (10%) of the unpaid balance for all other users will be due the District for any monthly water or sewer bill that is not paid on or before the due date shown on the bill in order to cover the District's costs of collection of such delinquent amount. All accounts not paid by the due date shall be considered delinquent. A waiver of the late fee is permitted once per twelve month period provided the account has not been delinquent at any time during the prior twelve month period.

SECTION 13: TERMINATION AND RECONNECTION OF SERVICE

- A. **Termination for Delinquent Accounts.** The District reserves the right to terminate service to any User whose account is delinquent. In such event, service shall be disconnected only after sending written notice by first class United States mail to the User at the address of the connection and providing the User with an opportunity to contest, explain, or correct the charges, services, or disconnection. The written notice shall inform the User of the amount of the delinquent payment, the date service will be disconnected if payment is not made, the date, time, and place of the next scheduled meeting of the Board, and of the opportunity to contest, explain, or correct the charges, services, or disconnection by presenting (either in person or in writing) such matter to the Board at its next scheduled meeting as shown on the notice. The notice shall be deposited, postpaid, in a post office or official depository under the care and custody of the United States Postal Service at least seven (7) days prior to the date of the scheduled meeting of the Board. A written statement by the District's operator that the notice was so mailed and a certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of same. If the User appears before the Board (either in person or in writing), the Board shall hear and consider the matter and inform the User of its determination by sending written notice by first class United States mail to the User at the address of the connection.

All accounts that have had water and sewer services terminated for two (2) consecutive billing cycles will be placed on inactive status by the District's Billing Department.

All outstanding delinquent accounts may be turned over to a collection agency and reported to the Credit Bureau and all costs of collection will be added to the User's outstanding balance.

- B. **Termination for Rate Order Violations.** Any User who violates any provision of this Order, in addition to being subject to all other penalties described in the Order, shall be subject to having water and sewer service terminated; provided, however, that prior to disconnecting service for such violation, the District shall give written notice, by first class United States mail or otherwise, to such User of the pending disconnection and shall give such User the opportunity to contest, explain, or correct the violation of this Order at a meeting of the Board.

- C. **Reconnection.** If service to a User is disconnected for any cause, a reconnection fee of \$50.00 shall be paid to the District before service is again commenced at such location. In addition, all past due and current amounts owed to District shall be paid in full and, if such User has not previously paid a security deposit as required by this Order, the security deposit shall be collected before service is reconnected. Payment of all amounts under this Section must be in the form of cashier's check, money order, or credit card with verified approval code.
- D. **Termination of Service Upon Request of User.** Whenever a User requests that water and sewer service be temporarily discontinued, such User shall notify the District's operator at least two (2) days prior to the time the User desires such service discontinued. A charge of \$20.00 shall be made for discontinuing and a charge of \$20.00 for restoring water service when such service is discontinued or restored at the request of the User and the User is not delinquent in the payment of any bill at the time of either request. During the period of temporary discontinuance of service, the normal billing charges will be halted.

SECTION 14: OBSTRUCTION

After a water meter has been set, the User shall at all times keep the area in, around and upon the meter and box and District easements and property under User's control free from rubbish or obstructions of any kind. Failure to keep the meter and box and District easements and property under User's control free from rubbish or obstructions shall result in disconnection of water service and/or the assessment of charges necessary to remove said obstructions.

SECTION 15: CALIBRATION OF METERS; DAMAGE TO METERS AND APPURTENANCES

A User who suspects that its meter is not accurately measuring the amount of water used may, once within a six month period, request that the District calibrate such User's meter, at no cost to the User. If, after receiving a copy of the results of the meter test, the User still suspects that the meter is inaccurate, it may, once within a six month period, request that the District bench test the meter, at no cost to the User. A User may request additional meter tests during a six month period and shall be responsible for the cost of all such additional tests, unless the results of the additional tests reveal a problem with the meter.

No person other than a duly authorized agent of the District shall open any meter box, repair, alter, adjust, remove, make connections or additions to or in any other way take any action which affects any meter, meter box, service line or other water and/or sewer system appurtenance. The District reserves the right to immediately and without notice remove the meter or disconnect water service to any User who has removed, tampered with or altered in any way a meter, meter box, service line or other water and/or sewer system appurtenance or who has reconnected service which was terminated by the District, and to assess repair charges to the User plus a damage fee of \$50.00.

SECTION 16: BUILDER RESPONSIBILITIES

- A. Street Cleaning. The builder and developer will be responsible for ensuring that the street in front of their lots stays free from the accumulation of trash, sediment, dirt and all other debris. Street cleaning will be done by street scraping or a vacuum sweeper. Washing sediments into the storm sewer inlets is prohibited by Section 4(G) and the United States Environmental Protection Agency.
- B. Concrete Wash-Out Site. Each builder will provide a single, dedicated concrete wash-out site on one of its reserved lots for use during construction. The site selected will be reviewed with the District and developer, and an identification sign must be erected on the site by the builder prior to use.

The builder will clean and maintain the concrete wash out site as necessary and is responsible for the proper and legal disposal of concrete. Silt fencing must be installed along the curb in front of the wash-out site as well as an access pad.

The builder will inform its subcontractors of the location and purpose of the concrete wash-out site.

- C. Other Builder Responsibilities. The builder is responsible for observing all signs and for enforcing the provisions of the Rate Order with all employees, suppliers and subcontractors. Builders are responsible for conducting regular inspections of their erosion control measures to ensure they are functioning properly.
- D. Failure to Comply. Failure of a builder to comply with the builder responsibilities contained in this Section 15 will be considered a violation of this Rate Order and will subject the builder to penalties in Section 19(c). Further, the District, in its sole discretion, may perform or have performed any of the builder's responsibilities and backcharge the builder for the cost. In addition, failure to timely pay a backcharge or to comply with the provisions of this Rate Order will subject the builder to termination of service in accordance with Section 12 or withholding of taps in accordance with Section 7(B).

SECTION 17: PLUMBING REGULATIONS; PROHIBITION AGAINST CROSS-CONNECTIONS AND UNACCEPTABLE PLUMBING PRACTICES; PENALTY FOR VIOLATION

Pursuant to Chapter 290 of Title 30 of the Texas Administrative Code, the District adopts the following plumbing regulations, which apply to all users of the District's potable water distribution system.

- A. Service Agreements. Prior to receiving service from the District to new construction or to buildings containing new plumbing fixtures, or prior to having service reconnected to any building after termination of water service, a User must execute a Service Agreement in the form attached to this Rate Order as Exhibit "A", provide proof of residency or of ownership of property in the District and valid proof of identity, including a social

security number and any other personal information, as defined in Section 182.051, Texas Utilities Code.

- B. **Plumbing Fixtures.** A User is not permitted to install any plumbing fixture which is not in compliance with a state approved plumbing code and the plumbing code, if any, required by the District in whose jurisdiction the District is located.

- C. **Prohibition Against Water Contamination.** No direct connection between the District's potable water distribution system and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the District's potable water distribution system by the installation of an air-gap or an appropriate backflow prevention device in accordance with state plumbing regulations. In addition, all pressure relief valves and thermal expansion devices must be in accordance with state plumbing codes and the plumbing code, if any, required by the city in whose jurisdiction the District is located.

- D. **Backflow Prevention Assemblies.** A backflow prevention assembly must be installed prior to the testing of any line that is connected to the District's water system. All sprinkler systems, spas and pools must have testable backflow prevention assemblies installed by the User at the User's sole cost and expense. In addition, the District, in its sole discretion, may require a Non-Single Family Residential User to install a backflow prevention assembly at any meter(s) servicing such a User's property. The District, in its sole discretion, also may require any User to install other backflow prevention assemblies at any fixture in order to prevent contamination of the District's potable water distribution system or if the User's plumbing system poses a high health hazard. A high health hazard is defined by the Texas Commission on Environmental Quality as a "cross-connection, potential cross-connection, or other situation involving any substance that could cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply." "High health hazard connections" may include, but are not limited to:
 - (1) An irrigation system with an injection device;
 - (2) A car wash;
 - (3) A clinic (medical, dental, veterinary);
 - (4) A film laboratory;
 - (5) A laundry;
 - (6) A nursing home;
 - (7) A recreational facility using water; and
 - (8) A school.

If the District determines that a User must install a backflow prevention assembly as a protection against a high health hazard, the backflow prevention assembly used must comply with a state approved plumbing code and the plumbing code, if any, required by the city in whose jurisdiction the District is located, and must be tested and certified at least annually by a District representative.

The User is responsible for ensuring that all backflow prevention assemblies are tested upon installation by a District representative, and thereafter, the District will test all backflow prevention assemblies annually. The cost of the test, per backflow assembly tested, is \$20.00 for a Single-Family Residential User and \$100.00 for any other User; provided, that, any additional backflow prevention assemblies are tested at the same address and same time for any User (other than a Single-Family Residential User) they shall be tested at a cost of \$50 per each additional backflow prevention assembly for commercial and builder accounts. If the District requires the installation of a backflow prevention assembly by a user in order to prevent a serious threat to the District's public water supply, then the District, in its sole discretion, may immediately terminate service to the User. In that event, service will not be restored until the backflow prevention assembly has been installed and tested and a signed and dated original of a Backflow Prevention Assembly Test and Maintenance Report in the form attached to this Rate Order as **Exhibit "B"** has been filed with the District.

If the District determines that a backflow prevention assembly must be installed pursuant to this Order for reasons other than to eliminate a serious threat to the District's public water system, the User must install the backflow prevention assembly within ten (10) working days after receipt of notice from the District that such installation is required. In addition, the User must have the backflow prevention assembly tested by a District representative, as described above, so the District has a signed and dated original of a Backflow Prevention Assembly Test and Maintenance Report in the form attached to this Order as **Exhibit "B"** within five (5) working days of the installation of the backflow prevention assembly and within ten (10) working days of any subsequent repair, maintenance or testing of such assembly. If the User fails to have the backflow prevention assembly tested within this time, the District, in its discretion, may terminate service to the User pursuant to the terms of this Order. The District will retain such reports for a minimum of three (3) years.

- E. Customer Service Inspections.** A customer service inspection is required prior to the time the District (i) provides continuous water service to new Users, not to exceed one inspection per each twelve month period for Users, or new construction, (ii) provides water service to private plumbing facilities that have been added to existing construction or materially improved or corrected, or (iii) continues service to a User when the District has reason to believe that cross-connections or other unacceptable plumbing practices exist. The cost of such customer service inspection will be the sole responsibility of the User. The District shall perform all customer service inspections. There is no cost for Single-Family Residential Users and \$100 for all other Users (commercial and builders). If the inspection is made in connection with new construction, the fee will be collected at the time the tap fee is paid.

Prior to initiating service to Users or new construction or buildings containing new plumbing fixtures, the customer service inspection must be completed satisfactorily. The District representative shall complete a Customer Service Inspection Certification, in the form attached hereto as **Exhibit "C,"** on each such inspection and shall retain such inspection certifications for a minimum of ten (10) years. The User shall allow its property to be inspected by the District or its subcontractors during normal business hours for possible cross-connections and other unacceptable plumbing practices which violate this Order. The District or its subcontractors may, at the discretion of the District, periodically inspect a User's plumbing system during normal business hours for the purpose of identifying possible cross-connections and other unacceptable plumbing practices which violate this Order.

- F. Prohibition Against Cross-Connections.** No cross-connection between the District's potable water distribution system and a private water system is permitted. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly must be properly installed and such assembly must be annually inspected and tested by a certified backflow prevention device tester. A list of certified backflow prevention device testers may be obtained from the local office of the Texas Commission on Environmental Quality. By accepting service from the District, all Users agree to allow such annual inspection and testing of backflow prevention assemblies to take place during normal business hours. If any User refuses to allow such annual inspection and testing, service to such User will be discontinued until such inspection and testing is completed.

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

- G. Notice of Unacceptable Plumbing Practices.** The District shall notify the User in writing of any cross-connection or other unacceptable plumbing practice which has been identified during the customer's service inspection, any periodic reinspection, or any other inspection. At its sole cost and expense, the User shall immediately correct any unacceptable plumbing practice on its premises and properly install, test and maintain any backflow prevention device required by the District within ten (10) working days of receipt of notice of the improper cross-connection. The User shall provide copies of all testing and maintenance records on such devices to the District within three (3) working days of the testing or maintenance. If the User fails to correct the noted unacceptable plumbing practice, the District may immediately terminate water service or, at the User's sole cost and expense, eliminate the cross-connection or correct the unacceptable plumbing practice.

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

SECTION 18: RETURNED ITEMS

Users who tender checks for payment of any fees listed in this Order and whose checks are returned unpaid to the District, or Users who participate in the automatic bank draft program and who do not have sufficient funds available on the payment date, shall be charged a \$25.00 fee, in addition to any and all other fees and charges due, to cover the District's cost of handling. If such User's account is also more than thirty (30) days delinquent, the account shall be scheduled for termination and notice thereof shall be given as provided in this Order. In such event, payment for the amount due on such account must be in the form of cashier's check or money order. Users who tender checks for payment of any fees listed in this Order and whose checks are returned unpaid to the District two (2) times within six (6) months, or Users who participate in the automatic bank draft program and who do not have sufficient funds available on the payment date two (2) times within six (6) months will be required to make all future payments of fees in the form of cashier's check or money order until notified otherwise by the District. Such a User may also be required by the District to increase deposit to two (2) times the usual required amount.

SECTION 19: REQUIREMENTS FOR SERVICE

A. Platting Requirement. Prior to initial connection to the District's water, sewer, or drainage system, a User shall submit to the District's operator proof that the User's property has been platted in accordance with the subdivision ordinances of the City of Houston. Acceptable proof of platting includes a copy of the recorded plat or a certificate from the City of Houston that the property has been platted or that the property is legally exempt from the platting process.

B. Permits. Any applicant requesting connection to the District's system must have obtained all necessary permits from Fort Bend County. The District may require proof that a permit has been obtained or that Fort Bend County has waived the requirement for such permit.

C. Plumbing Material Restrictions.

- (1) Prohibition on Use of Specified Materials. The use of the following plumbing materials is prohibited in any and all improvements connected to the District's water system after May 17, 1994:

- a. Any pipe or pipe fitting which contains more than 8.0% lead; and
- b. Any solder or flux which contains more than 0.2% lead.

D. Approval of Plans and Facilities.

(1) No service will be provided to any User unless and until the water, sanitary sewer and drainage facilities constructed to serve the property for which service is sought have been approved by the District's engineer.

(2) Before any connection, other than a Single-Family Residential User connection, is made to the District's water, sewer, or drainage system, or before any reconnection is made, the person requesting such connection shall submit three (3) sets of plans to the District's engineer for review and approval the water, sanitary sewer, and drainage plans and specifications for the property for which the connection is sought. Such plans shall clearly show the estimated volumes of water or effluent and the proposed points of connection to the District's system. A copy of such approved plans, with the engineer's approval indicated thereon, shall be submitted to the District's operator. Any modification of such plans shall require re-approval by the District's engineer. The District reserves the right to require removal of any connection made in violation of this Section.

E. Easements. Before service is commenced to any User, the person requesting such service shall grant an easement of ingress and egress to and from the meter for such maintenance and repair as the District, in its judgment, may deem necessary.

SECTION 20: CAR WASH FACILITIES REQUIREMENTS.

In addition to other applicable requirements of this Rate Order, a car wash facility is required to utilize a water recycling system and at least one (1) sampling well for use by the District in testing water quality, as determined and approved by the District's engineer and the Operator.

SECTION 21: DISCHARGES TO THE STORM DRAINAGE SYSTEM

A. Construction Site Operator Responsibilities.

(1) Compliance with TPDES General Permit No. TXR040260. The Construction Site Operator is required to be compliant with TPDES General Permit No. TXR040260 (the "General Permit") issued by the Texas Commission on Environmental Quality ("TCEQ"). A storm water pollution prevention plan (the "SWPPP") with a narrative, a site plan, and proposed Best Management Practices ("BMPs") (as such term is defined in the General Permit) must be prepared at least seven (7) days prior to commencement of soil disturbing activities or as required by the General Permit. The construction site operator will be responsible for providing qualified personnel to conduct all inspections required by the General Permit and for the implementation and regular maintenance of all BMPs listed in the SWPPP as required under the General Permit.

(2) Other Construction Site Operator Responsibilities. The Construction Site Operator is responsible for the management, SWPPP compliance, and Rate Order compliance of all of their subcontractors, trades, suppliers, and agents.

(3) Post-Construction Runoff. Plans for redevelopment or new development greater than or equal to one (1) acre must be approved by the District Engineer. The plans must adequately address post-construction runoff. This includes use of Structural Controls (as such term is defined in the General Permit) as well as non-structural controls.

(4) Failure to Comply. Failure of a Construction Site Operator to comply with the provisions of this Rate Order will be considered a violation of this Rate Order and will subject the construction site operator to penalties as outlined below:

- (a) Failure to obtain permit coverage under the General Permit: \$1,000 fine
- (b) Failure to prepare a SWPPP as required under the General Permit: \$500 fine
- (c) Failure to install or adopt or maintain BMPs: \$100 fine per incident*

*The District reserves the right to charge the construction site operator for any and all expenses incurred while correcting the deficiencies listed in any Notice of Violation issued pursuant to this Rate Order.

(5) Penalty for Violation. The failure of a Construction Site Operator to comply with the terms of this Section will be considered a violation of this Rate Order. If such a violation occurs, or if the District determines the existence of a serious threat to the integrity of the District's water supply, the District, in its sole discretion, may, in addition to all other legal remedies available to it, including those remedies set out in this Rate Order, immediately terminate service or, at the Construction Site Operator's sole cost and expense, install or repair the Best Management Practices ("BMPs") necessary to correct the cause of the Notice of Violation. If the District terminates service in order to preserve the integrity of the District's water supply, service will be restored only when the source of the potential contamination no longer exists or when additional safeguards have been taken and all fines/penalties have been resolved. Any and all expenses associated with the enforcement of this Section shall be billed to the Construction Site Operator.

B. District Responsibilities.

(1) Construction Site Inspection. The District may perform construction site inspections within its boundaries. The District may issue a notice of inspection ("Notice of Inspection") if there are deficiencies found with any BMP described in the SWPPP. If seven (7) or more days pass and the issues listed in the Notice of Inspection have not been addressed, the District will issue a notice of violation ("Notice of Violation") for all outstanding deficiencies. The District, at its sole discretion, may have the deficiencies repaired at the Construction Site Operator's expense.

(2) Illicit Discharge Inspection. The District will perform inspections of Storm Sewer User activity that may pose a serious threat to the integrity of the District's waters or storm drainage system. A Notice of Violation will be issued to the Storm Sewer User responsible for the illicit discharge. The District, at its sole discretion, may have the illicit discharge remedied at the Storm Sewer User's expense.

C. District Storm Sewer User Responsibilities.

(1) Storm Sewer User Responsibilities. Pursuant to Title 30, Chapter 311 of the Texas Administrative Code and Title 40, Chapter 122 of the Code of Federal Regulations, the District adopts the following storm sewer regulations, which apply to all Storm Sewer Users. In addition, the regulations are included and adopted as part of the implementation of the District's Storm Water Management Plan (SWMP) and provide for detection, regulation and elimination of illicit discharges to the small municipal storm sewer system (MS4) and compliance with the General Permit.

(2) Illicit Discharge. Only runoff composed entirely of storm water or certain allowable non-storm water shall be discharged to the District's storm sewer system. Other discharges are not authorized. A list of allowable non-storm water discharge is as follows:

- (a) water line flushing (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life);
- (b) runoff or return flow from landscape irrigation, lawn irrigation and other irrigation utilizing potable water, groundwater or surface water sources;
- (c) discharges from potable water sources;
- (d) diverted stream flows;
- (e) rising ground waters and springs;
- (f) uncontaminated ground water infiltration;
- (g) uncontaminated pumped ground water;
- (h) foundation and footing drains;
- (i) air conditioning condensation;
- (j) water from crawl space pumps;
- (k) individual residential vehicle washing;
- (l) flows from wetlands and riparian habitats;
- (m) dechlorinated swimming pool discharge;

- (n) street wash water;
- (o) discharges or flows from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (p) other allowable non-storm water discharges listed in 40 CFR 122.26(d)(2)(iv)(B)(1);
- (q) non-storm water discharges that are specifically listed in the TPDES Multi-Sector General Permit (MSGP) or the General Permit; and
- (r) other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

(3) **Detection and Elimination.** The District's consultants may perform random testing and/or inspection when the District has reason to believe that an illicit connection to the District's storm sewer system exists or that an illicit discharge to the District's storm sewer system is occurring. The cost of such inspection will be the sole responsibility of the Storm Sewer User. In connection with the inspection, the Storm Sewer User shall allow its property and/or the property under its control to be inspected by the District's consultants during normal business hours for possible illicit connections to the District's storm sewer system and other unacceptable discharges to the District's storm sewer system which violate this Rate Order. Thereafter, the District may, at its sole discretion, periodically inspect a Storm Sewer User's drainage system during normal business hours for the purpose of identifying possible illicit connections and other unacceptable discharges which violate this Rate Order.

(4) **Failure to Comply.** The failure of a Storm Sewer User to comply with these Storm Sewer User Responsibilities will be considered a violation of this Rate Order and will subject the Storm Sewer User to penalties as outlined below:

- (a) **Notice of Violation for Illicit Discharge to District Facilities:** \$500 fine per notice. In addition, the District reserves the right to charge the Storm Sewer User for any and all expenses incurred while correcting the deficiencies listed in the Notice of Violation.

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

SECTION 22: MISCELLANEOUS PROVISIONS

- A. **Future Adjustments.** The District reserves the right to increase rates and fees from time to time when, in the opinion of the Board, such increases are required to cover the costs of administration, efficient operation, and adequate maintenance of the District's facilities.
- B. **No Free Service.** No free service shall be granted to any User for water or sewer services furnished by the District, whether such User is a charitable or eleemosynary institution, a political subdivision, or a municipal corporation, and all charges for water and sewer service shall be made as required herein.
- C. **Penalties for Violation.** Any User who:
- (1) violates any Section of this Order; or
 - (2) makes unauthorized use of District services or facilities; or
 - (3) causes damage to District facilities by using such facilities in a manner or for a purpose contrary to the purpose for which such facilities were designed; or
 - (4) disposes unauthorized material into the District's storm sewer system; or
 - (5) uses or permits the use of any septic tank or holding tank within the District; or
 - (6) swims in any District drainage facility; or
 - (7) violates the District's Rules and Regulations Governing Sewer House Lines and Sewer Connections; or
 - (8) constructs facilities or buildings which are not included in the approved plans for development described in this Order; or
 - (9) violates the District's Order Adopting Drought Contingency Plan; Providing for Implementation and Enforcement Thereof; Providing Penalties for Violations; and Containing Other Provisions Related to the Subject,

shall be subject to a penalty of up to \$5,000.00 for each breach of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate breach. This penalty shall be in addition to the other penalties provided by the laws of the State and to any other legal rights and remedies of the District as may be allowed by law.

- D. **Maintenance and Repair.** It shall be the responsibility of each User to maintain the water and sewer lines from the building served to the point of connection to the District's system. Leaks must be repaired within five (5) days of the leak occurring. In the event the District notices any water or sewer leak at a connection and the Board determines, in the interest of public health and safety, that such leak poses a health hazard, the District

EXHIBIT "A"

**FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25
SERVICE AGREEMENT**

I. **PURPOSE.** Fort Bend County Municipal Utility District No. 25 of Fort Bend County, Texas (the "District") is responsible for protecting the drinking water supply from contamination or pollution which could result from improper plumbing practices and/or private water distribution system construction or configuration. The purpose of this Service Agreement (this "Agreement") is to notify each customer of the plumbing restrictions which are in place to provide this protection. The District enforces these restrictions to ensure the public health and welfare. Each customer must sign this Service Agreement before the District will begin service. In addition, when service to an existing connection has been suspended or terminated, the District will not re-establish service unless it has a signed copy of this Service Agreement.

II. **Plumbing Restrictions:** The following unacceptable practices are prohibited by STATE regulation:

- A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
- B. No cross-connection between the public drinking supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
- C. No connection which allows water to be returned to the public water supply is permitted.
- D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
- E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

III. **SERVICE AGREEMENT.** The following are the terms of the Service Agreement between the District and _____ (the "Customer").

- A. The District will maintain a copy of this Agreement as long as the Customer and/or the premises are connected to the District's water system.
- B. The Customer shall allow his/her property to be inspected for possible cross-connections and other potential contamination hazards. These inspections shall be conducted by the District or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the District's normal business hours.
- C. The District shall notify the Customer in writing of any cross-connection or other potential contamination hazard which has been identified during the initial inspection or the periodic re-inspection.
- D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on his/her premises.
- E. The Customer shall, at his/her expense, properly install, test, and maintain any backflow prevention device required by the District. Copies of all testing and maintenance records shall be provided to the District.
- F. The Customer understands and agrees that the District does not guarantee any specific quantity or pressure of water for any purpose whatsoever and that the District is not liable to Customer for failure or refusal to furnish any particular amount or pressure to the Customer at any time.

IV. **ENFORCEMENT.** If the Customer fails to comply with the terms of this Agreement, the District shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this Agreement shall be billed to Customer.

CUSTOMER'S SIGNATURE: _____
ADDRESS: _____
DATE: _____

EXHIBIT "B"



Backflow Prevention Assembly Test and Maintenance Report

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for record keeping purposes.

Fort Bend County M. U. D. # 25

PWS I. D. # : 0790130 ADDRESS OF SERVICE:

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

Residential Commercial

TYPE OF ASSEMBLY

Reduced Pressure Principle Pressure Vacuum Breaker
 Double Check Valve Atmosphere Vacuum Breaker

Manufacturer: Size:

Model Number: Located at:

Serial Number

	Reduced Pressure Principle Assembly		Pressure Vacuum Breaker		
	Double Check Valve Assembly		Relief Valve	Air Inlet	Check Valve
	1 st Check <input type="text"/>	2 nd Check <input type="text"/>		Opened at <input type="text"/> psid	<input type="text"/> psid
Initial Test	DC-Closed Tight <input type="checkbox"/> RF <input type="text"/> psid Leaked <input type="checkbox"/>	Closed Tight <input type="checkbox"/> Leaked <input type="checkbox"/>	Opened at <input type="text"/> psid	Did Not Open <input type="checkbox"/>	Leaked <input type="checkbox"/>

Pass, Repairs Needed :

The above is certified to be true.

Firm Name: **Fort Bend MUD # 25 18230 Old Richmond Rd., Sugar Land, Tx. 77478**

Certified Tester

Date

Certified Tester number

X _____

EXHIBIT "C"

CUSTOMER SERVICE INSPECTION CERTIFICATE

Name of PWS: _____ PWS I.D. #: 0790130

Location of Service: _____

Reason for Inspection:

New construction

Existing service where contaminant hazards are suspected

Major renovation or expansion of distribution facilities

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

	Compliance	Non-Compliance
(1) No direct connection between the public drinking water supply and a potential source of contamination exists. Potential sources of contamination are isolated from the public water system by an air gap or an appropriate backflow prevention assembly in accordance with Commission regulations.	<input type="checkbox"/>	<input type="checkbox"/>
(2) No cross-connection between the public drinking water supply and a private water system exists. Where an actual air gap is not maintained between the public water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention assembly tester.	<input type="checkbox"/>	<input type="checkbox"/>
(3) No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.	<input type="checkbox"/>	<input type="checkbox"/>
(4) No pipe or pipe fitting which contains more than 8.0% lead exists in private water distribution facilities installed on or after July 1, 1988.	<input type="checkbox"/>	<input type="checkbox"/>
(5) No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.	<input type="checkbox"/>	<input type="checkbox"/>

Water service shall not be provided or restored to the private water distribution facilities until the above conditions are determined to be in compliance.

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

Service Lines: Lead Copper PVC Other

Solder: Lead Lead Free Solvent Weld Other

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

Signature of Inspector

Registration Number

Title

Type of Registration

Date

