

**CERTIFICATE FOR  
ORDER AMENDING ORDER ESTABLISHING  
WATER AND SEWER RATES, RULES AND REGULATIONS**

**THE STATE OF TEXAS** §  
**COUNTY OF HARRIS** §  
**HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 116** §

We the undersigned officers of the Board of Directors (the "Board") of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116** (the "District") hereby certify as follows:

The Board convened in regular session, open to the public, on October 8, 2018, at 3:00 p.m., at 5300 Coral Gables, Houston, Texas 77069, and the roll was called of the members of the Board, to-wit:

Lessly Dean Griffith	President
Robert W. Warner	Vice President
Frank Sklenka	Secretary
Jeff Handojo	Assist. Secretary/Treasurer
R. Cheston Cooper	Asst. Treasurer

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

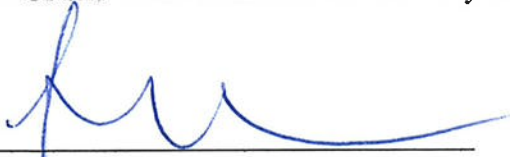
**ORDER AMENDING ORDER ESTABLISHING  
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was duly introduced for the consideration of the Board. It was then duly moved and seconded that such Order be adopted; and after full discussion, such motion, carrying with it the adoption of such Order prevailed,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

AYES: 5      NOES: 0      Abstention: 0

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

**SIGNED AND SEALED** this 8<sup>th</sup> day of October, 2018.



Secretary, Board of Directors



President, Board Directors



**HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116**

**ORDER AMENDING ORDER ESTABLISHING  
WATER AND SEWER RATES, RULES AND REGULATIONS**

Adopted:	May 6, 1974
Amended:	April 4, 1977
Amended:	December 3, 1979
Amended:	July 7, 1987
Amended:	September 1, 1992
Amended:	March 7, 1995
Amended:	February 13, 1996
Amended:	June 18, 1996
Amended:	April 8, 1997
Amended:	July 14, 1998
Amended:	April 5, 2000
Amended:	September 10, 2002
Amended:	November 12, 2002
Amended:	August 26, 2003
Amended:	January 13, 2004
Amended:	January 11, 2005
Amended:	March 8, 2005
Amended:	January 10, 2006
Amended:	September 12, 2006
Amended:	January 9, 2007
Amended:	September 11, 2007
Amended:	January 8, 2008
Amended:	July 8, 2008
Amended:	October 12, 2010
Amended:	March 13, 2012
Amended:	October 9, 2012
Amended:	February 11, 2014
Amended:	March 11, 2014
Amended:	August 11, 2015
Amended:	September 8, 2015
Amended:	March 14, 2016
Amended:	June 12, 2017
Amended:	March 12, 2018
Amended:	March 12, 2018
Amended:	April 9, 2018
Amended:	September 10, 2018
Amended:	October 8, 2018
Effective:	November 1, 2018

**ORDER ESTABLISHING  
WATER AND SEWER RATES, RULES AND REGULATIONS**

**THE STATE OF TEXAS** §  
**COUNTY OF HARRIS** §  
**HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116** §

**WHEREAS**, Harris County Water Control and Improvement District No. 116 (the "District") is a political subdivision of the State of Texas created pursuant to Article XVI, Section 59 of the Texas Constitution and operating pursuant to Chapters 49 and 51, Texas Water Code; and

**WHEREAS**, the District owns a water and sewer system designed to serve present and future Consumers within the District; and

**WHEREAS**, the District has previously adopted an Order Establishing Rates for Water and Sewer Services; Establishing Fees for Initial Connections to the District's Water and Sanitary Sewer System; Providing Fees for Connection, Reconnection and Inspection; Providing a Penalty for Delinquent Payments; and Containing Other Provisions Relating to the Subject (the "Order"); and

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

**WHEREAS**, effective September 1, 1995, Senate Bill 626, passed by the 74th Texas Legislature, amended the Texas Water Code, therefore, on September 20, 1995, the District amended the Rate Order to increase the amount a district may charge for violations of its rate order and rules and regulations; and

**WHEREAS**, effective January 1, 1996, the TNRCC (now the TCEQ) has adopted certain amendments to its rules regulating public water supply systems; and

**WHEREAS**, effective July 14, 1998, the District determined that it needed to increase the amount it charges for restoring water service where such service is restored at the request of the Customer; and

**WHEREAS**, the District has amended the Order April 5, 2000, to include an imposition of fee for the North Harris County Regional Water Authority; and

**WHEREAS**, the District amended the Order September 10, 2002, to allow for a slight increase in the District's sewer rates to offset an increase in the cost of providing services to its Customers; and

**WHEREAS**, on November 12, 2002, the District found it necessary and desirable to amend its Order to clarify and expand its treatment of grease traps to allow for different classes

of grease traps and rates and frequency of inspections, increase fees for returned checks, and clarify the Customer Service Inspection Process and provide for increase fees for reinspections; and

**WHEREAS**, on August 26, 2003, the Board determined that an increase was necessary in the pumpage fees assessed to customers to, which has been assessed by the NHCRWA, the base sewer rate and assessed a \$50.00 fee for commencing water service if the water is turned off at the meter for non-payment; and

**WHEREAS**, on January 8, 2008, the Board determined that it was necessary to increase the penalties per violation for violating the provisions of the Rate Order and to increase fees for returned checks; and

**WHEREAS**, on July 8, 2008, the Board determined that it was necessary to increase the District's water and sewer rates; and

**WHEREAS**, on October 12, 2010, the Board determined that it was necessary to increase the District's water and sewer rates to be effective November 20, 2010; and

**WHEREAS**, on March 13, 2012, the Board determined that it is in the best interest of the District to amend and restate its Rate Order to add a definition for "Agent" and create Rate Order requirements for same; distinguish Customer deposits for Residential Customers owning property and Residential Customers renting or leasing property; to create a pass-through charge for doorhangers for delinquent bills; to create joint and several liability for Owners and renters/lessees of rental/leased residences and joint and several liability for Owners and Agents of residences for sale, rent or lease; to insure the payment of final statements and to prevent the District from absorbing the cost of delinquent and uncollectible water and sewer service bills and to amend the Application(s) for Water/Sewer Service; and

**WHEREAS**, on October 9, 2012, the Board found it necessary to amend Application(s) for Water/Sewer Service to include a Service Agreement, increase various fees, including customer service inspections, water taps, sewer inspections, grease traps inspections and the creation of pool inspection regulations and fees; and

**WHEREAS**, on February 11, 2014, the Board determined it to be in the best interest of the District to increase various water tap fees and clarify the rates charged for sewer; and

**WHEREAS**, on February 11, 2014, the Board determined it to be in the best interest of the District to increase various water tap fees and clarify the rates charged for sewer; and

**WHEREAS**, on March 11, 2014, the Board determined that it was necessary to amend the Rate Order to address lead content requirements in plumbing fixtures and establish rules and regulations governing mobile food establishments; and

**WHEREAS**, on August 11, 2015, the Board determined that it was necessary to amend the Rate Order to include a Connection Fee, amend door tag fee policy, amend delinquency notification process, amend Policy, Procedures and Application for Water/Sewer Service and to increase various rates and fees; and

**WHEREAS**, on September 8, 2015, the Board determined that it was necessary to increase the District's water and sewer rates to be effective February 1, 2016; and

**WHEREAS**, on March 14, 2016, the Board of the District determined that it is in the best interest of the District to amend and restate its Rate Order in order to include a provision allowing for voluntary donations on Customer water bills; and

**WHEREAS**, on June 12, 2017, the Board of the District determined that it is in the best interest of the District to amend and restate its Rate Order in order to remove the provision allowing for voluntary donations on Customer water bills; and

**WHEREAS**, on March 12, 2018, the Board determined that it was necessary to increase the District's deposits to secure payment and service and include a provision requiring Customers who opt for the monthly payment of Huntwick Recreational Facilities ("HRF") Patron Fees to pay their entire water and sewer service bill, including the applicable HRF Patron Fees, via electronic auto-pay, effective April 2, 2018; and

**WHEREAS**, on April 9, 2018, the Board determined that it was necessary to increase the District's commercial water rates, effective May 1, 2018; and

**WHEREAS**, on September 10, 2018, the Board determined that it was necessary to increase the District's residential water rates, effective October 1, 2018; and

**WHEREAS**, on October 8, 2018, the Board determined that it was necessary to increase the District's commercial water rates, effective November 1, 2018;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116:**

**ARTICLE I.**

**GENERAL PROVISIONS**

**FOR PURPOSES OF THIS ORDER, THE FOLLOWING WORDS OR TERMS SHALL HAVE THE FOLLOWING MEANINGS:**

**A. DEFINITIONS OF TERMS CONCERNED WITH WATER AND SEWER RATES AND CHARGES.**

1. "Agent" shall mean any third (3<sup>rd</sup>) party representing a Consumer or Customer with a Residential Connection, who, as an agent for said Consumer or Customer, requests water and/or sewer service from the District.
2. "Apartment Connections" shall mean all multiplex residential connections which are served by a master meter.

3. "Apartment Units" shall mean the individual dwelling units served through the Apartment Connection's master meter and shall include condominiums and all individual dwelling units served by a master meter.
4. "Commercial Connection" shall mean and include any office, building, hotel, motel, retail store, industrial complex, school or other establishments which are not residential or apartment.
5. "Consumer" or "Customer" shall mean the occupant of a residential, commercial or industrial structure or other property within or outside the area of the District, whether the owner, renter or lessee thereof who is receiving or proposes to receive water and/or sewer service from the District.
6. "Delinquent Bill and/or Security Deposit" shall mean a bill for water and/or sewer service or any other fees or charges which has not been paid within twenty (20) days after the date of the bill for the preceding month's service.
7. "Operator" shall mean the person, private corporation, municipal corporation or political subdivision with which the District has contracted for operation and maintenance of the plants and lines of the District's system.
8. "Residential Connection" shall mean and include any single family residence, townhouse or multiplex when such is separately metered.
9. "Separate Connection" shall mean each residential unit occupied by a separate family or person, including separate apartments within a single building and each business unit occupied by a separate business, including separate establishments within a single building.
10. "Sewage Service Charge" shall mean the monthly charge made on all users of the public sewer system.
11. "Single Family Residential Equivalency" shall mean the equivalent number of Residential Connection assigned to a Commercial Connection such that the Commercial Connection bears an equitable burden of the District's fixed operation costs.
12. "System" as used herein shall mean the water and/or sanitary sewer facilities of the District and all extensions and additions thereto, whether now in place or hereafter constructed.
13. "Transient Consumer" shall mean any consumer which is served by the District and service is not delivered to the Consumer through a connection for which a tap fee has not been paid as required by Section II.D.
14. "Water Service Charge" shall mean the monthly charge made on all users of the public water system.

**B. DEFINITIONS OF TERMS CONCERNED WITH WATER AND SEWER RULES AND REGULATIONS.**

1. "District" shall mean Harris County Water Control and Improvement District No. 116, the District's Board of Directors (the "Board"), the District's Engineer, or any person authorized by the District's Board to act for the District in carrying out the provisions of this Order, or their duly authorized deputies, agents or representatives.
2. "B.O.D." shall mean the quantity of oxygen expressed in parts per million by weight, utilized in the bio-chemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of 20 degrees Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".
3. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys to the building sewer, beginning three (3') feet outside the inner face of the building wall.
4. "Commercial Water Tap" shall mean the connection of a 3/4" or larger Water Service Line to a District Water Line to serve one (1) or more structures other than a single-family residence.
5. "Domestic Sewage" shall mean water-borne wastes normally discharging into the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions, free of storm surface water and industrial wastes.
6. "Garbage" shall mean solid wastes and residue from the preparation, cooking and dispensing of food, and from the handling, storage and sale of food products and produce.
7. "Industrial Waste" shall mean water-borne solids, liquids or gaseous wastes resulting from and discharged, permitted to flow or escaping from any industrial, manufacturing or food processing operation or process from the development of any natural resource, or any mixture of these with water or domestic sewage, as distinct from normal domestic sewage.
8. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
9. "Normal Domestic Sewage" shall mean normal sewage for the District in which the average concentration of suspended materials and five (5) day B.O.D. is established at 300 parts per million each, by weight, on the basis of the normal contribution of seventeen-hundredths (0.17) pounds per 100 gallons, per capita.



10. "Parts-per-Million" shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.
11. "Person", "Establishment", or "Owner", shall mean any and all persons, natural or artificial, including any individual, firm, company, industry, municipal, or private corporation, association, governmental agency, or their agents, servants or employees.
12. "pH" shall mean the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in mols per liter. It shall be determined by one of the procedures outlined in "Standard Methods".
13. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that particles shall be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2" in any dimension.
14. "Public Sewer" shall mean a sewer in which all owners of abutting properties shall have equal rights and interest and controlled by public authority.
15. "Residential Water Tap" is defined herein as the connection of either of the following to a District water line:
  - (a) A 1" Water Service Line to serve two (2) single-family residences, which is known as a "Double Tap";
  - (b) A 1" or 3/4" Water Service Line to serve one (1) single-family residence, which is known as a "Single Tap".

All Residential Water Taps will be installed by the standard City of Houston "Long" or "Short" Residential Water Service Line connection, including a 5/8" x 3/4" meter and box, or 1" meter and box, complete in place.
16. "Sanitary Sewer" shall mean a sewer that conveys sewage or industrial wastes or a combination of both, and into which storm, surface and ground waters or unpolluted industrial wastes are not intentionally passed.
17. "Sewage" shall mean a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with such ground surface and storm water as may be present.
18. "Sewage Treatment Plant" shall mean any District-owned facility, device or structures used for receiving and treating sewage from the District's sanitary sewer system.
19. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage and industrial wastes and would include sewage, as well as the sewage treatment facilities.

20. "Sewer" shall mean a pipe or conduit for carrying sanitary sewage.
21. "Sewerage" shall mean the system of sewers and appurtenances for the collection, transportation and pumping of sewage and industrial wastes.
22. "Sewer Service Line" shall mean the Sewer Line from the foundation of a building, including houses and commercial structures, to the District's Sanitary Sewer System.
23. "Sewer Tap" shall mean the physical connection of a Sewer Service Line to the District's Sanitary Sewer System. Without the written consent of the District's Board of Directors, only one (1) Sewer Tap shall be permitted for each building.
24. "Standard Methods" shall mean the examination and analytical procedures set forth in the latest Edition, at the time of analysis, of "Standard Methods for the Examination of Water and Sewage", as prepared, approved and published jointly by the American Water Works Association and the Federation of Sewage and Industrial Wastes Association.
25. "Storm Sewer or Storm Drain" shall mean a sewer which carries storm and surface waters and drainage but excludes sewage and polluted industrial wastes.
26. "Storm Water Runoff" shall mean that portion of the rainfall that is drained into the sewers.
27. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
28. "Unpolluted Water or Waste" shall mean water or waste containing none of the following:
  - (a) Emulsified grease or oil
  - (b) Acids or alkalis
  - (c) Phenols or other substances imparting taste and odor in receiving water
  - (d) Toxic or poisonous substances in suspension
  - (e) Colloidal state or solution and noxious or otherwise obnoxious odorous gases.

It shall contain not more than ten (10) parts per million each of suspended solids and B.O.D. The color shall not exceed fifty (50) parts per million.
29. "Utility Commitment" shall mean a formal written commitment, either permanent or temporary, given by the District, stating that waste water capacity of a specified volume is available for a defined tract of land.

30. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.
31. "Water Mains" shall mean water distribution pipes located in public right-of-ways or easements and maintained by public authorities.
32. "Water Service Line" shall mean the water line from the property line of the property to be served with water, to the District's waterworks system.

**C. CONSUMERS NOT ENTITLED TO SPECIFIC QUANTITY OR PRESSURE OF WATER.**

Water Consumers are not guaranteed a specific quantity or pressure of water for any purpose whatever, and it is understood that the District is only to furnish a connection with its water system and is in no case liable for failure or refusal to furnish water or any particular amount or pressure of water.

**ARTICLE II.**

**COMMITMENTS AND CONNECTIONS**

**A. POLICY AND PROCEDURE FOR ISSUANCE OF WATER OR WASTEWATER UTILITY COMMITMENTS.**

The requirements of this Policy, Procedures and Application for Water and Sewer Service (the "Policy") shall apply to any request to the District for water and sanitary sewer service (including a commitment for utilities) (the "Application") for any property, project or proposed development (the "Development") presented by any person or entity (the "Applicant") and should be obtained from the District's Attorney. The Application, attached hereto as Exhibit "A," along with a deposit made payable to the District in the amount of \$2,500.00, unless otherwise waived by the District, should be completed and submitted to the District at a designated meeting of the Board of Directors (the "Board"). During the preliminary review of the proposed Development at the designated meeting, the Board will ask pertinent questions to be certain the Applicant is fully aware of the obligations associated with obtaining water and sewer service from the District. The Board will also make certain all necessary facts are available in order that the District's Engineer and other consultants to the District can review the Applicant's preliminary scheme of development and determine whether it is feasible for the Board to further consider the Applicant's request. Any review of the Application or any action by the consultants will not be undertaken until authorized by the District.

Applicant's deposit will be used to cover the expenses incurred by the District for the preliminary evaluation by the District's consultants as to whether the District's facilities can accommodate the proposed Development and whether the proposed Development will adversely affect the District's financial condition, including the District's tax rate.

If the consultants indicate that the Development (as submitted) cannot be accommodated by the District's facilities, the remaining portion of the deposit will be refunded. Fees charged by the District's consultants will be in accordance with their normal rate schedules to the District, plus any expenses incurred during their review. Consultants may include the District's Engineer, Attorney, Financial Advisor and/or Operator. If feasible, at the discretion of the District, the

Applicant may be permitted to fund necessary improvements to the District's facilities in order to accommodate the Development.

The Board reserves the right to request additional deposit monies from Applicant should the initial deposit not be sufficient to cover anticipated consultant costs during the review. If additional monies are not deposited when requested, then all review work will be stopped and this Application will become null and void upon ten (10) days written notice to the Applicant. Upon completion of the review by the District, the remaining portion of Applicant's deposit, if any, will be returned to Applicant.

Other pertinent facts and information Applicant should know and be agreeable to are listed hereafter and should be read carefully before submitting an Application.

The Board has adopted the following policy for the purposes of providing water and sewer service for the growth and development within the District. These policies and procedures will apply throughout the District for any new or additional development:

1. Application for Service. It is the policy of the District that water and sanitary sewer capacity be committed only to specific development projects that anticipate completion of the infrastructure (utilities and paving) within twelve (12) months from the date of issuance. The following shall apply to all requests for service, including commitments for service ("Utility Commitment"):

- 1.1 Any party requesting service from the District, whether at the time of application or at a future date, shall be required to submit an Application to the Board for its consideration.
- 1.2 Utility Commitments and Applications for service are non-transferable; provided, however, prospective purchasers of the Development may jointly apply for service with the Applicant.
- 1.3 Applications will not be considered for property with delinquent taxes.
- 1.4 Utility Commitments may be made contingent upon the availability of capacity in the District's water distribution supply system and/or sanitary sewage collection and treatment system.
- 1.5 Utility Commitments will not be issued for more than one (1) year. However, an Applicant may reapply for up to one (1) more year after the initial one (1) year term expires. Approval of the reapplication will be at the Board's sole discretion.
- 1.6 Construction plans and specifications for all water, sanitary sewer, and stormwater drainage improvements to be constructed by the Applicant's Engineer at the sole expense of the Applicant. Such plans shall be prepared in accordance with the design standards of the City of Houston, Harris County Engineering Department, Harris County Flood Control District, and the Texas Commission on Environmental Quality (the "Commission").

- 1.7 The District reserves the right, at any time after review of completed construction plans and plat for the Applicant's Development, to reallocate surplus water and sanitary sewer capacity which in the District's sole judgment is not required by such Development, to other customers of the District.
- 1.8 Applicants for service are hereby notified that the District is subject to regulation by various local, State and federal authorities and cannot exercise independent control over all activities and actions regarding the provision of water and sanitary sewer service to the Development. Utility Commitments are issued subject to the actions and approvals of such authorities as provided by law.
- 1.9 No construction may begin on any improvements until Applicant's construction drawings have been presented to the District for approval by the District's Engineer and all necessary governmental agency permits and plan approvals have been obtained.
- 1.10 Construction must begin prior to the expiration date contained In the Utility Commitment and diligently pursued thereafter.
- 1.11 All tracts of land receiving service must be properly platted through the City of Houston, Harris County and other appropriate agencies prior to utility service being provided by the District.
- 1.12 Applicant must make arrangements to extend the necessary trunk water, sanitary sewer and drainage facilities to serve Applicant's Development in areas where such trunk facilities do not exist. All temporary and permanent arrangements for sewer and water service must be worked out in advance of construction by the District's Engineer.
- 1.13 Applicant, at its sole cost, must convey all necessary easements, sites and rights-of-way to the District with all lienholder subordination.
- 1.14 All utility lines constructed that are not in permanent acceptable easements, or which lie within private developments (apartments, condominiums, etc.) will remain the permanent property of the landowner and shall remain such owner's permanent maintenance responsibility.
- 1.15 Applicant shall furnish a statement of the estimated value of the proposed Development as a part of the initial Application, broken down by land value and improvements. Such statement of the estimated value shall be prepared by the District's Engineer at the sole expense of the Applicant. A statement will also be required as to whether all or any part of the Development will be eligible for or will apply for an exemption from ad valorem taxes. The District reserves the right to refuse or terminate service to any Development that is eligible for, applies for or obtains an exemption from ad valorem taxation unless such entity executed an agreement with the District relating to payment of capital costs or a payment in lieu of taxes.

- 1.16 Any change of utilization to the previously approved use of the Development covered by this Application must be approved by the District.
- 1.17 Each Development receiving service shall be billed by the District in accordance with the District's Rate Order that is in effect at the time service is initiated to the Development.

2. Reservation of Rights. The District reserves the right to amend, alter or waive any of the aforementioned policies, procedures, terms and conditions if, after consultation with the District's consultants, the Board determines it would be in the best interest of the District's existing taxpayers, residents and Customers to do so.

## **B. CONNECTION AND DISCONNECTION; POLICIES, FEES AND DEPOSITS.**

### 1. Connection to District's System.

- (a) In-District Consumers: Upon approval of an application for service by the Board and payment of all applicable fees, each structure within the District may be connected to the District's system as soon as the District has made available to such structure, plant and line capacity to serve same. If both water and sewer services do not become available at the same time, the Consumer may connect to the water system at the time water service becomes available and shall connect to the sewer system at the time sewer service becomes available. A non-refundable connection fee equal to \$20.00 shall be billed by the District to the customer with the first monthly bill. No permanent single service shall be available to any Consumer; provided, however, that this requirement shall not apply to lawn watering connections when the Consumer has another Single Family Residential Connection. An Application for Water/Sewer Service is attached hereto as Exhibit "B."
- (b) Out-of-District Consumers: Upon approval of an application for service by the Board, and payment of all deposits, tap, inspection and account institution fees, connections may be made to the District's facilities at no cost to the District. A non-refundable connection fee equal to \$20.00 shall be billed by the District to the customer with the first monthly bill.

Also, for purposes of this Section, Out-of-District Consumers may not share a common connection on the same property. Violation of this provision will result in the immediate termination of all service as provided in Article V.B hereof. An Application for Water/Sewer Service is attached hereto as Exhibit "B."

### 2. Verification of Payment of Taxes Prior to Rendering Service.

Prior to providing water and sewer service to a Consumer, whether for new service or for a reconnection, the District will verify with the District's tax collector that all District taxes have been paid on the property for which water and

sewer service has been requested. In the event taxes are due and owing on the property for which water and sewer service has been requested, water and sewer service shall not be provided until such time as the taxes which are due and owing, including penalty and interest, if any, are paid.

3. Deposit To Secure Payment and Service Charge.

- (a) The deposit required for any connection made to the District's water and sewer system shall be (i) \$225.00 if a Residential Customer owns the property or (ii) \$275.00 if a Residential Customer rents or leases the property from the Owner or if a Agent is requesting service on behalf of an Owner. A deposit equal to \$250.00 or two (2) times the average monthly utility bill, as determined by the District's operator, whichever is greater, shall be required of all other Customers in the District. Such sums shall be required prior to service being initiated and shall be held by the District as a deposit to assure prompt payment of all charges for utility service. For each instance service is terminated pursuant to this Order, and the Customer desires to be reconnected, the Customer shall be required to pay \$50.00, and the security deposit shall be increased an additional \$25.00 for each time service is reconnected. No interest will be allowed on such deposits.

4. Discontinuing and/or Connecting Service.

- (a) Penalty For Failure to Pay Bill Before Delinquent. A bill for water and/or sewer service shall be payable upon receipt and shall be delinquent immediately following the due date. A charge of ten (10%) percent of the total amount of the Consumer's bill shall be added thereto, when such bill becomes delinquent.
- (b) Due Date, Delinquent Accounts and Delinquency Notice. In the event a Consumer shall fail to pay any water and/or sewer bill prior to delinquency, the District shall deliver notice of such delinquency to the Consumer by regular mail at the address on the District's billing records or by door hanger on the premises where service is received. The notice shall contain the following:
- i) fact, date and amount of delinquency;
  - ii) the telephone number and address of the District office to contact in the event questions arise with respect to the delinquency;
  - iii) a statement that the District billing agent has the authority to resolve clerical mistakes in the water and/or sewer bill; and
  - iv) a statement that failure to pay delinquent amount will result in termination of service.

The notice shall be deposited in the mail or hand delivered at least three (3) days before the date of the District's meeting. A \$10.00 delinquent letter fee will also be assessed against such delinquent accounts. All accounts not paid by the due date shall be deemed delinquent and failure to make payment within thirty (30) days thereafter may result in the termination of water and sewer service.

(c) Doorhanger Fee. Any Customer who receives a doorhanger notifying them of a delinquent bill, shall be charged a \$25.00 fee which is due and payable concurrently with any past due amount, as a pass-through of the cost associated with the creation and distribution of the doorhanger.

(d) Discontinuation of Service at Request of Consumer. At any time a Consumer temporarily or permanently, no longer wishes to be furnished with water, he shall notify the District at least two (2) days prior to the time he desires such service discontinued. A charge of \$50.00 shall be made for restoring water service where such service is restored at the request of the Consumer during normal business hours, provided he is not delinquent in the payment of any bills at the time of either request. A charge of \$100.00 shall be made if such request is for service outside normal business hours.

(e) Discontinuing Service and Removing Meter For Failure to Pay Bills When Due.

(i) The District shall have the right to discontinue service water and/or sewer to a Consumer at any time after his bill becomes delinquent. Service shall not be restored until receipt of the following charges:

- (a) a deposit fee, in accordance with Section II.D(3) hereof,
- (b) a reconnection charge of \$50.00, if the reconnection is made during normal business hours, or \$100.00, if the reconnection is made outside normal business hours, and
- (c) payment of the delinquent bills plus any penalties required by this Order.

A bill shall include charges for any work done by or on behalf of the District which is attributable to (1) a problem in the Consumer's system or (2) a problem in the District's system which, in the opinion of the District is caused by a Consumer or a Consumer's system. All payments of such amounts shall be in cash or cash equivalents.

(ii) In the event a Delinquent Bill is not paid within seven (7) days after discontinuation of service pursuant to subparagraph (4)(b)(i) above, the District shall have the right to remove the meter from



the meter box. Service shall not be restored until receipt of the following charges:

- (a) All amounts required by subparagraph (4)(b)(i) above, plus
- (b) a damage fee in the amount of \$50.00.

Notwithstanding the foregoing, in the event the District has terminated service due to nonpayment of water and sewer rates, and the Customer turns their water back on, the District's Operator shall have the authority to immediately pull the Customer's meter and the Customer's service shall not be restored without (1) payment of the full amount due (delinquent amount plus the current amount) and, (2) payment of an additional \$100.00 fee for reinstalling the meter.

- (f) Joint and Several Liability. It is the intention of this section that all fees for termination, meter removal or meter damage shall be due and payable prior to reconnection of services to the District and that the Owner and renter or lessee or the Owner and Agent shall be jointly and severally liable for any and all fees and charges.

5. Customer Service Inspections.

A customer service inspection is an examination of the private water distribution facilities for the purpose of providing or denying water service and is not a plumbing inspection as defined and regulated by the Texas State Board of Plumbing Examiners ("TSBPE"). A customer service inspector is not permitted to perform plumbing inspections. Only TSBPE licensed plumbing inspectors are permitted to perform plumbing inspections of all new plumbing and alternations or additions to existing plumbing. Notwithstanding any other provision of the Rate Order, a customer service inspection certification, substantially in the form as set out in Exhibit "C" hereto, shall be completed and filed with the District's Operator prior to providing continuous water service to new construction, on any existing service when the District has reason to believe that cross-connections or other potential contaminant hazards or illegal lead material exist, or after any material improvement, correction, or addition to the private water distribution facilities. Such customer service inspection certifications shall be conducted by the District's Operator. Should the District's Operator be asked to perform the customer service inspection, an inspection fee as follows shall be paid, in addition to any other fees required herein, prior to the initiation of service. Prior to the District initiating continuous service, a Customer shall provide a Customer Service Inspection Certification to the District. A plumbing inspection may only be performed by those individuals described below:

Individuals with the following credentials shall be recognized as capable of conducting a plumbing inspection:

1. Plumbing Inspectors and Water Supply Protection Specialists licensed by the Texas State Board of Plumbing Examiners; and
2. Customer service inspectors who have completed a commission approved course, passed an examination administered by the TCEQ or its designated agent and hold current professional certification or endorsement as a customer service inspector.

Customer Service Inspection Certifications performed by the District's Operator, the Customer must pay the District the Customer Service Inspection Fee prior to the Operator performing the inspection and certification. For single family residential service, the fee for this inspection will be \$75.00; provided further, any re-inspections caused by the Customer's failure shall also be charged at the rate of \$75.00 per inspection, however, if three or more inspections are necessary, the rate charged shall be \$100.00 for the third and subsequent inspections. The cost of such customer service inspection will be the sole responsibility of the User. All customer service inspections shall be performed by the District's Operator and all fees relating to the customer service inspection shall be paid by the User prior to the inspection, and if the inspection is made in connection with new construction, the fee will be collected with the tap fee. For all other types of service, the fee for this inspection will be \$150.00, including for recurrent Commercial property build-outs.

Copies of properly completed Customer Service Inspection Certifications shall be kept on file by the District's Operator and made available, upon request, for TCEQ review. Inspection certifications shall be retained for a minimum of ten (10) years. Failure to provide a Customer Service Inspection Certification in accordance with this Section 19 shall constitute a violation of these Rules and Regulations and such violation shall be subject to the enforcement provisions set forth in Section 24 of this Rate Order and TAC §290.46(j).

6. Swimming Pool Inspections.

Prior to beginning construction, each customer that intends to connect a swimming pool to the District's system shall apply for a swimming pool inspection. A fee of \$50.00 shall be charged by the District for the expense of making such inspection. If the Customer does not apply for such inspection in a timely manner a penalty of an additional \$50.00 shall be charged by the District to the Customer.

**C. TAP FEES FOR WATER AND SEWER SERVICE.**

1. Water Taps. The following charges for the tap of water lines shall be in effect within said District from and after the effective date hereof until amended by the

Board of Directors of said District; however, such charges shall not exceed three (3) times the District's actual and reasonable cost for performing such work:

- (a) Detached single family dwelling unit: \$1,000.00 for a standard meter and \$1,200.00 for a 1" meter;
- (b) Irrigation Meter:
  - (i) Short Side Tap
    - a. Standard Meter - Three (3) times the cost to the District for meter and installation.
    - b. 1" Meter- Three (3) times the cost to the District for meter and installation.
  - (ii) Long Side Tap
    - a. Standard Meter - Three (3) times the cost to the District for meter and installation.
    - b. 1" Meter- Three (3) times the cost to the District for meter and installation.
- (c) Multi-Family:
  - (i) Master Meter - Three (3) times the cost to the District for meter and installation.
  - (ii) Individual Meters - \$1,000.00 for a standard meter and \$1,200.00 for a 1" Meter.
- (d) Commercial: Three (3) times the cost to the District for meter and installation.

2. Sewer Taps. The charge for all taps of sewer lines within the District shall be equal to the cost to the District for making such connection plus the cost to the District of the sewer tap inspection.

**D. SEWER INSPECTION FEE.** All connections to the District's sewer system shall be made in accordance with the District's rules and regulations. 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 shall be charged by the District for the expense of making such inspection.

**E. MISCELLANEOUS.**

1. No Reduced Rates or Free Service.

All Consumers receiving either water or sewer service, or both, from the District shall be subject to the provisions of this Order and shall be charged the rates established in this Order; and no reduced rate or free service shall be furnished to any such Consumer.

2. No Sales of Unmetered Water.

No water will be delivered to any person or Consumer except on a metered basis, without the express written approval of the District.

3. No Sales for Purposes of Resale.

No Consumer shall sell or resale water or sewer services to any other person or entity.

4. Consumers Not Entitled to Specific Quantity or Pressure of Water.

Water consumers are not guaranteed a specific quantity or pressure of water for any purpose whatever, and it is understood that the District is only to furnish a connection to its water system, and is in no case liable for failure or refusal to furnish water of any particular amount or pressure of water.

5. Water Connections Generally.

No person, other than the properly authorized agents of the District, shall be permitted to tap or make any connection with the mains or distributing pipes of the District's water system, or make any repairs and/or additions to or alterations in any tap, pipe, cock or other fixture connected with the water service line.

6. Meters.

Title to all water meters and appurtenances, including the meter boxes enclosing same, shall vest in the District and shall be set up by employees or agents of the District. After a meter has been set, the Consumer shall at all times keep the space occupied by the meter and the box free from rubbish or obstructions of any kind. No person other than a duly authorized agent of the District shall open the meter box, tamper with it, or in any way interfere with the meter or box.

7. Returned Check Fee.

Any account paid with a check returned unpaid shall be charged a returned check fee of \$35.00 in addition to any other charges and penalties.

8. Notification of Work in District Easements.

Any person working in the District's easements shall be required to contact the District and shall be prohibited from working in or around the District's facilities

unless and until such person has provided sufficient security to the District to satisfy any potential damages to the District's water or sewer system in an amount determined by the District.

9. Review.

It shall be the policy of the District to review this Order at least annually and revise same as may be required by the District's financial situation, including taking into consideration projected maintenance and capital projects.

**ARTICLE III.**

**WATER AND SEWER RATES**

**A. MONTHLY RATES FOR WATER AND SEWER SERVICE.**

STANDARD RATES. The following rates for the sale of water and collection and disposal of sewage shall be in effect within the District from the effective date hereof until such time as the Board of Directors amends said rates:

1. Monthly Rates for Residential Water Service. Effective October 1, 2018, the following rates per month, or any part thereof, shall be charged for Residential water service furnished by the District through meters to each Separate Connection in every instance in which a different charge is not expressly and clearly provided for herein:

Minimum monthly charge for up to and including:

5,000 gallons of water metered	\$6.00
5,001 to 8,000 gallons of water metered	\$1.80/1000 gallons
8,001 to 20,000 gallons of water metered	\$2.40/1000 gallons
20,001 to 30,000 gallons of water metered	\$3.60/1000 gallons
30,001 to 50,000 gallons of water metered	\$5.40/1000 gallons
Over 50,000 gallons of water metered	\$6.00/1000 gallons

2. Monthly Rates for Residential Sewer Service. The following rates per month, or any part thereof, shall be charged for Residential sewer service furnished by the District through meters to each Separate Connection in every instance in which a different charge is not expressly and clearly provided for herein:

Minimum monthly charge for up to and including

30,000 gallons of water metered	\$28.00
Over 30,000 gallons of water metered	\$0.75/1000 gallons

3. Monthly Rates for Commercial Water Service. Effective May 1, 2018, the following rates per month, or any part thereof, shall be charged for Commercial water service furnished by the District in every instance in which a different charge is not expressly and clearly provided for herein:

5,000 gallons of water metered	\$6.00
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5,001 to 8,000 gallons of water metered	\$1.80/1000 gallons
8,001 to 20,000 gallons of water metered	\$2.40/1000 gallons
20,001 to 30,000 gallons of water metered	\$3.60/1000 gallons
30,001 to 50,000 gallons of water metered	\$5.40/1000 gallons
Over 50,000 gallons of water metered	\$6.00/1000 gallons

4. Monthly Rates for Commercial Sewer Service. The following rates per month, or any part thereof, shall be charged for Commercial sewer service furnished by the District in every instance in which a different charge is not expressly and clearly provided for herein:

Minimum monthly charge for up to and including 10,000 gallons of water metered	\$28.00
Over 10,000 gallons of water metered	\$1.00/1000 gallons

**B. TRANSIENT CONSUMERS**

1. Any person desiring to receive water service from the District and not become a permanent Consumer shall:
- (a) make a written application to the District by contacting the District and informing the District of:
    - (i) the proposed location of service;
    - (ii) estimated date or dates of usage;
    - (iii) estimated quantity of water needed; and
    - (iv) an agreement to pay the District's costs and expenses of monitoring such use, as determined by the District.
  - (b) deposit with the District the sum of \$600.00 (for estimated usage of up to 100,000) or a deposit set by the District for estimated usage over 100,000 gallons, which deposit shall be for water usage only and shall be independent of any costs associated with a meter, for which arrangements will be required to be made with the District;
  - (c) pay for water at the rate of \$3.50 per 1,000 gallons; and
  - (d) pay for the District's expenses, if any.
2. All service shall be monitored by the District.

**C. IMPOSITION OF FEE FOR NORTH HARRIS COUNTY REGIONAL WATER AUTHORITY (the "Authority").** Each Customer's billing statement will include a line item reflected as "Authority fee" or such other similar language, which will be calculated based upon the Customer's actual water usage for the previous month multiplied by the current surface water fee assessed by the Authority.

- D. HUNTWICK CIVIC ASSOCIATION ("HCA") GARBAGE AND SECURITY FEES.**  
*(Only applicable to Residential Connections within the HCA.)* Where applicable, each Customer's billing statement will reflect the HCA Garbage and Security Fee or such other similar language, which will be determined by the HCA and calculated based upon the actual garbage and security costs to the HCA.
- E. HUNTWICK RECREATIONAL FACILITIES ("HRF") PATRON FEES.**  
*(Only applicable to HRF Resident Patrons who opt for the monthly payment of HRF Patron Fees.)* Where applicable, each Customer's billing statement will include a line item reflected as "HRF Patron Fee" or such other similar language, which will be billed in accordance with the then-current HRF Patron Fees as set out in the HRF Rules and Regulations.

Effective April 2, 2018, if a Customer opts for the monthly payment of HRF Patron Fees, then such Customer shall be required to pay the entire water and sewer service bill for such account, including the applicable HRF Patron Fees and any other fees and charges included on said bill, via electronic auto-pay.

#### **ARTICLE IV.**

#### **RULES AND REGULATIONS GOVERNING WATER AND SEWER SERVICE**

The Rules and Regulations (the "Rules and Regulations") attached hereto as Exhibit "D." shall govern the installation of connections or taps to the District's Waterworks and Sanitary Sewer System, the limitations on flow of waste into the Sanitary Sewer System, the protection of all facilities which are part of the District's Waterworks and Sanitary Sewer System, and set performance standards for water fixtures in new construction.

#### **A. PROTECTION OF DISTRICT'S WATERWORKS AND SANITARY SEWER SYSTEM.**

1. It shall be unlawful for any person, unless authorized in writing by the District, to tamper or interfere with, obstruct access to, or as a result of willful action injure, deface, or destroy any facilities that are a part of the District's waterworks and sanitary sewer system, including, with respect to the waterworks system, water plants, flushing valves, valve boxes, and water lines up to the meter box and including meters; provided, however, that duly authorized members of the Fire Department shall have access to such flushing valves for fire protection purposes.
2. It shall be unlawful for any person to connect any building to the waterworks system without a meter or to have a straight line connection to a building without being metered. It shall also be unlawful to draw water from the waterworks system without being metered, including the unauthorized use of a flushing valve or unmetered water taps. Meter installations shall include back flow prevention devices as required by the District.
3. Any residential, commercial, apartment or non-profit connection which shall have interior fire control or prevention systems, which depend on water from the District shall submit plans and calculations to the District for approval prior to

connection of such systems or at any other time as required by the District. Any such private fire protection system shall be metered.

4. No downspouts, yard or street drains, or gutters will be permitted to be connected into the District's sanitary sewage facilities. All clean outs must be capped. No surface storm water shall be discharged into the District's sanitary sewer system.
5. Review and acceptance of the District shall be obtained prior to the discharge into the public sewers of any wastes and waters having:
  - (a) A 5-day, 20 degrees Centigrade biochemical-oxygen-demand (B.O.D.) greater than 300 ppm.
  - (b) Suspended solids containing greater than 300 ppm.
6. Pre-treatment - Where required, in the opinion of the District, to modify or eliminate wastes that are harmful to the structures, processes or operation of the sewage disposal works, the person shall provide, at his expense, such preliminary treatment or processing facilities as may be determined necessary to render his wastes acceptable for admission to the public sewers.
7. Grease, Oil and Sand Interceptors - Grease, oil and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private quarters or dwellings. All interceptors shall be of a type and capacity approved by the District and shall be located as to be readily and easily accessible for easy cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water-tight and equipped with easily removable covers which, when bolted in place, shall be gas-tight and water-tight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.
8. Design calculations, plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted for approval of the District prior to the start of their construction, if the effluent from such facilities is to be discharged into the Public Sewer.
9. No pipe or pipe fitting which contains more than 0.25% lead may be used for the installation or repair of plumbing at any connection which provides water for human use. No solder or flux which contains more than 0.25% lead may be used for the installation or repair of plumbing at any connection which provides water for human use. This requirement may only be waived for lead joints that are necessary for repairs to cast iron pipe.
10. Potable water supply piping, water discharge outlets, backflow prevention devices or similar equipment shall not be located so as to make possible their submergence in any contaminated or polluted liquid or substance.



11. No direct connection between the District's water supply and a potential source of contamination shall be permitted to exist. Potential sources of contamination shall be isolated from the District's water system by an air gap or an appropriate backflow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices shall be in compliance with state plumbing codes, and the District may set a schedule for and require inspections of such pressure relief valves, thermal expansion devices and backflow prevention devices.
12. No cross-connection between the District's water supply and a private water system shall be permitted to exist. Where an actual air gap is not maintained between the District's water supply and a private water supply, an approved reduced pressure-zone backflow prevention assembly shall be properly installed and a service agreement shall exist for annual inspection and testing by a certified backflow prevention device tester.
13. No connection to the District's water supply shall be permitted which would allow the return of water used for condensing, cooling or industrial processes back to the District's water supply.
14. No plumbing fixture shall be installed within the District which is not in compliance with a State-approved plumbing code.

**B. GREASE TRAPS.**

Grease traps shall be divided into three (3) categories, as follows:

"Class 1 Grease Trap" shall mean a grease trap as determined by the District's Operator as having a high potential to impact the District's sewer system and demonstrated lack of proper maintenance. A Class 1 Grease Trap shall be charged the rate of \$250.00 per month.

"Class 2 Grease Trap" shall mean a grease trap as determined by the District's Operator as having a high potential to impact the District's sewer system, but with a demonstrated proper maintenance, or low potential to impact the District sewer system and demonstrated lack of proper maintenance. A Class 2 Grease Trap shall be charged the rate of \$150.00 per month. Two consecutive failed grease trap inspections shall automatically cause a Class 2 Grease Trap to be recategorized as a Class 1 Grease Trap.

"Class 3 Grease Trap" shall mean a grease trap as determined by the District's Operator as having a low potential to impact the District's sewer system and demonstrated proper maintenance. A Class 3 Grease Trap shall be charged the rate of \$80.00 per month. Two consecutive failed grease trap inspections shall automatically cause a Class 3 Grease Trap to be recategorized as a Class 2 Grease Trap.

1. Grease Trap Installations. The District shall charge a fee of \$150.00 for the initial inspection of a grease trap and determination of classification.
2. Grease Trap Inspections.

- (a) The District or other duly authorized representative of the District shall be authorized, after providing reasonable notice to the landowner in advance, to enter upon any tract within the District to determine the necessity for a grease trap.
- (b) Any person who is responsible for a discharge into the District's sanitary sewer system for which, in the sole opinion of the District and its District, a grease trap is required and who does not have an approved grease trap in place shall have sixty (60) days from the date of notice by the District within which to construct and install the required grease trap and secure necessary approvals thereof.
- (c) The District or other duly authorized representative of the District shall be authorized to conduct periodic inspections of all grease traps within the District that are subject to this Order to ensure that grease traps are being maintained in effective operating condition, and that all necessary manholes, inspection chambers and related facilities are being maintained and are fully operational.
- (d) In the event a grease trap or any related facilities are found in an unserviceable condition or in need of cleaning or maintenance, the District or other duly authorized representative of the District shall give written notice to the person responsible for the discharge for which the grease trap is required advising such person of the deficiencies and requesting prompt attention to the matter. The District shall conduct such follow-up inspections as may be necessary until the grease trap is in effective operating condition.
- (e) The District may invoke the procedure described in Article V of this Order to discontinue water service to a tract or establishment in the event the owner or proprietor of said tract or establishment either (a) refuses to permit an inspection pursuant to this Section, or (b) fails, within seven (7) days after receiving written notice issued by the District, the Board of Directors or other duly authorized representative of the District, to correct any condition found to be in violation of the District's requirements for installation, maintenance and operation of the grease traps. In addition, the District may assess a fine of \$10,000.00 per day to any party that fails, within seven (7) days after receiving written notice of violation, to correct the condition prompting the notice, in accordance with the provisions of Article V of this Order.
- (f) If a person desires to have a grease trap decommissioned or removed because of lack of need or use by the person, such decommissioning or removal requires prior written approval by the District or other duly authorized representative of the District and a \$250.00 decommissioning inspection fee.

### **C. POWERS AND AUTHORITY OF ENFORCING AGENTS.**

The District (a) shall be permitted to gain access to such properties as may be necessary for the purpose of inspection, observation, measurement, sampling and testing, in accordance with provisions of these regulations and (b) may require any Consumer to furnish copies of any plans and specifications, hauling manifests, cleanout records, laboratory analysis or other record of any kind relating to any facility installed, used or maintained by such Consumer, including, but not limited to, pretreatment, recycling or interceptor facilities or any discharge or potential discharge of sewage to the Public Sewer. Any such records may be required to show any information which in the opinion of the District, is necessary to demonstrate compliance with this Order.

### **D. PROHIBITED DISCHARGES TO SEWAGE WORKS.**

1. No person shall discharge or cause to be discharged any storm water, ground water, roof run-off, sub-surface drainage, down spouts, yard drains, yard fountain and ponds or lawn sprays into any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the District. Unpolluted processed water may be discharged upon prior written approval of the District to a storm sewer or natural outlet or into the sanitary sewer system by an indirect connection whereby such discharge is cooled, if required, and flows into the sanitary sewer at a rate not in excess of three (3) gallons per minute, provided the waste does not contain materials or substances in suspension or solution in violation of the limits prescribed herein.
2. In cases where, and in the opinion of the District, the character of the sewage from any manufacturer or industrial plant building or other premises is such that it will damage the system or cannot be treated satisfactorily in the system, the District shall have the right to require such user to dispose of such waste otherwise and prevent it from entering the system.
3. No person shall discharge or cause to be discharged, either directly or indirectly, any of the following described substances, materials, waters or waste:
  - (a) Any liquid having a temperature higher than 150 degrees Fahrenheit (65 degrees Centigrade), except with approval of District.
  - (b) Any solids, liquids or gases, which by themselves or by interaction with other substances, may cause fire or explosion hazards, or in any other way be injurious to persons, property, or the District of the sewage disposal works.
  - (c) Any solids, slurries or viscous substances of such character as to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, such as ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshlings, entrails, lime slurry, lime residues, slops, chemical residues, paint residues, or bulk solids.

- (d) Any garbage that has not been properly comminuted or shredded. If properly comminuted or shredded, then it may be accepted under provisions established in ARTICLE I.B.
  - (e) Any noxious or malodorous substance, which either singly or by interaction with other substances is capable of causing objectionable odors, or hazard to life; or forms solids in concentrations exceeding limits established in ARTICLE IV.C, or creates any other condition deleterious to structures of treatment processes; or requires unusual provisions, alteration, or exposure to handle such materials.
  - (f) Any waters or wastes having a pH lower than 5.5 or higher than 10.5, or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of sewage disposal works.
  - (g) Any wastes or waters containing suspended or dissolved solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment or in the public sewage works.
  - (h) Any waters or wastes containing a toxic or poisonous substance such as plating or heat-treating wastes in sufficient quantity to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the sewage treatment plant.
  - (i) Any radioactive wastes greater than allowable releases as specified by current United States Bureau of Standards Handbooks dealing with the handling and release of radioactivity.
4. Except in quantities, or concentrations, or with provisions as stipulated herein, it shall be unlawful for any person, corporation or individual, to discharge water or wastes to the sanitary sewer containing:
- (a) Free or emulsified oil and grease exceeding on analysis an average of 100 parts per million of either or both, or combinations of free or emulsified oil and grease, if, in the opinion of the District it appears probable that such wastes:
    - (i) Can deposit grease or oil in the sewer lines in such manner to clog the sewers;
    - (ii) Can overload skimming and grease handling equipment;
    - (iii) Are not amenable to bacterial action and will therefore pass to the receiving waters without being affected by normal sewage treatment processes, or;
    - (iv) Can have deleterious effects on the treatment process due to excessive quantities.

- (b) Cyanides or cyanogen compounds capable of liberating hydrocyanic gas on acidification in excess of one-half (0.5) part per million by weight as Cn in the wastes from any outlet into the public sewers.
- (c) Materials which exert or cause:
  - (i) Unusual concentrations of solids or composition; as for example, in total suspended solids of inert nature (such as Fuller's Earth) and/or in total dissolved solids (such as sodium chloride, or sodium sulfate);
  - (ii) Excessive discoloration;
  - (iii) Unusual biochemical oxygen demand or an immediate oxygen demand; high hydrogen sulfide content; or
  - (iii) Unusual flow and concentration shall be pretreated to a concentration acceptable to the District, if such wastes can cause damage to collection facilities, impair the process, incur treatment costs exceeding those of normal sewage, or render the water unfit for stream disposal or industrial use. Where discharge of such wastes to the sanitary sewer are not properly pretreated or otherwise corrected, the District may reject the wastes or terminate the service of water and/or sanitary sewer, require control of the quantities and rates of discharge of such wastes, or require payment of surcharges for excessive cost for treatment provided such wastes are amenable to treatment by normal sewage plant facilities operated by the District.

**ARTICLE V.**

**ENFORCEMENT OF THIS ORDER ESTABLISHING WATER AND SEWER RATES, RULES AND REGULATIONS, AND WATER EMERGENCY PROVISIONS**

**A. ENFORCEMENT.**

1. Pursuant to Section 51.206, Texas Water Code, the Rules and Regulations shall be recognized by the Courts of the State of Texas as if they were penal ordinances of a city.
2. In accordance with Texas Water Code Section 49.004, as amended, the Board hereby imposes the following civil penalties for breach of any rule of the District: The violator shall pay the District twice the costs that the District has sustained due to the violation up to and not exceeding \$10,000 as set forth in the Texas Government Code Section 27.031, as amended. A penalty under this Section is in addition to any other penalty provided by the laws of this State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. If the District prevails in any suit to enforce its rules, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the

District before the court. The amount of the attorneys' fees shall be fixed by the court.

**B. PENALTIES.**

1. If any person, firm, or corporation shall violate any of the provisions of this Order, they shall be guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction, shall be punished by a fine not to exceed Ten Thousand Dollars (\$10,000.00) for each offense. Each day of such violation shall be deemed a separate offense.
2. Any person violating any of the provisions of this Order shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.
3. Termination of Service.

**C. NOTICE OF VIOLATION.**

1. Violations. In the event any person shall violate any of the provisions of this Order, the Board shall notify such person in writing at the address on the District's billing records, if any, by certified mail, return receipt requested, and by regular mail of such violation and the notice shall contain the following:
  - (a) notice of the nature of the violation;
  - (b) notice of the potential penalty for the violation; and
  - (c) date, time and location of the District's next Board meeting at which meeting such person will be entitled to present all evidence in his possession with respect to the violation.

The Notice shall be mailed not later than ten (10) days prior to the meeting.

2. The decision of the District shall be final.

**D. NON-WAIVER.**

The failure, on the part of the District, to enforce any section, clause, sentence or provision of this Order shall not constitute a waiver of the right of the District to later enforce any section, clause, sentence or provision of this Order.

**E. VALIDITY.**

All provisions of District's orders or regulations in conflict herewith are hereby repealed. The validity of any section, clause, sentence or provision of this order shall not affect the validity of any other part of this Order, which can be given effect without the invalidated part or parts.

The District's President is authorized to execute and the District's Secretary to attest this Order on behalf of the District.

EXHIBIT "A"

HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 116
APPLICATION FOR NEW DEVELOPMENT SERVICE

Type of Application: Residential Commercial

Name of Business:

Address:

Type of Business:

Type of Service Requested: In District Out of District
Water Wastewater

Estimated date construction to begin:

Proposed acreage in development:

Estimated taxable value: \$ Land \$ Improvements

Will a tax exemption for all or any part of the property be sought? Yes No

If yes, explain:

Type of wastewater to be put in system:

Wastewater/water capacity required:

Name and address of title holder to referenced property:

Name and address of lienholder(s) to referenced property:

Applicant agrees that it shall notify the District if any of the above information should change during the Application process. The District reserves the right to deny or terminate service if any information in this application or submitted in connection with an Application is false, misleading or incomplete. Applicant agrees to the terms of the District's Policy, including the obligation to reimburse the District for costs and expenses incurred in the processing of the Application.

Signature of Applicant: Date:

Signature of Owner: Date:

Please attach a small map to the Application indicating proposed location of project and boundaries of subject tract

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FOR DISTRICT USE ONLY:

Deposit Collected: \$2,500 plan review Additional Deposits
Operator's recommendation:
Engineer's recommendation:
Amount of service recommended:
Tap fee required: Tap fee paid:
Additional considerations:

**EXHIBIT "B"**

**HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 116  
APPLICATION FOR WATER/SEWER SERVICE**

(Please print or type)

Service Address: \_\_\_\_\_ Service Subdivision: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Street Address: \_\_\_\_\_ Billing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Last Four Digits of your SSN: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

Driver's License No.: \_\_\_\_\_

Own Property? \_\_\_\_ (please provide copy of deed)

Agent/Other? \_\_\_\_ (please provide agency agreement) Agent for: \_\_\_\_\_

Rent/Lease Property? \_\_\_\_ (please provide rental/lease agreement)

First Date of Service: \_\_\_\_\_

**SERVICE AGREEMENT**

I. **PURPOSE.** The \_\_\_\_\_ (hereinafter referred to as the "District") is responsible for protecting the drinking water supply from contamination or pollution which could result from improper plumbing practices. The purpose of this Service 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 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 agreement.

II. **PLUMBING RESTRICTIONS.** The following are unacceptable plumbing practices and are prohibited by State regulations:

- 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 water 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 drinking water supply is permitted.
- D. No pipe or pipe fitting which contains more than 0.25% lead may be used to the installation or repair of plumbing at any connection which provides water for human use.
- E. No solder or flux which contains more than 0.25% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

III. **AGREEMENT.** The following are the terms of the Service Agreement between the District and \_\_\_\_\_ (Customer Name) (the "Customer").



- A. The District will maintain a copy of this agreement as long as the Customer and/or the premises is connected to the District's water system.
- B. The Customer shall allow his property to be inspected for possible cross-connections and other unacceptable plumbing practices. These inspections shall be conducted by the District or its designated agent prior to initiating new water service; when there is a reason to believe that cross-connections or other unacceptable plumbing practices exist; or after any major changes to the private plumbing 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 unacceptable plumbing practice which has been identified during the initial inspection or the periodic re-inspection.
- D. The Customer shall immediately correct any unacceptable plumbing practice on his premises.
- E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the District. Copies of testing and maintenance records shall be provided to the District.

III. **ENFORCEMENT.** If the Customer fails to comply with the terms of this Service Agreement, the District shall, at its option 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 Service Agreement shall be billed to the Customer.

Applicant:

I understand that any deposit required with an application for service will be refunded only to the extent that expenses of the District do not exceed the deposit, and that the District may request an additional deposit. I understand that tap fees are not refundable. I represent that the information on and furnished with this application is true and correct, and I understand that false information will result in denial of this application. I have received and reviewed the District's Rate Order.

Applicant Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

Owner:

If the property subject of this application is subject to an agency relationship or is a rental or lease property, I, as owner of the property, understand that if service is terminated to such property, I am jointly and severally liable with the renter/lessee or my Agent for any fees and/or changes that are due to the District prior to any service reconnection.

Owner Signature (if not Applicant): \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

<p><i>Confidential Security Phrase (mother's maiden name, last 4 digits of SSN, favorite pet's name, etc.):</i></p> <p>_____</p> <p style="text-align: center;"><i>Security Phrase Answer:</i> _____</p>
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<p><b>NOTICE OF AVAILABILITY OF CONFIDENTIALITY OF CUSTOMER INFORMATION</b></p> <p>The Texas Legislature has enacted House Bill 859, which provides that a government-owned utility, such as the District may not disclose personal information in a customer's account, such as customer address, telephone number or social security number, if the customer requests that information be kept confidential. If a Public Information request is made, the District may be required to release such information. If you wish to have this information kept confidential from a Public Information request, please check the box on the form below. Please note that the confidential request applies ONLY to your current account and ONLY if you requested it in writing. If you transfer within the District and establish a new account, YOU MUST COMPLETE A NEW REQUEST. You may also withdraw you confidentiality request by sending written notice to the District.</p> <p><input type="checkbox"/> PLEASE CHECK BOX IF REQUESTING CONFIDENTIALITY. The undersigned customer of the District requests that the District keep confidential the customer's address, telephone and Social Security Number. The undersigned acknowledges that this request is only valid for the current customer account</p> <p>Signed: _____</p> <p>Printed Name: _____ Date: _____</p>
--

**THE STATE OF TEXAS     §  
COUNTY OF HARRIS     §**

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_  
known to me to be the person whose name is subscribed in the foregoing instrument, and acknowledged to  
me that he/she executed the same for the purposed and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

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**For District Use Only**

Date Application \_\_\_\_\_ Application Fee \_\_\_\_\_ Date: \_\_\_\_\_  
Received: \_\_\_\_\_ Collected (if applicable): \$ \_\_\_\_\_ Initials: \_\_\_\_\_  
Tap fee collected: \$ \_\_\_\_\_ Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Date Construction Authorized: \_\_\_\_\_ Date Tap Installed: \_\_\_\_\_  
Service Inspection Dates: \_\_\_\_\_ Certification Received: Date: \_\_\_\_\_ Initials: \_\_\_\_\_

**EXHIBIT "C"**

**SAMPLE SERVICE INSPECTION CERTIFICATION  
SERVICE INSPECTION CERTIFICATION**

Name of PWS \_\_\_\_\_

PWS I.D. # \_\_\_\_\_

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

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

	Compliance	Non-Compliance
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 State plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with State plumbing codes.		
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 device tester.		
No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the public water supply.		
No pipe or pipe fitting which contains more than 0.25% lead exists in private plumbing facilities installed on or after January 31, 2014.		
No solder or flux which contains more than 0.25% lead exists in private plumbing facilities installed on or after January 31, 2014.		
No plumbing fixture is installed which is not in compliance with a State approved plumbing code.		

Water service shall not be provided or restored to the private plumbing 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 plumbing facilities:

Service lines	Lead	9	Copper	9	PVC	9	Other	9	_____
Solder	Lead	9	Lead Free	9	Solvent Weld	9	Other	9	_____

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

## **EXHIBIT "D"**

### **RULES AND REGULATIONS GOVERNING WATER AND SEWER SERVICE**

#### **A. WATER SERVICE LINES AND WATER TAPS**

1. All connections to the District's Water Mains shall be made by the District or a Contractor designated by the District. The connection shall include the furnishing and installing of the service saddle, water service line, water meter, and water meter vault.
2. The connections to the District's water mains and sanitary sewers may be made at different times.
3. The following materials are allowable for extension from building to the District's Water Service Line:
  - (a) Brass curb stops, corp stops, and U-branch and related fittings manufactured by Ford, Hays or Muller
  - (b) Polyethylene water service pipe, 3/4" to 2"
  - (c) Water main pipe of PVC, C-900
  - (d) Plastic meter box up to 1" meter
  - (e) Concrete meter box, 1" to 2" meter

#### **B. SANITARY SEWER SERVICE LINE**

1. Only one (1) service line may be connected to the District's sanitary sewage collection system for each residence or commercial building.
2. Only the following types of pipe and fitting materials are approved for constructing service lines. Pipe and fittings on each individual service line must consist of the same material.
  - (a) Poly-vinyl-chloride PSM (PVC) pipe conforming to ASTM Specification D3034 and installed according to ASTM D2321.
  - (b) Acrylonrile-butadiene-styrene (ABS) pipe, material conforming to ASTM Specification D2751.
3. Minimum sizes of service lines shall be as follows:
  - (a) Residential --- 4" in diameter
  - (b) Commercial --- 6" in diameter

4. Minimum grades for service lines shall be as follows:
  - (a) 4" pipe --- 1' drop per hundred feet (1%)
  - (b) 6" pipe --- 6" drop per hundred feet (0.5%)
  - (c) 8" pipe --- 4" drop per hundred feet (0.33%)
5. Maximum grades for service lines shall be as follows:
  - (a) 4" pipe --- 2 and ½' drop per hundred feet (2.5%)
  - (b) 6" pipe --- 1 and ½' drop per hundred feet (1.5%)
  - (c) 8" pipe --- 1' drop per hundred feet (1%)
6. All service lines must be constructed to true alignment and grade. Warped and sagging service lines will not be permitted.
7. Building tie-on connection must be made directly to the stub-out from the building plumbing at the foundation on all waste outlets.
8. Water-tight adapters of a type compatible with the materials being joined must be used at the point of connection of the service line to the building plumbing. No cement grout materials are permitted.
9. Where the District has provided wyes or stacks on sanitary sewer lines, these existing wyes or stack connections must be utilized for connection of the service line to the sewer main unless an exception is permitted by the District.
10. In all cases where the District's sanitary sewer line is on the opposite side of the street from the connection, the District has provided cross street runs, generally at alternate lot corners. Connections shall be made to these cross street runs and not at any other location.
11. Fittings and Cleanouts:
  - (a) No bends or turns at any point will be greater than forty-five (45`) degrees.
  - (b) Each horizontal service line must be provided with a cleanout at its upper terminal; and each such run of piping which is more than ninety (90') feet in length must be provided with a cleanout for each ninety (90') feet, or fraction thereof, in the length of such piping.
  - (c) Each cleanout must be installed so that it opens in a direction opposite to the flow of the waste and, except in the case of wye branch and end-of-the-line cleanouts, cleanouts must be installed vertically above the flow line of the pipe.
  - (d) Cleanout must be made with air-tight mechanical plug.

12. All sanitary sewer connections shall be made by a qualified plumbing contractor approved by the District. However, the District will make the inspection and must certify on the application form (attached to Rate Order) that the sewer connection was made in accordance with these Rules and Regulations.
13. When the service line is complete, and prior to backfilling the pipe trench, the applicant for sewer service shall request an inspection of the installation. Request for inspections shall be made to the District at least twenty-four (24) hours in advance of the time such inspection is desired.
14. The physical connection to the District's sewer main must 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.
15. Backfilling of the service line trench must be accomplished within twenty-four (24) hours of inspection and approval. No debris will be permitted in the trench.