

**AMENDED AND RESTATED RATE ORDER AND REGULATIONS**  
**GOVERNING WATER AND SANITARY SEWER LINES AND CONNECTIONS**

WHEREAS, Spring Creek Utility District (the "District") has constructed and is in the process of expanding a water, sewer, and storm drainage system to provide service to all retail consumers within the District (the "System"); and

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

WHEREAS, the District has been asked by the State Legislature to adopt and implement a program of water conservation aimed at reducing the consumption of water, reducing the loss or waste of water, and improving efficiency in the use of water; and

WHEREAS, it is the District's intent to establish rates for service from the District's System that will encourage sound management of the District's water usage and conservation practices by Users within the District; and

WHEREAS, the escalating rates for increased water usage herein adopted by the District are intended to promote the conservation and efficient management of the District's water resources; Now, Therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF SPRING CREEK UTILITY DISTRICT, EFFECTIVE OCTOBER 20, 2025, THAT:

ARTICLE I  
General Provisions

Section 1.1: Definitions. The following words or phrases, whether stated in the singular, plural, masculine, or feminine, shall have the meanings indicated below:

- A) "Application" shall mean the Application for Residential Utility Service, a required form the District and executed by a would-be residential consumer, consenting to the terms of the District's customer service agreement.
- B) "Commercial Consumer" shall mean any office building(s), hotel(s), retail store (strip or center), community clubhouse, public or private warehouse, service station of any kind, or any other establishment offering a product or service to the general public. This includes churches, schools, publicly or privately maintained esplanades, common areas, and, more generally, any consumer not considered a single-family residence by nature.
- C) "Commercial Waste" shall mean liquid carried sanitary sewage discharged from commercial connections (excluding apartments) which is properly shredded and

amenable to biological treatment and which may contain trace amounts of sand, grit, lubricants and other petroleum products commonly associated with commercial establishments such as service stations and car wash facilities.

- D) "Community Consumer" shall mean those customers whom, through procedures described herein Section 2.13 Community Consumer, the District determines are neither a Commercial Consumer nor Residential Consumer but whose characteristics represent a community benefit such as irrigation accounts designated for open-space available to the general public.
- E) "Consumer," if used separately from Section 1.1. B), D), O) or Q) herein shall mean any consumer connected legally or illegally to the System, thereby receiving any service from the District.
- F) "Delinquent Bill" shall mean a bill to a specified Consumer for water service, wastewater service, and/or the collection of residential refuse that has yet to be paid in full and remains outstanding after the due date of such month's bill for services. All bills shall be due and payable on the 15th day of the month as indicated on each statement for such services. Payments attempted to be made by check which is returned shall be considered delinquent unless cash or certified funds are presented to the District for payment within the time period required by this Order.
- G) "Disposal Service" shall mean the collection of residential refuse, detailed further in the residential solid waste contract entered into by and between the District and GFL Environmental ("GFL", successor to Waste Corporation of Texas, L.P.) on August 1<sup>st</sup>, 2019, and as may be amended or replaced from time to time.
- H) "Domestic Waste" shall mean liquid carried sanitary sewage discharged from Residential Customer Connections (including Apartments) which is properly shredded and amenable to biological treatment, which is normally discharged from Residential food preparation and bathroom facilities, and which has biological oxygen demand (5-day) and total suspended solids concentrations not exceeding 200 milligrams per liter.
- I) "Equivalent Single Family Connection" is a term used to quantify water usage and wastewater return flow, and is defined as 360 gallons per day for average water usage and 300 gpd for average wastewater return flow.
- J) "Health Hazard" shall include the common hazards listed in 30 Texas Administrative Code § 290.47 (f), and as defined by 30 Texas Administrative Code RULE § 344.1(16), or any other hazard or hazardous situation that could reasonably be deemed a serious threat to the integrity of the water supplied by the District.
- K) "Industrial Waste" shall mean wastewater other than "Waste" (hereafter defined).

- L) "Irrigation Meter" shall mean separately metered sprinklers or irrigation systems.
- M) "Nontaxable Entity" shall mean an entity exempt from ad valorem taxation under Chapter 11, Texas Tax Code, as amended.
- N) "Operator" shall mean the person, firm, corporation, municipal corporation, or political subdivision with which the District has contracted to operate and maintain the plants and lines of the District's system.
- O) "Out-of-District Customer" shall mean a Consumer whose property being served is located outside the boundaries of the District.
- P) "Residential Connection" shall mean and include any single-family residence, townhouse, or multiplex (other than apartments) when such is separately metered;
- Q) "Residential Consumer" shall mean and include any single-family residence customer.
- R) "Separate Connection" shall mean each residential unit occupied by a separate family or person, including individual apartments within a single building, and each building unit occupied by a separate business, including separate establishments within a single building unit.
- S) "Service Provider" shall mean any company that has entered into a contract, either written or oral, with the District to provide services to the District.
- T) "Solid Waste" shall mean ordinary household refuse as further defined in the residential solid waste collection contract entered into by and between the District and GFL as may be amended and/or replaced with an alternative Service Provider from time to time.
- U) "Solid Waste Contractor" shall mean the Service Provider and its employees engaged by the District for Disposal Services in the District.
- V) "Storm Sewer Users" shall mean all users of the District's storm sewer system as further defined in Section 7.2 B).
- W) "System" as used herein shall mean the water, sanitary sewer, and storm drainage facilities owned, maintained, or within the boundaries of the District, including all extensions, additions, and appurtenances thereto, whether now in place or hereafter constructed.
- X) "Unacceptable Plumbing Practices" shall mean practices not accepted by or which are in violation of the Southern Standard Plumbing Code, the Uniform Plumbing Code, or the National Standard Plumbing Code.

- Y) "Unauthorized Usage" shall mean the intentional or unintentional receiving of water and/or sewer service from the District without prior completion, submission, and subsequent approval of the Application as required by this Order or the reestablishment of water or sewer service to a consumer who's service was terminated as a result of procedures outlined herein Section 1.4 Unauthorized Practices.
- Z) "Water Service" shall mean the delivery of potable and/or non-potable water furnished by District facilities, aka the System, which is metered and billed to each retail customer of the District.
- AA) "Waste" shall mean only substances, as a part of wastewater discharged, that are amenable to biological treatment. No Consumer shall be permitted to discharge any other substances, or any wastewater containing same, into the District's system, which is/are not amenable to biological treatment.
- BB) "Waste Collection" shall mean the sewer service provided by the District.

Section 1.2: Consumers not Entitled to Specify Quantity or Pressure of Water. Water Consumers are not guaranteed a specific quantity or pressure of water for any purpose whatsoever, and it is understood that the District is only to furnish a connection with its water system and is in no case to be liable for failure or refusal to furnish water or any particular amount or pressure of water.

Section 1.3: Water Connections Generally.

- A) No person or entity other than the properly authorized agents of the District shall be permitted to tap, make any connection, repair, additions to, or alterations to the System.
- B) Right to Repair.
  - (1) In recognition of the District's obligation to protect, maintain, and conserve water, a natural resource of the State, and subject to reasonable notice, if the District is made aware of any leak(s) in the System identical to those described in this Section, the District reserves the right to repair any or all, but not any and all known damage to the System, including any appurtenances not under the direct control of the District, and may do so without prior notice to the Consumer if the District has not received a response within the allotted time as referenced hereafter, and the repairs are located within an easement to which the District is a party to. The District shall assess against such Consumer any penalties as may be provided by law and in this Order. In addition to those penalties, additional charges may be levied to offset the actual cost of repair.
  - (2) Leak detection 1-50 GPM: To promote water conservation and minimize water loss from any service line, the District shall monitor for leaks or continuous flow ranging from one (1) to fifty (50) gallons per minute for a duration of twenty-four (24) hours or more. Upon detection of such a condition on any appurtenance(s) not under the

direct control of the District, the District will provide written notice to the affected Consumer(s) via certified mail and hand delivery. **The Consumer(s) will be required, under this order, to make any necessary repairs within seven (7) business days of receipt of such notice. Failure to comply with this requirement is subject to temporary suspension pursuant to Section 2.3 of Water Service.**

- (3) Leak detection 51-100 GPM: To promote water conservation and minimize water loss from any service line, the District shall monitor for leaks or continuous flow ranging from fifty-one (51) to one hundred (100) gallons per minute for a duration of twenty-four (24) hours or more. Upon detection of such a condition on any appurtenance(s) not under the direct control of the District, the District will provide written notice to the affected Consumer(s) via certified mail and had delivery. **The Consumer(s) will be required, under this order, to make any necessary repairs within three (3) business days of receipt of such notice. Failure to comply with this requirement is subject to temporary suspension pursuant to Section 2.3 of Water Service.**
- (4) Leak detection 101+ GPM: To promote water conservation and minimize water loss from any service line, the District shall monitor for leaks or continuous flow exceeding one hundred and one (101) gallons per minute for a duration of twenty-four (24) hours or more. Upon detection of such a condition on any appurtenance(s) not under the direct control of the District, the District will provide written notice to the affected Consumer(s) via certified mail and hand delivery. **The Consumer(s) will be required, under this order, to make any necessary repairs within twenty-four (24) hours of receipt of such notice. Failure to comply with this requirement is subject to temporary suspension pursuant to Section 2.3 of Water Service.**

Section 1.4: Unauthorized Practices.

- A) 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.
- B) The Operator or other duly authorized representative of the District shall be authorized, after providing reasonable notice to the landowner, and in doing so, may enter upon any tract within the District to inspect individual water facilities prior to providing Water Service, and periodically after providing service to inspect for potential cross-connections and other Unacceptable Plumbing Practices. All water Consumers shall allow their property to be inspected for possible cross-connections and other Unacceptable Plumbing Practices. The District shall notify the Consumer in writing of any cross-connection or other Unacceptable Plumbing Practice if identified during an initial inspection or any periodic re-inspection. The Consumer shall immediately correct any Unacceptable Plumbing Practice.

- C) The District shall make continuous efforts to locate Unauthorized Usage, cross connections, taps, possible interconnections between privately owned water systems and the District's public water system, and any other Unacceptable Plumbing Practices. As Unacceptable Plumbing Practices are located, they shall be eliminated to prevent possible contamination of the Water Service supplied by the District.
- D) The District shall consider the existence of a Health Hazard as listed in 30 Texas Administrative Code § 290.47 (f), 30 Texas Administrative Code § 344.1(16), or other serious threat to the integrity of the Water Service supplied by the District, to be sufficient grounds for immediate termination of Water Service to Consumers who may be in the delivery path of or vulnerable to possible water supply contamination. If terminated under such circumstances, Water Service shall be restored by the District when it determines that such Health Hazard or other source of potential contamination no longer exists or when the Health Hazard or other contamination source has been isolated from the District's System in accordance with 30 Texas Administrative Code § 290.44 (h)(1). The District is not required to follow the provisions of Section 2.3 *Termination of Service Upon Initiative of District* when terminating Water Service under this Section 1.4 (D).
- E) The District may invoke the procedure described in Section 2.3 of this Order to discontinue Water Service to a Consumer in the event such Consumer either (1) refuses to permit an inspection pursuant to this Section, or (2) fails, within a reasonable time after receiving written notice issued by the District, to correct or remove any unauthorized connection, tap, plumbing or other condition found to be contributing to or causing contamination of the District's water supply.

Tampering with District meters, taps, the System or any other District facilities, Unauthorized Usage, and illegal discharges into the District's sanitary or storm sewer systems are prohibited. In addition to any of the foregoing, the District may bill and collect from any Consumer who violates the terms of this section any costs or expenses incurred by the District as a result of such violation. Any fees or penalties assessed pursuant to this section shall be in addition to the fees required for the restoration of service.

Section 1.5: Plumbing Restrictions. The following Unacceptable Plumbing Practices are prohibited by state regulations and the District:

- 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, or such other minimum standard as may be established by the EPA or TCEQ, 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, or such other minimum standard as may be established by the EPA or TCEQ, can be used for the installation or repair of plumbing at any connection which provides water for human use.
  - F) No plumbing fixture shall be installed which is not in compliance with a State approved plumbing code.
  - G) To ensure that neither cross-connections nor other Unacceptable Plumbing Practices are permitted, each new Consumer and each Consumer whose service has been suspended or terminated and is proposed for reconnection must sign a copy of the customer service agreement prior to commencement of service by the District.
  - H) To promote water conservation and to minimize water loss from service line leaks, all commercial or residential service connections must include a line valve to be located immediately beyond the service connection to the District's meter. The Consumer's line valve is to be installed directly after the tail piece provided by the District (and must be inspected by the Operator).

Section 1.6: Plumbing Material Restrictions; Service Inspection Certifications. No new connections to the District's water system shall be made unless (a) a customer service inspection has been made by a qualified inspector and (b) a Customer Service Inspection Certification ("Certification") in the form attached hereto as "Exhibit A" has been completed and submitted to the District. Such inspection and certification shall also be required at any existing service location when the District has reason to believe a cross-connection exists or any other Unacceptable Plumbing Practices may exist, including subsequent to and after any material improvement, correction, or addition to the private plumbing facilities are suspected. The District shall recognize only the individuals specified in 30 Texas Administrative Code §290.46(j)(1) as capable of conducting customer service inspection certifications, and the District shall retain copies of properly completed Certifications on file for a minimum of ten (10) years. Commercial Consumers shall be charged \$150.00 for each customer service inspection. Residential Consumers shall be charged \$75.00 for each customer service inspection. If a customer service inspection is made at the District's direction because the District has reason to believe that Unacceptable Plumbing Practices exist, the Consumer shall not be charged for the inspection unless Unacceptable Plumbing Practices are found. Customer Service Inspection Certifications for new construction shall be submitted to the District before continuous service to the connection is provided, preferably at the same time that the tap fee is paid,

and the District shall not transfer the account from the builder to the initial occupant until it has received the Certificate. Certifications for inspections in all other instances (when the District has reason to believe Unacceptable Plumbing Practices exist or after a material change to private plumbing facilities has been made) shall be submitted to the District no later than ten (10) days after the inspection has been completed.

Section 1.7: Backflow prevention devices.

- A) In the event that the District, in its sole discretion, requires a Consumer to install a backflow prevention device in order to prevent possible contamination of the District's water supply, the Consumer shall, at its own expense, properly install, test and maintain according to Commission rules such backflow prevention device, and shall provide all testing and maintenance records to the District. If the Consumer fails to comply with the requirements of this Section, the District may, at its option, either terminate service in accordance with the provisions of Section 2.3 of this Order, or the District may properly install, test, and maintain such backflow prevention device and bill the Consumer all expenses relating thereto.
- B) Installation of interior backflow devices: All Commercial Consumers with copper piping shall install stainless steel double-check valves with vacuum breakers. All Commercial Consumers with poly/PVC piping shall install a brass double-check valve with vacuum breakers. These devices shall be located at the incoming supply service line prior to the drink dispensing equipment, etc.
- C) All Consumer backflow prevention assemblies that are required according to 30 Texas Administrative Code §§ 290.44 (h) and 290.47 (f) shall be tested upon installation by a recognized backflow prevention assembly tester and shall be certified to be operating within specifications. Further, backflow prevention assemblies installed to provide protection against health hazards identified in 30 Texas Administrative Code§ 290.38 must be tested and certified annually by a recognized backflow prevention assembly tester.
- D) All Consumer backflow prevention assemblies installed to provide protection against Health Hazards as defined in 30 Texas Administrative Code§ 344.1(16), must be tested and certified at least annually by a recognized backflow prevention assembly tester. If tested by the Operator, the District shall charge the Consumer the District's actual costs incurred for each backflow prevention assembly tested. For each assembly tested, a signed and dated original Test Report in the form attached hereto as "Exhibit B" must be completed by the recognized backflow prevention assembly tester and submitted to the District.
- E) Copies of all backflow prevention device inspection and certification report(s) must be provided to the District. The District must retain for a minimum of three (3) years such test reports and maintenance records submitted to it under subsections A) and B) of



this section.

Section 1.8: Plumbing Code. The District hereby adopts by reference as the District's plumbing code the Uniform Plumbing Code, a nationally recognized set of rules governing plumbing practices.

Section 1.9: Monitoring Plan. No new connections to the District's water system shall be made unless (i) a customer service inspection has been made by a qualified inspector and (ii) a Customer Service Inspection Certification in the form attached hereto as "Exhibit A"

- A) Legal Authority and Purpose. The District shall implement a chemical and microbiological monitoring plan (the "Monitoring Plan") in accordance with the requirements of 30 Texas Administrative Code, Chapter 290, Subchapter F, Drinking Water Standards Governing Drinking Water Quality and Reporting Requirements for Public Water Supply Systems, effective September 13, 2001 ("Subchapter F"), the federal Safe Drinking Water Act, 42 United States Code § 300f et. seq.; and the Primary Drinking Water Regulations promulgated by the United States Environmental Protection Agency.
- B) Monitoring Plan.
  - (1) The District's Operator is authorized and directed to prepare and carry out the Monitoring Plan as required by the applicable rules and regulations of the Texas Commission on Environmental Quality ("Commission") or any successor governmental agency thereof.
  - (2) In accordance with 30 Texas Administrative Code §290.121(b), the Monitoring Plan shall identify all sampling locations, describe the sampling frequency, and specify the analytical procedures and laboratories that the District will use to comply with the monitoring requirements of Subchapter F.
  - (3) The Operator shall maintain a copy of the current Monitoring Plan at each treatment plant and at a central location and shall update the Monitoring Plan in accordance with the rules of the Commission.
  - (4) Public water systems such as the District that treat groundwater that is not under the direct influence of surface water or that purchase treated water from a wholesaler must submit a copy of their Monitoring Plan to the Commission's public drinking water program upon the request of the Commission's Executive Director. Failure to maintain an up-to-date Monitoring Plan is a monitoring violation.

Section 1.10: Sanitary Sewer Cleanout Caps. The District requires that each connection have a sanitary sewer cleanout cap to be kept in proper working condition and does not allow stormwater or other debris to infiltrate the wastewater collection system. Any connection found to have a faulty

cleanout cap may be subject to the termination procedures detailed in Section 2.3., subject to notice by the District and reasonable opportunity for the Consumer to repair the defective cleanout cap.

Section 1.11: Facility Inspections. The District requires that each connection have a sanitary sewer cleanout cap which is kept in proper working condition, and which does not allow stormwater or other debris to infiltrate into the wastewater collection system of the District. Any connection which is found to have an improperly working cleanout cap may be subject to the termination procedures listed in Section 2.3 herein, after notice by the District and opportunity for the Consumer to repair the defective cleanout cap.

- A) Prior to starting any construction or improvement on a lot or tract in the District, the builder shall contact the Operator to arrange an inspection ("Pre-Construction Inspection") to verify the location and condition of District facilities on and in the vicinity of the lot or tract on which the construction or improvement will be built. At the time of the Pre-Construction Inspection, if any District facility has been damaged or cannot be located, the Operator will make necessary repairs to or locate such facilities at the expense of the District. A copy of the Pre-Construction Inspection report will be given to the builder. After the Pre-Construction Inspection has been performed and any necessary work has been completed, the builder will then be responsible for paying the costs of all damages, adjustments, relocations, and/or repairs found during the inspections described below. The fee for a Pre-Construction Inspection described in this section shall be \$50.00.
- B) After construction has been completed on the lot or tract, but before service is transferred to or initiated for a Consumer, the Operator will conduct an inspection ("Post-Construction Inspection") to verify the location and condition of District facilities on and in the vicinity of the lot or tract on which the construction or improvement has been built. The builder will be held responsible for any damages or adjustments to or relocations of District facilities found to be necessary as a result of the Post-Construction Inspection and shall pay the cost of repairing, adjusting or relocating the facilities before service will be transferred to or initiated for a Consumer. The Operator may conduct any re-inspections as necessary to ensure that the District's facilities are repaired, adjusted or relocated and the builder shall pay the fee for any such re-inspections before service will be transferred to or initiated for a Consumer. The District may withhold service to the lot or tract or to other property owned by any builder who has failed to pay the District for any other repairs, adjustments, relocations or re-inspection fees, including specifically the provision of additional taps to such builder. The fee for a Post-Construction Inspection described in this section shall be \$50.00.

The total fee for the Pre-Construction and Post-Construction Inspections described in Section 1.11 (A) and (B) shall be \$100.00, which payment is due at the time the tap fee is paid. If any re-inspections are required, a fee of \$50.00 shall be paid for each such re-inspection, and must be paid at the time the re-inspection is requested.

Section 1.12: Commercial Wastewater Inspection. The District shall perform regular sampling and testing of wastewater discharged by any and all Commercial Consumers in the District. The District shall perform sampling and testing at a minimum of once per month and shall increase the frequency of the testing at its sole discretion. A charge for the actual cost shall be made to each Commercial Consumer for the performance of monthly sampling and testing. If the District determines that any additional sampling or testing should be performed, the Commercial Consumer shall be charged for the actual costs incurred by the District in the performance of the sampling and testing.

Section 1.13 Unauthorized and Extraordinary Waste. The rates established in Section 4.1 through 4.6 herein are applicable for ordinary domestic Waste normally considered to have a chemical oxygen demand and total suspended solids in accordance with what is typically observed by the District's Operator. If any Consumer of the District's sanitary sewer System proposes to discharge and /or actually discharges Industrial Waste into the System, the Board of Directors of the District shall request a comprehensive study and the recommendation of the District's engineer and shall establish rates and charges to provide for an equitable assessment of costs whereby such rates and charges for

Section 1.14: Private Lift Stations / Grinder Pumps. For Commercial Consumers who are the designated owner and operator of a private lift station or grinder pump, the District will perform quarterly inspections of the private lift station or grinder pump. A charge of \$75.00 shall be made to each Commercial Consumer with a private lift station or grinder pump for each inspection.

## ARTICLE II Commencement and Termination of Service

Section 2.1: Connection to District's System. Each structure within the District may be connected to the System of the District 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 to the sewer system at the time sewer service becomes available.

Section 2.2: Termination of Service Upon Request of Consumer. Whenever a Consumer, whether temporarily or permanently abandons the structure being served and no longer wishes to be furnished with water, if he notifies the District's Operator during business hours a charge of \$35.00 shall be made for discontinuing Water Service, and a charge of \$35.00 for restoring Water Service where such service is discontinued or restored at the request of the Consumer, and he does not have any Delinquent Bills outstanding at the time of either request. If the Consumer makes the request after business hours, the charge is \$150.00.

Section 2.3: Termination/Suspension of Service Upon Initiative of District.

- A) The District may terminate or suspend Water Service to a tract or Consumer:

- (1) at any time after a Consumer's bill becomes delinquent as defined in Subsection 1.1(E) above;
- (2) upon the occurrence of an event described in Subsections 1.4(E) or 1.7(A) of this Order;
- (3) to prevent or discontinue conduct that interferes with the orderly provision of Water Service by the District or the implementation of any provision or requirement of this Order;
- (4) to abate any condition in connection with the District's System, which in the opinion of the District is harmful to the health, safety or welfare of the District's Consumers.
- (5) If a Consumer renders a payment for a bill in the form of a check and the check is returned due to insufficient funds, termination shall be immediate without further notification. Payment of all fees and charges including the returned check fee and any current bill due shall be paid by cash, cashier's check or money order prior to restoration of service;
- (6) Upon the occurrence of an event described in Subsection 1.3(B)(1)(2)(3)(4)

B) Adjustment of bill by designated representative:

- (1) The District's designated representative for purposes of this Section is the District's Operator.
- (2) The Operator is authorized to receive and consider Consumer objections and to make adjustments on a case-by-case basis to correct clerical errors or other billing irregularities. The Operator is also authorized to assess additional penalties or charges as appropriate if they are made aware of additional violations previously unknown to the Operator.
- (3) The Operator is not required to make an adjustment where one is not warranted. Consumer objections received but not adjusted to the Consumer's satisfaction shall be referred for a hearing at a meeting to be held by the District.

C) Hearing before the District:

- (1) In the event a Consumer objection is referred to the District, the termination of service shall be held in abeyance at the District's discretion and until further ordered. The exception is a termination of Water Service that is the result of an event described in Section 2.3(A)(6), and in which case restoration of Water

Service is held in abeyance at the District's discretion and until further ordered.

- (2) The Consumer shall be given notice by the Operator of the District of the time, date, and place of the hearing where the District will consider the Consumer objection.
  - (3) At such hearing, the District shall consider all matters set forth by the Consumer and take such action, including termination of Water Service, or restoration of Water Service as it deems advisable.
- D) If a Consumer has Water Service terminated under this Section, the Consumer must pay the Delinquent Bill, all fees or charges incurred due to delinquency, and any current bill due on the account to have Water Service restored.
- E) A charge of \$15.00 shall be made to any Consumer who receives a Delinquent Bill or late notice, notice of violation of the rate order, or collection of delinquent property taxes.
- F) A charge of \$20.00 shall be made to any Consumer who receives a door hanger notice from the District's Operator for a disconnection notice, notice violation of this rate order, or for collection of delinquent property taxes.
- G) A charge of \$50.00, together with any delinquent bills, shall be paid by a Consumer in advance for restoration of Water Service when Water Service has been terminated pursuant to this Section, A charge of \$100.00 together with any Delinquent Bills, shall be paid by a Consumer in advance for restoration of service when service has been terminated by the removal of a meter. Additionally, restoration of Water Service may require an additional deposit under Section 2.9 of this Order.
- H) In the event a Consumer's Water Service has been terminated pursuant to this Section 2.3, and the District or its Operator thereafter discovers that the water supply to the connection has been:
- (1) diverted from passing through the meter; or
  - (2) prevented from being correctly registered by the meter; or
  - (3) activated by any device installed to obtain water without a metering device,

the District reserves the right to immediately and without notice remove the meter or disconnect Water Service to any Consumer whose meter has been tampered with, to assess repair charges to such Consumer plus a damage fee of \$200.00, and, pursuant to Section 8.1 below, and to impose a penalty.

Section 2.4: Application for Residential Tap Connection. Every Residential Consumer desiring the

installation of a water meter with a connection of **two (2") inches or less** shall be required to sign and execute a Residential Tap Application before the District will proceed with such a request. The installation of water meters with connections of **more than two (2") inches** shall be covered by a separate and customized application specific to non-residential/non-habitation Consumers. This separate process includes a commercial tap application.

Section 2.5: Request for Residential Waste Collection and Disposal Service. Every Consumer requesting residential waste collection and Disposal Service from the District shall so notify the District's Operator. After the notification, the Consumer requesting Waste Collection shall have a plumber make the tap on the District's sewer line. After the tap has been completed, the applicant shall notify the District's Operator, who shall make an inspection of the tap before the Waste Collection service is commenced.

Section 2.6: Request for Commercial Waste Collection Service. Every Commercial Consumer requesting Commercial Waste collection or other non-residential Consumer from the District shall so notify the District's Operator. After the notification, the entity requesting said service shall have a plumber make the tap on the District's sewer line. After the tap has been completed, the applicant shall notify the District's Operator, who shall make an inspection of the tap before service is commenced.

Section 2.7: Application for Residential Water Service. Residential Consumer(s) desiring Water Service from the District shall complete and submit an Application for such service to the District's Operator for approval, thus initiating the process that allows Water Service to reach the property. Each Application shall declare to the Operator the name of the person(s) responsible for the account and the current mailing address at which such person(s) will receive billing from the District; a statement of whether the responsible party is an owner or renter; and such additional information as the District may require from time to time. Additionally, the District may terminate Water Service at any time to any tract or plat to which Water Service has been initiated or renewed in without regard to the Application described in this Section 2.7; a Nonrefundable fee of \$25.00 will be charged to process the Application due upon submission.

Section 2.8: Deposit to Secure Payment. The District's Operator is hereby given authority to require Residential Consumers requesting residential Water Service, Waste Collection, and/or Disposal Service from the District to post a deposit with the District in the amount of \$100.00 for each connection of an owner-occupied single-family residential user and \$350.00 for each renter-occupied single-family residential user. Consumers requesting non-residential Water Service, and/or Commercial Waste Collection shall be required to post a deposit with the Operator of three (3) times the projected average monthly usage, which is to be estimated by the District's Operator. Such a deposit is solely to secure the payment of charges established by this Order. Upon termination of the aforementioned services, the District shall apply the deposit on hand to the unpaid service charges of the same Consumer, and the excess, if any, will be paid back to the Consumer. No interest will be paid by the District on such deposit refund.

Section 2.9: Additional Deposits. The District's Operator is hereby given authority to require

Consumers whose service has been terminated pursuant to Section 2.3 hereof, to post an additional deposit with the District \$50.00 each time Water Service is terminated. However, no further deposits will be required once the Consumer's total deposit is \$500. Such deposit is solely to secure the payment of charges established by this Order. Such deposit is in addition to all other deposits and charges set forth herein for Delinquent Bills, and must be paid prior to restoration of Water Service.

Section 2.10: Builder Deposit. A one-time deposit of \$1,000.00 shall be charged to builders to secure payment of bills and back charges for that builder's home(s) within the District. In the event the District must draw down all or part of the builder's deposit to pay Delinquent Bills accumulated by the builder, the District may withhold any further taps or service connections to the builder's home(s) until the builder's deposit is replenished to its original \$1,000.00 balance.

Section 2.11: Billing Procedure.

- A) Payment shall be due on or before the fifteenth (15th) day of the month and will be considered paid on time if received before the fifteenth (15th day) of the current month. After such day, a late charge penalty of ten percent (10%) of the total bill shall automatically be added plus a \$5.00 charge for the notice given to the Consumer.
- B) Any Consumer one (1) month delinquent in payment shall be sent a notice in the following month's bill making them aware that the Water Service will be disconnected. A second notice from the District of the impending disconnection of Water Service will be mailed, or a door tag will be hung ten (10) days prior to the date the Water Service is to be disconnected unless payment in full is received in hand by the Operator prior to such notice being given. If service is disconnected, it shall be reinstated to the Consumer only upon payment in full of all amounts due, including any late charges, a reconnect fee of \$50.00 and an additional \$50.00 security deposit.

Section 2.12: Charge for Returned Checks. The District shall charge a fee equal to the maximum fee allowed under Texas law for each check issued by a Consumer for payment of a water and/or waste collection and disposal bill which is returned to the District due to insufficient funds. Payments attempted to be made by a check which is returned shall be considered delinquent unless cash or certified funds are presented to the District for payment within the time period required by this Order.

Section 2.13: Community Consumer. Every applicant requesting service from the District under the Community Consumer classification shall apply for this classification with the Operator. The Operator will review the request and determine whether the Consumer falls within the Community Consumer classification. For each designated Community Consumer, the charges for connections to the District's water distribution system, sewer tap inspection fees, tap charges, and any or all other charges not mentioned herein or hereafter shall be established by separate order or agreement, but shall in no way be less than a reasonable amount based on the District's cost and the community benefit involved.

ARTICLE III  
Tap Charges

Section 3.1: Residential Water Tap Charges.

- A) Residential water taps and Irrigation Meter fees shall be received by the District before any connection is initially made to the District's water and sewer system. Residential: shall mean single family homes only. 3/4" x 5/8" tap electronic meter \$2,139.50; 1" tap electronic meter \$2,649.50.
- B) All tap charges shown above shall be paid when an application for the tap or connection is made, and the request for service shall be held in abeyance until such charges have been paid.

Section 3.2: Residential Sewer Tap Inspection Fee. After a sewer tap is completed as provided in Section 2.6 and inspected by the District's Operator, the person requesting it shall pay an inspection fee of \$40.00 per tap.

Section 3.3: Commercial Water and Sewer Tap Charges.

- A) A charge shall be made for every commercial tap, meter larger than two inch, or connection to the District's water, sanitary sewer or drainage facilities (other than a tap or connection for a Consumer which is a Nontaxable entity which shall be governed by 3.3 (B) below) as follows: actual and reasonable costs to the District for construction, and installation of the tap or connection to District water and sanitary sewer facilities, including all necessary service lines and meters, plus 200% of the aforementioned costs. All commercial pads within a commercial strip center shall be individually metered.
- B) The following charge shall be made for every tap, meter larger than two inch, or connection to the District's water, sanitary sewer or drainage facilities by a Consumer which is a Nontaxable Entity: actual costs to the District for construction, installation and inspection of the tap or connection to the water, sanitary sewer or drainage facilities, including all necessary service lines and meters. In addition' the District may charge to any Consumer which is a Nontaxable Entity either (i) an amount not to exceed the costs for all facilities that are necessary to provide District services to such Nontaxable Entity and that are financed or are to be financed in whole or in part by tax-supported bonds of the District; or (ii) actual and reasonable costs to the District for construction, installation and inspection of the tap or connection to District water and sanitary sewer facilities, including all necessary service lines and meters, plus 200% of the aforementioned costs. The selection of the calculation of the tap fee for the Nontaxable Entity shall be at the District's sole discretion.
- C) A deposit in the amount of the estimated costs of construction, installation and inspection of the tap or connection shall be paid when application for the tap or



connection is made. The balance of the tap charges in Sections 3.3 (A) or (B) above, as appropriate, shall be paid prior to commencement of service at the tap or connection, and the request for service shall be held in abeyance until such charges have been paid.

Section 3.4: Commercial Sewer Tap Inspection Fee. After the completion of a commercial sewer tap as provided in Section 3.3, and the inspection thereof by the District's Operator, the person requesting such commercial sewer tap shall pay an inspection fee of \$175.00 per sewer tap.

#### ARTICLE IV Rates for Service

Section 4.1: Monthly Rates for Residential Water Service.

- A) The following rates per month shall be charged for 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 elsewhere herein:

|                                       |                        |
|---------------------------------------|------------------------|
| For first 3,000 gallons of water used | \$15.00                |
| For 3,001 to 6,000 gallons            | \$2.00/1,000 gallons   |
| For 6,001 to 9,000 gallons            | \$3.00/1,000 gallons   |
| For 9,001 to 13,000 gallons           | \$4.50/1,000 gallons   |
| For 13,001 to 16,000 gallons          | \$5.50 / 1,000 gallons |
| For 16,001 to 20,000 gallons          | \$8.00 / 1,000 gallons |
| 20,001+ gallons                       | \$10.00/1,000 gallons  |

The minimum monthly charge shall be \$12.00 for which 3,000 gallons of water may be used. Until a meter is installed, the minimum amount shall be charged each month.

Section 4.2: Monthly Rates for Commercial Water Service.

- A) The following rates per month shall be charged for Water Service furnished by the District to Commercial Consumers through meters to each separate connection:

|                                       |                        |
|---------------------------------------|------------------------|
| For first 3,000 gallons of water used | \$51.00                |
| For 3,001 to 6,000 gallons            | \$5.25/1,000 gallons   |
| For 6,001 to 9,000 gallons            | \$7.75/1,000 gallons   |
| For 9,001 to 13,000 gallons           | \$8.50 / 1,000 gallons |
| For 13,001 to 16,000 gallons          | \$11.50/1,000 gallons  |
| 16,001+ gallons                       | \$15.00/1,000 gallons  |

Section 4.3: Monthly Rate for Residential Waste Collection and Disposal Service.

- A) The following rates per month shall be charged for Waste Collection and Disposal Services furnished by the District in every instance in which a different charge is not

expressly and clearly provided for herein:

|                                       |                      |
|---------------------------------------|----------------------|
| For first 6,000 gallons of water used | \$40.25              |
| For 6,001 to 13,000 gallons           | \$6.50/1,000 gallons |
| 13,001+ gallons                       | \$7.50/1,000 gallons |

Section 4.4: Monthly Rate for Commercial Waste Service.

- A) The following rates per month shall be charged for Waste Service furnished by the District in every instance in which a different charge is not expressly and clearly provided for herein:

|                                       |                      |
|---------------------------------------|----------------------|
| For first 6,000 gallons of water used | \$90.00              |
| For 6,001 to 13,000 gallons           | \$10.00/1,000gallons |
| 13,001+ gallons                       | \$15.00/1,000gallons |

Section 4.5: Monthly Rates to Builders for Water to Unoccupied Residences.

During construction and prior to initial occupancy, rates charged to builders herein for Water Service to unoccupied residences connected to the District's system will be as follows:

|                                       |                       |
|---------------------------------------|-----------------------|
| For first 3,000 gallons of water used | \$25.00               |
| For 3,001 to 6,000 gallons            | \$1.50/1,000 gallons  |
| For 6,001 to 10,000 gallons           | \$2.50/1,000 gallons  |
| For 10,001 to 20,000 gallons          | \$6.00/1,000 gallons  |
| 20,001+ gallons                       | \$10.00/1,000 gallons |

Section 4.6: Monthly Rates to Builders for Waste Collection to Unoccupied Residences.

During construction and prior to initial occupancy, rates charged to builders herein for sewer service to unoccupied residences connected to the District's system will be as follows:

|  |                      |
|--|----------------------|
| For first 10,000 gallons of water used | \$27.00              |
| 10,001+ gallons                        | \$5.00/1,000 gallons |

Section 4.7: No Reduced Rates or Free Service. All Consumers receiving either Water Service, Waste Collection, or Disposal Service, or all three, from the District, the Consumer 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 Consumer.

Section 4.8: Penalty for Failure to Pay Bill Before Delinquent. A charge of 10% of the amount of the Consumer's bill shall be added thereto when such bill has become delinquent as "delinquent" is

defined in Subsection 1.1(E) of this order.

Section 4.9: Regulatory Assessment. The District shall assess and collect from each Consumer that receives retail water and/or waste collection and Disposal Service from the District a regulatory assessment equal to 0.5% of the District's charges for such water and/or waste collection and Disposal Service. The District shall list the regulatory-assessments as a separate item on Consumer- utility bills, assessed and collected pursuant to this Order. The District shall remit such regulatory assessments to the Texas Commission on Environmental Quality in the manner required by law.

Section 4.10: Lone Star Groundwater Conservation District. All metered Consumers shall be billed, in addition to the water rates set forth above, an amount equal to the then current Lone Star Groundwater Conservation District charge per thousand gallons of water delivered to such user in a billing cycle, plus an additional fifteen (15%) percent. Such additional charge is intended to offset charges imposed upon the District by the Lone Star Groundwater Conservation District.

Section 4.11: San Jacinto River Authority. Pursuant to the terms of a Contract for Groundwater Reduction Planning, Alternative Water Supply and Related Goods and Services within the District, the San Jacinto River Authority (SJRA) assesses a fee to the District for each 1,000 gallons of groundwater withdrawn by the District. Each Consumer of the District, whether builder, single-family residential, non-single family residential, multi-plex, apartment, nontaxable, commercial, or any other type of user, shall be charged, in addition to the water rates set forth above, a separate amount for each 1,000 gallons of water delivered to such user in a billing cycle equal to the then prevailing fee for groundwater pumpage charged by the SJRA in its Rate Order, plus an additional fifteen (15%) percent.

Section 4.12: Monthly Rates for Out-of-District Water and Sewer Service. The following rates per month shall be charged for Out-of-District Customers' water and sewer service furnished by the District through water meters to each separate connection: the monthly water and sewer service rate for a commercial connection times two (water/sewer rate x2).

Section 4.13. Additional Fee for Out-of-District Customers. In addition to the water and sewer rates set forth above, an additional monthly fee shall be paid by any Out-of-District Customer, excluding non-taxable entities, in the amount of one-twelfth (1/12) of the property tax valuation of the property as shown by the records of the Montgomery Central Appraisal District for the previous year, multiplied by the tax rate of the District applicable for such year. The monthly fee shall be adjusted on the first day of November of each year to reflect the previous year's valuation and tax rate. In the event that the property owner contests the valuation of the property before the Montgomery Central Appraisal District, and the final determination is not made until after November 1 of the year following the year to which the valuation is applicable, the District shall refund to the Out-of-District Customer any amounts which the Out-of-District Customer has over- paid because of the excess valuation. Nothing herein contained, however, shall impose any duty of the District to furnish or to continue to furnish water or sewer service to any commercial or industrial Out-of-District Customers.

ARTICLE V  
Meters

Section 5.1: Title, Tampering, Maintenance, Setting.

- A) Title to all water meters and appurtenances, including the meter boxes enclosing same, shall vest in the District.
- B) No person other than a duly authorized agent of the District shall open the meter box, tamper with or in any way interfere with the 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 Consumer whose meter has been tampered with, to assess repair charges to such Consumer plus a damage fee of \$200.00, and, pursuant to Section 7.1 below, to impose a penalty.
- C) The District shall maintain, repair and replace all meters and appurtenances in connection therewith at its cost.
- D) All meters shall be set by employees or agents of the District.

Section 5.2: Meters and Boxes to be Free from Rubbish and Obstructions. After a meter has been set, the Consumer shall at all times keep the space occupied by the water and the box free from rubbish or obstructions of any kind.

ARTICLE VI  
Grease Traps

Section 6.1: Requirements for Grease Traps.

- A) Any Commercial Consumer serving or preparing food, or any other Consumer responsible for Waste discharges containing grease, oil, sand, flammable waste or other harmful ingredients shall install and maintain a grease trap and corresponding sampling well, such size will be determined by the District's engineer. 1,500 gallons is the minimum size allowed.
- B) Any Consumer responsible for discharges requiring a grease trap and sampling well shall, at his own expense, construct and install such grease trap and sampling well to include equipment and facilities of a design type and design capacity approved by the District. Such Consumer shall install the grease trap and sampling well in a manner to provide ease of access for cleaning and inspection and shall maintain the grease trap and sampling well in good operating condition continuously thereafter. Each trap and sampling well required to be installed hereunder shall be subject to initial inspection

and approval by the District Inspector; the fee for this initial inspection is free to the Consumer.

- C) A Consumer who does not disclose the developing business shall be responsible, at his own expense, to construct at a minimum one 1,500-gallon grease trap, as described above.
- D) Upon the effective date of this order, any entity or person who is responsible for a discharge for which a grease trap is required pursuant to this order and who does not have an approved grease trap in place shall have 120 days after the effective date within which to construct and install the required grease trap and secure necessary approvals from the District pursuant to this order.
- E) The Operator 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 at a cost to the Consumer of \$60.00 per inspection to ensure that grease traps are being maintained in effective operating condition.
- F) In the event a grease trap or any related facilities are found in an unserviceable condition or in need of cleaning or maintenance, the District's Inspector or other duly authorized representative of the District shall give notice to the person responsible for the discharge for which the grease trap is required that advises such person of the deficiencies and requesting prompt attention to the matter. The District's Inspector or other duly authorized representative of the District shall conduct such follow-up inspections within seven (7) business days. The fee for this re-inspection shall be \$300.00.
- G) In addition, the District shall assess a fine of \$500.00 to any party that fails re-inspection due to non-compliance. Any person responsible of violation of this section must pay all associated fees and take necessary action to correct the violation within five (5) business days of notice. The District shall revoke service should the violation continue to exist after failed compliance inspection.

## ARTICLE VII

### Enforcement

Section 7.1: Penalties. Pursuant to the authority granted by §§ 49.004 and 54.205, Texas Water Code, as amended, it is hereby declared and ordered that the District may levy reasonable civil penalties (among other fines, fees, penalties, and costs), payable to the District, for the breach or violation of any requirement or rule herein stated, which penalties shall not exceed the jurisdiction of a justice court as provided in § 27.031, Texas, Gov't Code, currently, up to the maximum allowable fine by law, for each violation or each day of a continuing violation. The District may bring an action to recover the penalty (or other such fines, fees, penalties, and costs) in a court in the county where the violation occurred. Such penalties shall be in addition to any other penalties, fines,

fees, penalties, and costs provided by the laws of the State of Texas. Further, in any suit to enforce its rules, the District shall seek to recover reasonable fees for attorneys, expert witnesses and other costs incurred by the District before the court. Notice of the rules and penalties set forth herein shall be published once a week for two (2) consecutive weeks in one or more newspapers with general circulation in the area in which the District is located.

Section 7.2: Storm Sewer. For the purpose of providing drainage capacity and services to drain the land located within its boundaries, the District has constructed, maintained, owns, and operates the internal drainage ditches, detention ponds, and the storm sewer system. Pursuant to Title 40, Part 122 of the Code of Federal Regulations, the District adheres to the storm water regulatory provisions, as referenced in the National Pollutant Discharge Elimination System ("NPDES") and Sections 318, 402, 405 of the Clean Water Act. The District is regulated by the Texas Pollutant Discharge Elimination System ("TPDES") through General Permit No. TXR11574-001 (the "General Permit"). The General Permit upholds all federal regulations through the implementation of the Storm Water Management Program ("SWMP"). The TCEQ monitors the Best Management Practices ("BMPs") outlined in the SWMP to ensure the District adequately administers all program elements and prevents illicit discharges from entering into the Municipal Separate Storm Sewer System ("MS4").

- A) Illicit Discharge. The use of the District's storm sewer system is solely limited to storm water. No unauthorized materials such as liquids, solids, grass or yard clippings, trash, construction materials, oils, or grease shall be introduced into the District's storm sewer system. Only runoff entirely composed of storm water or certain allowable non-storm water shall be discharged into the storm sewer system.
- B) The following non-storm water sources may be discharged into the storm sewer system:
  - (1) water line flushing (excluding discharges of hyper-chlorinated water, unless the water is first de-chlorinated and discharges are not expected to adversely affect aquatic life);
  - (2) runoff or return flow from landscape irrigation, lawn irrigation, and other irrigation utilizing potable water, groundwater, or surface water sources;
  - (3) discharges from potable water sources;
  - (4) diverted stream flows;
  - (5) rising ground waters and springs;
  - (6) uncontaminated ground water infiltration;
  - (7) uncontaminated pumped ground water;

- (8) foundation and footing drains;
- (9) air conditioning condensation;
- (10) water from crawl space pumps;
- (11) individual residential vehicle washing;
- (12) flows from wetlands and riparian habitats;
- (13) de-chlorinated swimming pool discharges;
- (14) street wash water;
- (15) discharges or flows from firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);
- (16) other allowable non-storm water discharges listed in 40CFR§122.26(d)(2)(iv)(B)(I);
- (17) non-storm water discharges that are specifically listed in the TPDES Multi Sector General Permit (MSGP) or the TPDES Construction General Permit;
- (18) other similar occasional incidental non-storm water discharges, unless the TCEQ develops permits or regulations addressing these discharges.

- C) Detection and Elimination. Upon reasonable request, all users of the District's storm sewer system ("Storm Sewer Users") shall allow their property and/or the property under their 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. The District's consultants may perform random testing and/or inspections 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 District will determine through the inspection if the illicit discharge may pose a serious threat to the integrity of the District's storm sewer system. A Notice of Violation will be issued to the Storm Sewer Users responsible for the illicit discharge. Anyone who disposes unauthorized materials prohibited under regulations implemented pursuant to the Federal Water Pollution Control Act or any state equivalent act, or that might potentially impede the free flow of storm water runoff to the drainage facilities or the District's rights-of-way or easements will be responsible for (1) removing such unauthorized materials and restoring the drainage facilities to their

prior condition, or (2) reimbursing the District for all costs of the removal and restoration if the District opts, at its sole discretion, to perform such work. In addition to or in place of the foregoing, the District may assess a penalty against the violation or disconnect the user's service to collect such penalty for such violation under Section 12 of this Rate Order.

- D) Failure to Comply; Penalty for Violation. It shall be a violation of this Order to introduce unauthorized materials into the District's storm sewer system, or to damage the District's storm sewer system in any manner. Property owners, respectively, are responsible for adequately maintaining the stormwater structural facilities located within their property lines; it is the responsibility of the property owner to mitigate the risk of foreign materials from entering into the District's storm sewer system. The District reserves the right to assess such penalties, as provided in this rate Order to any person, corporation, or other entity which makes such Unauthorized Use of, or causes any damage to, the District's storm sewer system. The failure of a Storm Sewer User to comply with the requirements of this Section will be considered a violation of this rate Order and will be subject the Storm Sewer User to penalties as outlined below:
- (a) Notice of Violation for Illicit Discharge to District Facilities: Up to the maximum allowable fine by law per incident\*
  - (b) Termination or suspension of Water Service, or, at the Consumer's sole cost and expense, the District may address and correct the illicit connection or unacceptable discharge if the District determines the existence of a threat to the integrity of the District's System. 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.
  - (c) If the District terminates service in order to preserve the integrity of the District's System, Water 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 resolved. Any and all expenses associated with the enforcement of this Section shall be billed to the Consumer in violation.

## ARTICLE VIII

### Miscellaneous

Section 9.1: Savings. If any word, phrase, clause, sentence, section or provision of this Order or the application thereof to any person or circumstance shall ever be held by a court of competent jurisdiction to be invalid or unconstitutional, the remainder of this Order shall nevertheless be valid, and the Board declares that this Order would have been adopted without such invalid or unconstitutional word, phrase, sentence, section or provision.



Section 9.2: Use of Personal Contact Information. The District may be in possession of its Consumers' personal contact information, including telephone numbers, email addresses, and mailing addresses provided by Consumers. Any such personal contact information may be used by the District and/or its Service Providers to communicate with Consumers regarding emergencies or other necessary notifications. Consumers' information will not be shared with any third parties for any purpose other than relaying District-specific and relevant information regarding data, public safety and other important notifications only to the extent necessary. Consumers are required to sign an Application for Residential Utility Service, and, as such, do acknowledge and consent to the receipt of such notifications. Consumers may receive notifications by the District and/or its Service Providers via telephone, SMS (text message), email or regular mail. The District and/or its Service Providers are not responsible for any costs that may be incurred by the Consumers upon receipt of any form of communication, i.e. data, voice, or SMS rates.

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PASSED, ADOPTED, AND EFFECTIVE the 20<sup>th</sup> day of October, 2025.

SPRING CREEK UTILITY DISTRICT

ATTEST:

/s/ Frederick Sunderman  
Secretary, Board of Directors



Exhibit "A"

Customer Service Inspection Certification

**Customer Service Inspection Certificate**

|                      |  |
|----------------------|--|
| Name of PWS:         |  |
| PWS ID #:            |  |
| Location of Service: |  |

| Reason for Inspection:   |                          |
|--|--------------------------|
| New construction   | <input type="checkbox"/> |
| Existing service where contaminant hazards are suspected                 | <input type="checkbox"/> |
| Material improvement, correction or expansion of distribution facilities | <input type="checkbox"/> |

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

| Compliance               | Non-Compliance           |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (1) No direct or indirect 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 principle backflow prevention assembly is properly installed.               |
| <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 and prior to January 4, 2014.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (5) Plumbing installed on or after January 4, 2014 bears the expected labeling indicating ≤0.25% lead content. If not properly labeled, please provide written comment.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (6) No solder or flux which contains more than 0.2% lead exists in private water distribution facilities installed on or after July 1, 1988.   |

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

|                |                               |                                    |                                       |                                |
|----------------|-------------------------------|------------------------------------|---------------------------------------|--------------------------------|
| Service lines: | Lead <input type="checkbox"/> | Copper <input type="checkbox"/>    | PVC <input type="checkbox"/>          | Other <input type="checkbox"/> |
| Solder:        | Lead <input type="checkbox"/> | Lead Free <input type="checkbox"/> | Solvent Weld <input type="checkbox"/> | Other <input type="checkbox"/> |

|          |  |
|----------|--|
| Remarks: |  |
|          |  |
|          |  |

I recognize that this document shall be retained by the aforementioned Public Water System for a minimum of ten years and that I am legally responsible for the validity of the information I have provided.

|                                |  |                       |   |
|--------------------------------|--|-----------------------|---|
| Signature of Inspector:        |  | License Type:         |   |
| Inspector<br>Name(Print/Type): |  | License Number:       |   |
| Title of Inspector:            |  | Date / Time of Insp.: | / |

A Customer Service Inspection Certificate should be on file for each connection in a public water system to document compliance with 30 TAC § 290.44(h)/290.46(j).

# Exhibit "B"

## Backflow Prevention Assembly Test and Maintenance Report

### BACKFLOW PREVENTION ASSEMBLY TEST AND MAINTENANCE REPORT

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

|                      |  |
|----------------------|--|
| NAME OF PWS:         |  |
| PWS ID#:             |  |
| PWS MAILING ADDRESS: |  |
| PWS CONTACT PERSON:  |  |
| ADDRESS OF SERVICE:  |  |

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

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

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

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

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

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

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

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

|          |  |
|----------|--|
| Remarks: |  |
|          |  |
|          |  |

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

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

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

\*\* USE ONLY MANUFACTURER'S REPLACEMENT PARTS