

Effective as of August 15, 2006

**EMERALD BAY MUNICIPAL UTILITY DISTRICT
WATER AND WASTEWATER SERVICE RULES AND REGULATIONS**

CHAPTER 1 - INTRODUCTION

Sec. 1.01 Authority

These Regulations were adopted by the Board of Directors of the Emerald Bay Municipal Utility District on June 27, 2006, to be effective August 15, 2006, pursuant to the authority granted to Municipal Utility Districts by the Texas Legislature under Section 54.205 of the Texas Water Code.

Sec. 1.02 Purpose

The purpose of these rules and regulations, as authorized in Section 54.205 of the Texas Water Code, is to:

- (1) Secure and maintain safe, sanitary, and adequate plumbing installations, connections, and appurtenances as subsidiary parts of the District's sanitary sewer system;
- (2) Preserve the sanitary condition of all water controlled by the District;
- (3) Prevent waste and the unauthorized use of water controlled by the District;
- (4) Regulate privileges on any land or any easement owned or controlled by the District; and
- (5) Provide and regulate a safe and adequate freshwater distribution system.

Sec. 1.03 Definitions

As used in these Regulations, the following terms:

- (a) *District* means the Emerald Bay Municipal Utility District.
- (b) *District Representative* means a director of the District or a representative or employee of the District engaged in carrying out the terms of or performing services prescribed.

- (c) *Person* includes an individual, partnership or corporation but does not include a governmental unit.
- (d) *Property Owner* means the Person who owns a lot or tract of land served by the District freshwater system and/or sanitary sewer sytem, regardless of whether the lot or tract of land is used for a single family dwelling, multiple family dwelling, or for commercial purposes.

CHAPTER 2 - PROCEDURES FOR WATER AND SEWER SERVICES

Sec. 2.01 Applications for Connections; Charges

(a) Any person desiring to make a connection to the water distribution and/or wastewater collection system servicing the District shall first apply to and obtain permission from the District. Application shall be made by the record owner of the property, or the authorized representative of the record owner of the property, or the tenant of an individually metered dwelling unit. Proof of authority of the applicant shall be presented to the District Representative at the time the application for connection is made.

(b) The application for a water connection permit shall be made on Water Form #2006-1 and an application for a sewer connection permit shall be made on Sewer Form #2006-2. Each form shall include the following:

- (1) The name and address of the applicant.
- (2) The person or persons for whom the connection will be made.
- (3) The exact location where the connection will be made and the house or building which will be served by the connection line.
- (4) The date and time when the connection will be made.
- (5) The type or description of the materials to be used for the connecting line and tap and for the physical connection between the connecting line and the house or building.

- (6) The manner or method by which the connecting line between the water distribution or wastewater collection line in the District and the house or building will be installed and connected; e.g., hand excavation, machine excavation, boring, etc.
- (7) Evidence satisfactory to the District Representative that the person who will actually make the tap and install the connecting line has comprehensive general liability insurance in the minimum amounts of \$300,000 bodily injury and \$50,000 broad form property damage with an underground rider and a completed operations rider.
- (8) Payment of water and wastewater (sewer) system permit fees and deposits as specified in Schedule A of this Chapter 2.

(c) The District shall review every application submitted pursuant to this Section 2.01. Upon finding that the application complies with the requirements of this Section 2.01 and that, in its judgment and opinion, the materials to be used for the connecting line and the connections, and the methods and procedures to be followed in laying the line and making the connections, are at least equivalent to the adopted **“Procedures for Field Connections to Water System”** and **“Procedures for Field Connections to Sewer Collection System,”** respectively, and the Uniform Plumbing Code, for connections to the water system and wastewater collection system, and are in compliance with the applicable criteria set forth in Section 3.02 or 3.03, as applicable, of these Rules, the District may approve the application and grant permission for the connection to be made upon such terms and conditions as, in its judgment and opinion, are necessary or desirable to accomplish the purposes and objectives of Chapter 3 of these Rules.

(d) The applicable tap and connection fees for the initial connection to the District's water and wastewater systems are as set forth in Schedule A of this Chapter 2. These fees shall be received by the District for each connection made to the District's water and wastewater systems before the connection is made. On an undeveloped tract

or lot, the tap and connection fees shall be paid upon approval of the application for the building permit and before construction of any improvements on the tract or lot is commenced, even though the connection itself is not to be made until a later date.

Sec. 2.02 Application for Services

(a) Any person desiring to receive services from either the water distribution or wastewater collection system serving the District who has not previously obtained permission from the District to receive such services pursuant to Section 2.01 above, shall first apply to and obtain permission from the District. Applications shall be made by the record owner of the property, or the authorized representative of the record owner of the property, or the tenant of an individually metered dwelling unit. Proof of authority shall be presented to the District Representative at the time the application for service is made.

(b) The application required under section (a) above, shall contain all the information which the District deems necessary in order to ensure proper administration of the District's Systems.

(1) No Person shall maintain a service connection with the District's freshwater distribution system unless the Person has entered into a Water Service Agreement with the District.

(2) No Person shall maintain a service connection with the District's sanitary sewer system unless the Person has entered into a Sanitary Sewer Service Agreement with the District.

Sec. 2.03 Service Deposits

(a) Any applicable service deposit will be determined by the Board of the District and set forth in Schedule A of this Chapter 2. Any service deposits shall be received by the District before service is actually commenced or recommenced to any property connected to the District's water and wastewater systems and before service is commenced or recommenced to either the record owner of the property, an authorized representative of the record owner of the property, or a tenant of an individually metered dwelling unit. The service deposits shall not be transferable and shall be held by the District in escrow to assure prompt payment of all charges for water and wastewater services to the property. The District at its option may apply all or any part of a customer's service deposit to the payment of all or any part of the delinquent account of a customer.

(b) The unexpended and unobligated portion of a customer's service deposit shall be refunded to the customer on application therefor following termination of services to the property. A property owner may apply for an earlier refund for property the owner occupies and, upon a determination that the owner had a good payment record for a period of one year, the District may refund the owner's deposit to the owner. No interest will be allowed or paid on the service deposit.

Sec. 2.04 Procedure for Connections and Reconnections (Including Taps)

All connections and reconnections (including taps) to the District's water and wastewater systems shall be made by a District approved licensed contractor at the expense of the person requesting the service. The tap, the lead to a water or wastewater tap from the building or premises to receive service, and the connection to the building or premises shall not be covered in the ground until they have been inspected and approved by a District Representative as being in compliance with these Rules. Reference is

specifically made to Sec. 3.01 of these Rules for the construction and inspection procedures and requirements.

Sec. 2.05 Maintenance of and Restrictions on Connection Lines

It shall be the responsibility of each user of either or both the water and wastewater systems to maintain the water and wastewater lines leading from the points of connection on the District's water and wastewater systems to the building or premises served. The wastewater line shall be maintained so as to prevent infiltration of water to or ex-filtration of wastewater from the wastewater line. Gutters, drains, down-spouts or other sources of rain and storm water shall not be connected to the plumbing or wastewater line of the building or premises served.

Sec. 2.06 Water and Wastewater (Sewer) Service Billing

(a) Payment of the monthly rates for water and sewer services shall be the responsibility of the customer receiving water or sewer services, or both services. The Property Owner shall be responsible for payment of all fees and charges for water service and sewer service provided to a lot or tract of land, regardless of the number of connections and regardless of whether the property is leased to another Person.

(b) Residential bills for water service each month shall be computed on the current month's usage at rates provided in Schedule A of this Chapter 2. The District may levy additional fees in connection with water service for capital improvements or facility expansions.

(c) Residential bills for sewer service each month are as set forth in Schedule A of this Chapter 2. The District may levy additional fees in connection with sewer service for capital improvements or facility expansions.

(d) A statement of all current and past due fees and charges for water service and sewer service shall be sent to each Property Owner. The statements shall be mailed on or before the 5th day of the month following the month the service is provided. For new service connections and reconnections, the first statement for water or sewer services

shall be sent in the month following the month or part thereof that service is first provided or service is reconnected.

(e) All bills shall be due when rendered and are delinquent if payment is not received by the District on or before the last day of the month for the services provided during the previous month. A late charge of five percent (5%) of the amount of any bill that is delinquent shall be made for each monthly payment date the delinquent amount remains unpaid.

(f) If payment of fees and charges for water service provided either by the District or by a former water service provider or for sewer service is delinquent, then the District shall send the Property Owner written notice of the delinquency by certified mail. The Notice shall state:

- (1) the name of the Property Owner and the amount due, including any late fees, if the statement is for services provided by the District;
 - (2) the name of the Property Owner, the name of the former water service provider and the amount due, including any late fees, if the statement is for services provided by a former water service provider; and
 - (3) that the water or sewer connection will be disconnected if the delinquent statement is not paid within ten (10) days from the date the notice is received by the Property Owner.
- (g) The District may disconnect water service or sewer service if:
- (1) a delinquent statement owed to the District is not paid within ten (10) days after the Property Owner receives Notice in accordance with this Section.
 - (2) a delinquent water statement owed to a former water service provider is not paid to the former water service provider within ten (10) days after the Property Owner receives Notice in accordance with this Section.
 - (3) If a customer's bill is paid with a check or draft that is not honored by the drawee, the District may give the customer ten (10) days' notice that the bill shall be paid in a form and manner specified in

the Notice, failing which water and sewer services will be terminated. If the bill is not paid in the manner and within the time specified in the Notice, the customer's water and sewer services may be terminated by the District. In addition, a person who pays a bill with a check or draft that is not honored by the drawee may be charged an amount established from time to time by the District, which amount shall be based on the prevailing or usual charge made for dishonored checks and drafts by other vendors in the same general area as the District.

(h) The remedies provided in this Section are in addition to other remedies provided by law.

Sec. 2.07 Fire Protection, Irrigation and Special Water Connections

(a) Permanent connections to the District's water system to provide water for facilities specifically designed for fire-fighting and fire-protection purposes within the District, for irrigation of the Emerald Bay Club golf course, and for any other special purposes approved by the District (hereafter a "Special Connection") may be modified or supplemented by this Section 2.07.

(b) The following additional rules apply to temporary and permanent connections for fire-fighting and fire-protection purposes.

(1) Temporary fire line connections, such as for fire hoses for combating active fires in the District may be made at any surface flushing-valve or fire hydrant of the District, as the exigencies of the matter may require, without prior notification to or approval of the District. However, after such a connection is made, notice shall be given to the District as promptly as possible. The person or persons making the temporary fire line connection shall inform the District of the amount of time water was used through the temporary connection and the estimated amount of water used.

(2) No meter shall be required or provided by the District for a fire line connection. The amount of water used through a fire line connection for any purpose, including fire fighting, shall be determined by a District Representative on the basis of information and data reasonably available to him or her. In the absence of fraud, capriciousness or grossly arbitrary action on his part, the determination of the District Representative shall be final.

Sec. 2.08 Unauthorized Use of Water and Wastewater Systems

- (a) It is a violation of these Rules if a Person intentionally or knowingly,
- (1) taps into a District water main or sewer main without first obtaining a permit from the District;
 - (2) taps into a District water main or sewer main or makes a service connection that does not comply with the then effective **“Procedures for Field Connections to Water System”** and **“Procedures for Field Connections to Sewer Collection System,”** respectively, approved by the District;
 - (3) maintains a service connection with the District freshwater distribution system without a Water Service Agreement with the District;
 - (4) maintains a service connection with the District sanitary sewer system without a Sanitary Sewer Service Agreement with the District; and
 - (5) Uses water from the District water system other than:
 - a) through an authorized tap for which necessary fees, deposits and other charges have been paid;
 - b) through a fire line or irrigation connection as authorized by Section 2.07 of this Chapter 2;
 - c) on the premises for which the tap was originally made; or

- (6) Discharges waste to the District wastewater system:
- a) other than through an authorized tap for which necessary connection fees, deposits and other charges have been paid;
 - b) generated on premises other than that for which the tap was originally made;
 - c) generated at a building other than that for which the tap was originally made;
 - d) of a type different from that contemplated at the time the tap was originally made;
- except that subparagraph c) and d) shall not apply if permission is first obtained from the District.

(b) Penalties.

- (1) **Criminal Penalty.** Any person who violates this Section 2.08 is guilty of a misdemeanor, punishable by a fine not to exceed \$2,000. (See §54.001(b) of the Texas Local Government Code).
- (2) **Civil Penalty.**
- (a) In a suit to enforce this Regulation, the District may recover a civil penalty against a Person, if the District proves that the Person had actual notice of the requirements of this Regulation, and thereafter committed an act in violation of this Regulation or failed to take action necessary to comply with this Regulation.
 - (b) A civil penalty under this Section shall not exceed \$100.00 per day for each day that a violation continues.
 - (c) The total penalty assessed against a Person in a suit under this Section shall not exceed \$5,000.00.
- (3) A penalty imposed under this Section is in addition to any other penalty provided by the law of this state. Such penalty shall cover the costs of the District and its officers, Directors, employees, agents and attorneys incurred in enforcing this provision and repairing any damage or injury which may be caused to the water

system or wastewater system as a result of the unauthorized use or the actual costs thereof if in excess of \$100.00. The amount of water used or the wastewater service charge shall be determined by the District on the basis of information and data reasonably available. In the absence of fraud, capriciousness or grossly arbitrary action on its part, the determination of the District shall be final.

(c) Severability.

If any section, subsection, paragraph, sentence or phrase of this Regulation is for any reason held invalid or unconstitutional by any court of competent jurisdiction, then such portion of this Regulation shall be deemed a separate and independent provision and shall not affect the validity of the remaining portions of this Regulation.

Sec 2.09 Disconnection and Reconnection

(a) Failure of a customer receiving water or wastewater service, or both services, to comply with any of the provisions of this Chapter 2, or to pay when due all fees, deposits and other charges owed to the District under this Chapter 2, all taxes due the District for more than six months (Sec. 49.212(c), Water Code), or any other charges owed to the District, is a breach of the contract for service, and the District may, after notice and hearing in accordance with the procedures for contested cases specified in Sections 2001.051 and 2001.052, Government Code, as now or hereafter amended, disconnect all District service to the property for which the customer was receiving water or wastewater service, or both services, (hereafter referred to as the "delinquent property"), and also to any other properties for which the customer is the customer of record until any such breach is remedied.

(b) Notice of hearing shall be given to the customer of record of the delinquent property and, if different, to the occupant of the property at the address or addresses as shown in the records of the District or at more current addresses if the administrative office of the District has actual knowledge of more current addresses.

(c) The matter shall be heard by the Board of Directors of the District or its authorized representative. Neither the District's Board nor its authorized representative who hears the matter shall be involved in the investigation, preparation of evidence, presentation, or negotiations on the matter except as such activities are related to and occur in the context of the hearing. The Board or its authorized representative may authorize and direct the disconnection of water and wastewater services, or both, to the delinquent property on such terms and conditions as the Board in its judgment deems appropriate; may establish a deferred payment schedule for the delinquent amount, subject to disconnection if the schedule is not observed; or may take any other action that is reasonable under all of the circumstances. The decision shall be publicly announced by the Board or its authorized representative at the conclusion of the hearing and before it is closed.

(d) If it is determined pursuant to the aforesaid Section 2.09(c) that service to a property for water or wastewater service, or both services, is to be terminated or disconnected by the District for any cause, there shall be charged a termination fee as set forth in Schedule A of this Chapter 2 before service is again commenced to the property.

(e) If water or sewer service has been disconnected by the District for non-payment of a statement, no service shall be reconnected until:

- (1) the balance of the statement has been paid in full;
- (2) an application has been filed for the service to be reconnected; and
- (3) the appropriate reconnection fee has been paid to the District.
- (4) A service deposit may be required by the District.

(f) If sewer service has been disconnected by the District as a result of a Prohibited Use under Section 2.08, no service shall be reconnected until :

- (1) the Prohibited Use has been eliminated or the District has been provided adequate assurance, in a form acceptable to the District, that the Prohibited Use will not continue;

- (2) any delinquent statement has been paid in full;
- (3) an application has been filed for the service to be reconnected; and
- (4) the appropriate reconnection fee has been paid to the District.
- (5) A service deposit may be required by the District.

(g) Reconnection may be performed only by a District Representative or other District authorized representative. If the service is reconnected by someone other than a District Representative before all charges related to the disconnection of service are paid or arrangements for the payment thereof satisfactory to the District or its authorized representative have been made, the District may physically sever the service connection, including removal of the water meter at the delinquent property. In this event, there shall be a charge of \$100.00, in addition to all other charges assessed, before service may again be commenced to the property.

Sec. 2.10 Easements

Before service is begun to any property or, after termination of service for any cause, before service is renewed, the person requesting such service shall grant an easement of ingress and egress to and from the meter or place of connection for such maintenance and repair as a District Representative, in his judgement, may deem necessary.

Sec. 2.11 No Free Service; Line Breaks and Leaks

(a) No free service shall be granted to any user for service provided by or through the District's water and wastewater systems, whether such user be a charitable institution, a political subdivision, or a municipal corporation, and except as provided in paragraph (b) of this Section 2.11, all charges for water and wastewater service shall be paid as required herein.

(b) In the event a customer's water or wastewater service line breaks or leaks, the customer is responsible for repairing the break or leak on the customer's side of the meter.

Sec. 2.12 Required Service

No service shall be provided by or through the District's water and wastewater systems unless the user agrees to take both water and wastewater services. An exception shall be granted for the sewer customers within Windcliff Harbor, the commercial properties located on CR 344 outside the District's boundaries, and the four existing District customers with septic systems. Upon change of ownership of the four properties presently using septic systems, the new property owners will be required to connect to the District's wastewater system and all applicable permits and fees will be due and payable to the District.

Sec. 2.13 Non-Domestic Waste

The discharge of non-domestic waste to the District's wastewater system is prohibited.

Sec 2.14 Industrial Waste

The discharge of industrial waste to the District's wastewater system is prohibited.

Sec 2.15 Toxic Wastes

The discharge of toxic wastes to the District's wastewater system is prohibited.

CHAPTER 3 - STANDARDS AND PROCEDURES FOR WATER AND WASTEWATER CONNECTIONS

Sec. 3.01 General Construction and Connection Procedures

(a) Any person desiring to make a connection to or receive service from either the water distribution or wastewater collection system serving the District must first obtain a permit from the District. A permit for water service or sewer service shall not be issued until a completed application form has been submitted to the District and the appropriate fee has been paid to the District. A person shall not maintain a service connection with the District freshwater distribution system unless the person has entered into a **Water Service Agreement** with the District. A person shall not maintain a service connection with the District sanitary sewer system unless the person has entered into a **Sanitary Sewer Service Agreement** with the District. Any person applying for service shall comply with the applicable requirements of Chapter 2 of these Rules.

(b) The person proposing to actually make a connection shall be responsible for determining the location of all existing utilities and services in the work area before making any connection and that person shall also be responsible for the immediate repair of any damage to the existing utilities, services and facilities that may result from his work. The utilities, facilities and services to which this provision applies include, but are not limited to, electric lines, boxes and transformers; television cable facilities; water lines; wastewater lines; telephone facilities; curbs and concrete flat work; and irrigation systems. Information on the location of most of the utilities, services and facilities can be obtained from the One-Call Service, Telephone No. 1-800-344-8377.

(c) After a connection is made to the water distribution or waste water collection system serving the District pursuant to permission granted by the District Representative, and before the connecting line and connections are covered or enclosed with dirt or any other material, a District Representative shall inspect the same to determine whether or not they have been properly installed in accordance with the requirements of this Chapter 3, the connection permit, and the District's **“Procedures for Field Connections to Water System”** and **“Procedures for Field Connections to**

Sewer Collection System,” respectively. The District Representative shall also determine whether the bedding material to be used to cover or enclose the connecting line and connections are suitable under the standards required by this Chapter 3 and the connection permit to insure the connecting line will operate and function properly and remain functional and operational after it is placed in use, under normal and usual operating conditions. The person to whom the permit is issued shall be responsible for covering or enclosing the connecting line and connections with proper materials authorized and approved by the District Representative.

(d) The person making a tap or installing a service line shall bore under the paved streets unless prior approval to cut streets has been granted by a District Representative. In such case, the person shall backfill the cuts he makes in paved streets. He shall fill the cuts with District-approved sand, road base and cement materials and compact the same to standard, acceptable densities as established by the Smith County Road & Bridge Department. The District will **not** be responsible for applying the actual paving material on top of the road base material.

(e) All water and wastewater connection lines and materials, except water meters, shall be furnished by the party installing the lines. **Water meters shall be furnished by the District at the expense of the customer.**

Sec. 3.02 Standards Governing Water Service Lines And Connections

(a) These rules govern the installation of all water service connections with the water system serving the District. All taps and service connections with the District freshwater distribution system shall be constructed out of materials and installed in the manner required by the then effective **“Procedures for Field Connections to Water System”** approved by the District.

(b) As used in this section 3.02, "service line" means the water service pipe from the foundation of the residential or commercial building to the water service stub or water main owned by the District.

(c) Except as may be authorized pursuant to section 2.05 of these Rules, only one service line connection to the District's water system is permitted for each single

family dwelling, and each single family dwelling unit shall have one water meter through which all water to the unit shall flow and be metered.

- (d) The following requirements apply to water connection facilities:
- (1) Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials. Asbestos-cement, FE, or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building.
 - (2) Cast iron fittings up to and including two (2) inches in size shall be galvanized.
 - (3) All malleable iron water fittings shall be galvanized .
 - (4) Piping and tubing which has previously been used for any purpose other than for potable water systems shall not be used.
 - (5) Valves up to and including two (2) inches in size shall be of brass or other approved material. Sizes over two (2) inches may have cast iron or brass bodies. Each gate valve shall be a full-way type with working parts of non-corrosive material.
 - (6) A full way gate valve controlling all outlets shall be installed on the discharge side of each water meter.
 - (7) Water service lines or any underground water pipes **shall not** be run or laid in the same trench with non-metallic sewer or drainage piping, except as provided below. Water service lines and wastewater service lines shall be not less than nine (9) feet apart horizontally and shall be separated by undisturbed or compacted earth.
 - (8) The water service line may be placed in the same trench with the wastewater service line provided all three of the following conditions are met:
 - a) The bottom of the water service line, at all points, shall be at least twelve (12) inches above the top of the wastewater service line.

- b) The water service line shall be placed on a solid shelf excavated at one side of the common trench and the two lines shall be separated by a minimum of eighteen (18) inches.
 - c) The water service line shall be installed with water tight joints tested to a minimum of 150 PSI.
- (9) Water service lines shall be bedded in washed sand to provide six (6) inches of cushion below the line. The water service line shall be bedded properly in the sand before the District inspection is requested, and the sand for the cover shall be on the site at the time. The trench bottom and walls shall be cleared of all protruding rocks which could damage the pipe before the sand bedding is placed. Washed sand shall be filled to the same elevation as the top of the adjacent curb and shall be compacted to a Proctor density of 90%. No rocks or other material over six inches (6") in diameter shall be used for backfill over the sand.

(e) **A water meter** and a District-approved meter box shall be installed for each water connection at the location specified by the District Representative. If a water box subsides or tilts more than one inch (1") within one year after it is installed, the person or firm who installed it shall be obligated to raise or straighten the meter box to the proper position. The following materials shall be used for the installation of all water meters and meter boxes in the District:

- (1) U-Brach -James Jones Model J-1S7S or approved equal.
- (2) Flat Head Angle Stop -James Jones Model J-1526 or approved equal.
- (3) P.E. Heavy Wall service -ASTM 2737 line or approved equal.
- (4) Concrete meter box with metal lid or poly material box with a metal lid that the District has approved.
- (5) Drain tile and metal lid to cover owners cut-off valve.
- (6) 6 1/2" X 3/4" brass meter nipple -James Jones J-130 or approved equal.

The above list is a typical service list to connect either 5/8" or 3/4" meters. Installation of larger meters shall use the same quality materials as above with appropriate increases in size.

(f) Potable water supply piping, water discharge outlets, backflow prevention devices or similar equipment shall not be located so as to make possible the submergence of such equipment in any contaminated or polluted liquid or substance.

(g) Lawn sprinkling systems shall be equipped with an approved backflow prevention assembly installed on the discharge side at the point of delivery to the sprinkler system on the service line.

(h) No private water supply shall be interconnected with the public water supply.

(i) Swimming pool makeup water shall be protected by means of an approved backflow prevention assembly or an adequate air gap.

(j) No water supply system or portion thereof shall be covered or concealed until it first has been tested, inspected and approved by District Representatives.

Sec. 3.03 Standards Governing Wastewater Service Lines

(a) These rules govern the installation of all wastewater connections with the wastewater system serving the District. **Application for Sanitary Sewer Service** must be filed and the connection fee paid in accordance with Sec. 3.06 (Connection Permits) prior to construction of the service line. Construction must not begin until authorized by the District and the required form is completed.

(b) As used in this Section 3.03, "service line" means the wastewater line from the foundation of the residential or commercial building to the wastewater collection line owned by the District.

(c) Only one service line connection to the District's wastewater collection system is permitted for each residential or commercial building.

(d) Only the following types of pipe and fitting materials are approved for constructing service lines. Pipe and fittings in each individual service line shall be of identical material.

Poly-vinyl Chloride PSM (PVC) pipe conforming to ASTM Specification D3034-SDR 35 installed in accordance with ASTM D2321 or Schedule 40. Recommend Schedule 40 PVC.

(e) A PVC Schedule 40 or SDR 35 4" x 6" increaser shall be used at the property line for all wastewater connections to increase the size of the service line to tie into the wastewater service stub.

(f) The service line shall be installed with water tight joints and tested to a minimum of 150 PSI without leaking.

(g) Minimum sizes of service lines, except as approved in writing by the District's engineer or operator, shall be as follows:

- (1) Residential Building - Four inches (4") in diameter
- (2) Commercial Building - Six inches (6") in diameter

(h) Minimum grades for service lines shall be as follows:

- (1) 4 inch pipe – one-foot drop per hundred feet (1%)
- (2) 6 inch pipe – six-inch drop per hundred feet (0.5%)
- (3) 8 inch pipe – four-inch drop per hundred feet (0.33%)

(i) Maximum grades for service lines shall be as follows:

- (1) 4 inch pipe – two and one-half feet drop per hundred feet (2.5%)
- (2) 6 inch pipe – one and one-half feet drop per hundred feet (1.5%)
- (3) 8 inch pipe – one-foot drop per hundred feet (1%)

(j) Service lines shall be constructed to true alignment and grade. Warped and/or sagging lines will not be permitted. Service lines shall be bedded in washed sand to provide six inches (6") of cushion below the line. The service line shall be bedded properly in the sand before the District inspection is requested, and the sand for the cover shall be on the site at the time. The trench bottom and walls shall be cleared of all protruding rocks, which could damage the line before the sand bedding is placed. Washed sand shall be filled to the same elevation as the top of the adjacent curb and shall be compacted to a Proctor density of 90%. No rocks or other material over six inches (6") in diameter shall be used for backfill over the sand.

Sec. 3.04 Connection of Building Sewer Outlet to Service Lines

(a) The building tie-on connection will be made directly to the stub-out from the building plumbing at the foundation on all waste outlets. A clean-out shall be installed at the connection of the service line no farther than two (2) feet from the slab of the building.

(b) Water-tight adapters of a type compatible with the materials being joined will be used at the point of connection of the service line to the building plumbing. No cement grout materials will be permitted. See **“Procedures for Field Connections to Sewer Collection System”**

(c) Existing “wye” and stack connections must be utilized for connection of the service line to the District's wastewater collection line unless an exception is permitted by a District Representative or Operator.

Sec. 3.05 Fittings and Cleanouts

(a) No bends or turns at any point in the service line may be greater than 45 degrees.

(b) Each horizontal service line will be provided with a clean-out at its upper terminal, and each such run of piping which is more than ninety feet (90) in length will be provided with a clean-out for each ninety (90) feet or fraction thereof, in the length of such piping.

(c) Each cleanout will 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 will be installed vertically above the flow line of the pipe.

(d) Clean-outs will be made with air-tight mechanical plugs.

Sec. 3.06 Connection Permits

(a) Application for Sanitary Sewer Service must be filed prior to construction of the service line and any applicable fees as set forth in Schedule A should accompany

this application (**Form #2006-2**). Application forms are available from the District office at 155 LaSalle Drive, the Emerald Bay Club business office, or on the District's internet web page at www.emeraldbay-tx.gov. Construction must not begin until authorized by the District and the required form is completed.

(b) When the service line is completed, and prior to backfilling the pipe trench, the applicant for sewer service shall request an inspection of the installation. Requests for inspections shall be made to the District at least twenty-four (24) hours in advance of the inspection.

(c) The physical connection to the District's sewer main will be made by use of an adapter of a type compatible with materials being joined. The connection shall be water-tight. No cement grout materials are permitted. See **"Procedures for Field Connections to Sewer Collection System"**

(d) No wastewater service line or connection, or portion thereof, shall be covered or concealed until it first has been tested, inspected and approved by District Representatives. In the event that the pipe trench and connection are backfilled before inspection is completed, the District will have same uncovered for inspection at the property owner's expense.

(e) Backfilling of service line trench must be accomplished within twenty-four (24) hours of inspection and approval. No debris will be permitted in the trench.

(f) The District will not provide sewer service nor will a connection permit be granted until an inspection confirms that all requirements of this Chapter 3, Section 3.03 through Section 3.07 have been met.

Sec. 3.07 Prohibited Uses and Penalties

(a) No waste material, which is not biologically degradable, will be permitted to be discharged into the District's sewage facilities, including oil, grease, lubricants, corrosive chemicals, or mud and debris accumulated during service line installation.

(b) No septic tank or leeching field will be permitted to be drained or discharged into the District's sanitary sewer facilities.

(c) No facial tissue, paper or cloth towels, cloths, napkins, sanitary napkins, tampons, or contraceptives shall be discharged into the District's sanitary sewer system.

(d) No downspouts, yard or street drains, or rain gutters will be permitted to be drained or discharged into the District's sanitary sewer facilities.

(e) No residential swimming pool or hot tub will be connected to the District's sanitary sewer for any reason.

(f) If a Person, intentionally or knowingly, violates the requirements of this regulation, then the District may terminate the sanitary sewer service connection that is being used for a Prohibited Use.

Sec. 3.08 Replacement of Faulty Sanitary Sewer System Tap

If a tap to the District sanitary sewer system fails, then the tap shall be replaced by the District. The new tap shall be installed in the manner required by the then effective **“Procedures for Field Connections to Sewer Collection System”** approved by the District.

(a) If the original tap that was replaced was not inspected and approved by the District at the time it was installed, then the cost of the new tap shall be paid one-half by the District and one-half by the Property Owner. The Property Owner shall be invoiced by the District for one-half of the cost of replacing the tap. The invoice shall be paid within thirty (30) days after the invoice is sent. If the Property Owner fails to pay the invoice within thirty (30) days, then the District may terminate the sanitary sewer service connection.

(b) If the original tap that was replaced was inspected and approved by the District at the time it was installed, then the cost of the new tap shall be paid by the District.

(c) If any tap is damaged either through the fault of the property owner or the contractor of a property owner, the repair or replacement of the tap must be at the expense of the property owner.

Sec. 3.09 Private Sewage Collection Tanks

This regulation is adopted to ensure that rainwater or groundwater does not enter the District's sanitary sewer system through private sewage collection tanks. If a Property Owner is required to install a private collection tank and pump for a new sewer connection, or to replace a private collection tank and pump on an existing sewer connection, in order to pump the sewage into the District sewer main, then the Property Owner shall install a waterproof collection tank constructed and installed in the manner required by the then effective **"Procedures for Field Connections to Sewer Collection System"** approved by the District.

Sec. 3.10 Standards Governing Backflow Prevention And Cross-Connection Control.

A Texas Commission on Environmental Quality (TCEQ) approved backflow prevention device will be required on all newly installed lawn sprinkling systems and on existing lawn sprinkling systems upon change of ownership, unless mandated at an earlier date by the TCEQ, that are connected to the District's potable water distribution system. Lawn sprinkling systems shall be equipped with an approved Backflow Prevention Assembly installed on the discharge side of the point of delivery on the service line.

(a) Definitions, as used in this Section 3.10:

(1) "Administrative Authority" means the individual official, board, department, or agency established and authorized by a state, county, city, or other political subdivision created by law to administer and enforce the provisions of the cross-connection control program.

(2) "Air gap" means a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved air gap" shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel--in no case less than 1 inch.

(3) "Approved" as used herein in reference to an air gap, means a double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods shall mean an approval by the administrative authority having jurisdiction.

(4) "Atmospheric Vacuum Breaker (AVB)" means an assembly containing an air inlet valve, a check seat and an air inlet port(s). The flow of water into the body causes the air inlet valve to close the air inlet port(s). When the flow of water stops, the air inlet valve falls and forms a check valve against backsiphonage. At the same time it opens the air inlet port(s) allowing air to enter and satisfy the vacuum. A shutoff valve immediately upstream may be an integral part of the assembly, but the assembly shall not be subjected to operating pressure for more than twelve (12) hours in any twenty-four (24) hour period. An atmospheric vacuum breaker is designed to protect against a non-health hazard (i.e., pollutant) or a health hazard (i.e., contaminant) under a backsiphonage condition only.

(5) "Backflow" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances in the distribution pipes of the potable supply of water from any source or sources. See terms "Backsiphonage" (10) and "Backpressure" (9).

(6) "Backflow Prevention Assembly –Approved" means an assembly that has been investigated and approved by the Administrative Authority having jurisdiction. The approval of backflow prevention assemblies by the Administrative Authority shall be on the basis of a favorable laboratory and field evaluation report.

(7) "Backflow Prevention Assembly-Type" means any effective assembly used to prevent backflow into a potable water system. The type of assembly used shall be based on the existing or potential degree of hazard and backflow condition. The types of backflow prevention assemblies are:

- (A) Atmospheric Vacuum Breaker Backsiphonage Prevention Assembly. (AVB) See (4).

- (B) Double Check Valve Backflow Prevention Assembly(DC)
See (14)
- (C) Double Check-Detector Backflow Prevention Assembly
(DCDA) See (15).
- (D) Pressure Vacuum Breaker Backsiphonage Prevention
Assembly (PVB) See (18).
- (E) Reduced Pressure Principle Backflow Prevention Assembly
(RP) See (20).
- (F) Reduced Pressure Principle-Detector Backflow Prevention
Assembly (RPDA) See (21).
- (G) Spill-Resistant Pressure Vacuum Breaker Backsiphonage
Prevention Assembly (SVB) See (24).

(8) "Backflow Prevention Assembly Tester – Certified" means a person who has proven his/her ability to the satisfaction of the Administrative Authority having jurisdiction. Each person who is certified to make field tests and make reports on backflow prevention assemblies shall be conversant with applicable laws, rules and regulations and have had experience in plumbing or pipe fitting or have other equivalent qualifications . Tester must have an approved certification by the Texas Commission on Environmental Quality (TCEQ).

(9) "Backpressure" means any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and /or air pressure) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.

(10) "Backsiphonage" means a form of backflow due to a reduction in system pressure which causes a subatmospheric pressure to exist at a site in the water system.

(11) "Check Valve-Approved" means a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least one (1) psi (pound per square inch) and the outlet pressure is zero.

(12) "Contamination" means an impairment of the quality of the water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, or other causes.

(13) "Cross-Connection" means any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because of which backflow can occur are considered to be cross-connections. A direct cross-connection shall mean a cross-connection which is subject to both Backsiphonage and Backpressure. An indirect cross-connection shall mean a cross-connection which is subject to Backsiphonage only.

(14) "Double Check Valve Backflow Prevention Assembly (DC)" means an assembly composed of two independently acting approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against a non-health hazard.(i.e. Pollutant).

(15) "Double Check-Detector Backflow Prevention Assembly (DCDA)" means a specially designed assembly composed of a line-size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates of flow up to 3 gpm (gallons per minute) and shall show a registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e. pollutant). The DCDA is primarily used on fire sprinkler systems.

(16) "Hazard-Degree of" means either a pollutional (non-health) or contamination (health) hazard and is derived from the evaluation of conditions within a system.

(17) "Pollution" means an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

(18) "Pressure Vacuum Breaker Backsiphonage Prevention Assembly (PVB)" means an assembly containing an independently operation internally loaded check valve and an independently operation loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located resilient seated test cocks and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard (i.e., pollutant) or a health hazard (i.e., contaminant) under a backsiphonage condition only.

(19) "Reclaimed Water" means water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or a controlled use that would not otherwise occur, and is not safe for human consumption.

(20) "Reduced Pressure Principle Backflow Prevention Assembly (RP)" means an assembly containing two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e., pollutant) or a health hazard (i.e., contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water.

(21) "Reduced Pressure Principle-Detector Backflow Prevention Assembly (RPDA)" means a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for only very low rates of flow up to 3 gpm and shall show a registration for all rates of flow. This assembly shall be used to protect against a non-health hazard (i.e., pollutant)

or a health hazard (i.e., contaminant). The RPDA is primarily used on fire sprinkler systems.

(22) "Sanitary Sewer" means the pipe that carries sewage

(23) "Service Connection" means the terminal end of a service connection from the public potable water system, (i.e., where the District may lose jurisdiction and sanitary control of the water at its point of delivery to the consumer's water system). A water meter is installed at the end of the service connection. The service connection shall mean the downstream end of the water meter.

(24) "Spill-Resistant Pressure Vacuum Breaker Backsiphonage Prevention Assembly (SVB)" means an assembly containing an independently operating internally loaded check valve and independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with a properly located resilient seated test cock, a properly located bleed/vent valve, and tightly closing resilient seated shutoff valves attached at each end of the assembly. This assembly is designed to protect against a non-health hazard (i.e., pollutant) or a health hazard (i.e., contaminant) under a Backsiphonage condition only.

(25) "Water – Potable" means water from any source which has been investigated by the health agency having jurisdiction, and which has been approved for human consumption.

(26) "Water – Used" means any water supplied by the District to a customer's water system after it has passed through the service connection and is no longer under the control of the District.

(b) Backflow Prevention and Cross-Connection Control Policy:

(1) No water service connection to any premise shall be installed or maintained by the District unless the water supply is protected as required by state law, the regulations of the TCEQ and this Section 3.09, known as the Cross Connection Control Program (CCCP). Service of water to any premises shall be

discontinued by the District if a Backflow Prevention Assembly required by the CCCP is not installed, tested and maintained, or if it is found that a Backflow Prevention Assembly has been removed or bypassed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

(2) The customer's system shall be open for inspection at all reasonable times to the authorized District Representative to determine whether unprotected Cross-Connections or other structural or sanitary hazards, including violations of these regulations, exist. When such a condition becomes known, the District shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the CCCP.

(3) An approved Backflow Prevention Assembly shall also be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served. Lawn sprinkling systems shall be equipped with an approved Backflow Prevention Assembly installed on the discharge side of the point of delivery on the service line.

(4) In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, an approved Double Check Valve Backflow Prevention Assembly shall be installed.

(5) In the case of any premises where there is any material dangerous to health which if handled in such a fashion as to create an actual or potential hazard to the public water system, there shall be an Approved Air Gap or an approved Reduced Pressure Principle Backflow Prevention Assembly to protect the public water system.

(6) In the case of any premises where there are unprotected cross-connections, either actual or potential, the public water system shall be protected by an Approved Air Gap or an approved Reduced Pressure Principle Backflow Prevention Assembly at the service connection.

(7) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant Cross-Connection survey, the public water system shall be protected against Backflow from the premises by either an Approved Air Gap or an approved Reduced Pressure Principle Backflow Prevention Assembly on each service to the premises.

(8) Any Backflow Prevention Assembly required herein shall be a make, model and size approved by the District. The term “Approved Backflow Prevention Assembly” shall mean an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled: AWWA/ANSI C510-92 Standard for Double Check Valve Backflow Prevention Assemblies: AWWA/ANSI C511-92 Standard for Reduced Pressure Principle Backflow Prevention Assemblies. The AWWA standards and specifications, the Subchapter D: Section 290.44 of the Rules and Regulations for Public Water Systems, and any and all Procedures for Field Connections to Water System and Sewer Collection System adopted by the District.

(9) It shall be the duty of the customer at any premises where Backflow Prevention Assemblies are installed to have a field test performed by a certified Backflow Prevention Assembly Tester upon installation of such assemblies for non-health (i.e., pollutant) conditions. Testing for a health hazard (i.e., contaminant) in the assembly shall be conducted on installation and annually from the installation date.

(10) The District is authorized to make all necessary and reasonable rules and policies with respect to the enforcement of this resolution.

CHAPTER 4 - DROUGHT CONTINGENCY PLAN AND RULES

Sec. 4.01 Declaration of Policy, Purpose, and Intent

(a) The purpose of this Chapter is to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water

use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions.

(b) Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential and continuation of such uses during times of water shortage or other emergency water supply conditions are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Chapter 5 of these Rules.

Sec. 4.02 Public Education

Emerald Bay Municipal Utility District will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of publishing in the *Emerald Bay Rainbow Review* and by posting on the District's internet web page at www.emeraldbay-tx.gov.

Sec. 4.03 Coordination with Regional Water Planning Groups

Regional water planning groups conduct studies to predict the need for future and/or preferred alternatives for future water supply and demands. The service area of Emerald Bay Municipal Utility District is located within the East Texas Regional Water Planning Group Region "I" with its administrative offices at 210 Premier Drive, Jasper, Texas 75951 (409-384-5704).

Sec. 4.04 Authorization

The District, or its designee, is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The District, or its designee, shall

have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. The District may implement mandatory restrictions by public announcement and the restrictions are effective immediately on the making of the public announcement.

Sec. 4.05 Application of Plan

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the District. The terms “person” and “customer” as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Sec. 4.06 Definitions

As used in this Chapter, the term:

(1) "Aesthetic water use" means use of water for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

(2) "Commercial and institutional water use" means use of water which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

(3) "Conservation" means those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

(4) "Customer" means any person, company, or organization using water supplied by the District.

(5) "Domestic water use" means water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

(6) "Summer Watering Calendar" means a calendar prepared and delivered to the customers of the District which indicates by the last number of the physical address of that customer, the customers allowed watering days. Said Summer Watering Calendar will also be published in the *Emerald Bay Rainbow Review* and posted on the District's internet web page.

(7) "Industrial water use" means the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

(8) "Landscape irrigation use" means water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

(9) "Non-essential water use" means water uses that are not essential nor required for the protection of public health, safety, and welfare, including but not limited to:

- (a) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided under this Plan;
- (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
- (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools or Jacuzzi-type pools;
- (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and

- (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Sec. 4.07 Triggering Criteria for Initiation and Termination of Drought Response Stages

The District, or its designee, shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan. Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the Emerald Bay Municipal Utility District's internet web page at www.emeraldbay-tx.gov. Additionally, signs in the District and reminders on the water bill may be implemented to inform customers of the current drought stage in effect.

The triggering criteria described below are based on triggers set forth in ordinances adopted by the District.

- (a) Stage 1 - Voluntary Conservation

This stage, if deemed necessary, will commence on May 1 of each year and remain in effect until September 30 of each year. All customers are encouraged to comply with the voluntary watering schedule published in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the District's internet web page. Additionally, customers are encouraged to curtail all non-essential water uses as defined in Section 4.06(9) of these Rules.

- (b) Stage 2 - Mandatory Water Use Management

This stage is triggered when the District experiences water demands that pose an eminent or potential danger to the District's system. An announcement will be made that the District is implementing Stage 2 as necessary to safeguard their water system or supply. This stage may also be implemented when the District's water system experiences operational problems which are, or may become, a threat to the provision of water, thereby generating an emergency condition.

Stage 2 shall remain in effect until it is determined that the demand on the District's Utility System is not posing eminent or potential danger. Notification will be published in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the District's internet web page, indicating entrance into and exit from this phase of the Drought Management Plan of the District.

(c) Stage 3 - Emergency Water Use Management

This stage is triggered when the District Representative deems that the District's Utility System cannot meet the demands on the system and it is necessary to implement this stage to safeguard the utility system's ability to provide for the protection of public health, safety and welfare.

Stage 3 shall remain in effect until it is determined by the District that the demand on the District's Utility System is not posing eminent or potential danger. Notification will be published in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the District's internet web page, indicating the entrance into and exit from this phase of the Drought Management plan of the District.

Sec. 4.08 Drought Response Stages

The District, or its designee, shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section 4.07 of the Plan, shall determine when a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation and/or the *Emerald Bay Rainbow Review* and by posting the notice on the District's internet web page:

Stage 1 - Mild Water Shortage Conditions

Goal: Achieve a voluntary 10 percent reduction in total water use

Supply Management Measures:

During this stage the District will place a higher priority on the repair of small leaks within the system. Repair will take precedent over monetary concerns of

overtime expenditures. Flushing of hydrants will be reduced to only those absolutely necessary for safe operation.

Voluntary Water Use Restrictions:

(a) Water customers are requested to voluntarily limit the irrigation of landscaped areas to the Summer Watering Calendar published in a newspaper of general circulation in the District and/or the *Emerald Bay Rainbow Review* and by posting on the District's internet web page.

(b) All operations of the District shall adhere to water use restrictions prescribed for Stage 1 of the Plan.

(c) Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

(d) The following uses constitute a waste of water and are prohibited:

1. Failing to repair a controllable leak, such as broken sprinkler heads and leaky valves or faucets.
2. Washing sidewalks, driveways, parking areas, streets, tennis courts, patios or other paved areas, except to alleviate health or safety hazards.
3. Operating a permanently installed irrigation system with broken heads, with heads that are out of adjustment that spray more than 10% of the spray on streets or parking lots, or that are missing.
4. Allowing water to run off a property or allowing water to pond in the street or parking lot to a depth greater than 1/4 of an inch during irrigation.
5. Washing an automobile, truck, trailer, boat, or other mobile equipment with a hand-held hose not equipped with a pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being used.

Stage 2 - Mandatory Water Use Management

Goal: Achieve a 20 percent reduction in total water use.

Supply Management Measures:

The District will discontinue any flushing of hydrants (as long as it does not pose a threat to public safety) and reduce irrigation of public lands.

Water Use Restrictions. From May 1 to September 30 of each year when there is an announcement by the District of Stage 2, the following restrictions apply to all customers of the District:

- a. All outdoor irrigation by hose and sprinklers, soaker hoses, or drip irrigation may occur only between the hours of 7:00 p.m. to 12:00 midnight and 12:00 midnight to 10:00 a.m. on a designated outdoor water use day which will be once every five (5) days. All outdoor irrigation of vegetation by permanently installed automatic irrigation systems may occur only between the hours of 12:00 midnight to 10:00 a.m. on designated outdoor water use days. Irrigation by hand-held hoses or hand-held buckets is permitted anytime.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle is prohibited except on designated watering days between the hours of 7:00 p.m. and 10:00 a.m. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. Charity car washes are prohibited.
- c. Watering of the ground around foundations to prevent foundation cracking is prohibited except on designated outdoor water use days between the hours of 12:00 midnight and 10:00 a.m.
- d. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is prohibited. However, this restriction

does not apply to public swimming pools and wading pools equipped with filtration and a recirculation system that includes the gutter drains.

e. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

f. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.

g. The following uses of water are defined as non-essential and are prohibited under Stage 2:

1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
2. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
3. Use of water for dust control;
4. Flushing gutters or permitting water to run or accumulate in any gutter or street;
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
6. Failing to repair a controllable leak, such as broken sprinkler heads and leaking valves or faucets.
7. Allowing water to run off a property during irrigation, car washing, or any other use of water or allowing water to pond in the street or parking lot to a depth of 1/4 inch.

- h. The Stage 2 restrictions do not apply to the following uses of water:
 - 1. The necessary use of water, other than for landscape irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects;
 - 2. The necessary use of water, other than for landscape irrigation, for land development (such as, roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes;
 - 3. The use of water under the approved terms and conditions of a variance granted by the District;

- i. The Emerald Bay Club restaurant is prohibited from serving water to their customers except when specifically requested by the customer.

Stage 3 - Emergency Water Use Management

Goal: Achieve an additional 10 percent reduction in overall water consumption.

Supply Management Measures:

All elements of Stage 2 remain in effect in Stage 3 except that:

- 1. All outdoor irrigation of vegetation by hand-held hoses or hand-held watering cans may occur only between the hours of 6:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on designated outdoor watering days. Irrigation, including but not limited to foundation watering, using permanently installed irrigation systems, hose and irrigation, or drip irrigation is prohibited.

2. The washing of automobiles, trucks, trailers, boats, and other types of mobile equipment not in the immediate interest of the public health, safety, and welfare are prohibited.
3. The washing of automobiles, trucks, trailers, boats, and other types of mobile equipment in the immediate interest of the public health, safety, and welfare may occur between 12:00 noon and 5:00 p.m.
4. The filling, refilling, or adding of potable water to public or private swimming or wading pools is prohibited.
5. No new landscape of any type may be established.

Sec. 4.09 Water Rationing - Additional Emergency Conservation Measures

Additional emergency conservation measures may be implemented if the District is experiencing a severe, long-term drought condition considered worse than a repeat of the drought of record. If the District is forced to curtail its water use under such conditions, the District may:

- prohibit all outdoor watering
- limit monthly water consumption by customers

Sec. 4.10 Violations

(a) No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the District, or its designee, in accordance with provisions of this Plan.

(b) Any person, including a person classified as a water customer of the District, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of

the property committed the violation, but any such person shall have the right to show that he or she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he or she proves that he or she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

(c) Violations of this Chapter 4 are subject to enforcement proceedings as provided in Chapter 5 of these Rules.

Sec. 4.11 Variances

The District, or its designee, may, in writing, grant a temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Plan shall file a petition for variance with the District within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the District, or its designee, and shall include the following:

- a. Name and address of the petitioner(s).
- b. Purpose of water use.
- c. Specific provision(s) of the Plan from which the petitioner is requesting relief.
- d. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan.
- e. Description of the relief requested.
- f. Period of time for which the variance is sought.
- g. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- h. Other pertinent information.

Variances granted by the District shall be subject to the following conditions, unless waived or modified by the District or its designee:

- a. Variances granted shall include a timetable for compliance.
- b. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

CHAPTER 5 – APPEALS; VIOLATIONS AND ENFORCEMENT

Section 5.01 Appeal to Board of Directors

Any person aggrieved by a District regulation or an action of the District in administering the provisions of these Rules is entitled to a hearing before the Board of Directors of the District. The decision of the Board of Directors with respect to such grievance shall be final and binding upon all parties.

Section 5.02 Penalties for Violations

(a) Violations of District Rules; Exceptions

Except as provided in Sections 2.08 and 5.02(b), or otherwise expressly provided in these Rules, any person who violates these rules or any terms or provisions of any permit or other authorization granted pursuant to these Rules shall be subject to a civil penalty or fine of not more than \$2,000. Each act or day of violation constitutes a separate offense.

(b) Violations of Chapter 4 (Drought Contingency Plan)

- (1) An offense under Chapter 4 is punishable pursuant to the following procedure, which shall be administered by the District or its designee:
 - a. The first violation shall result in an informal warning to the perpetrator.
 - b. The second violation shall result in a formal warning to the perpetrator.
 - c. The third violation shall result in a civil penalty or fine of \$250.
 - d. The fourth violation shall result in a civil penalty or fine of \$500.

e. Each subsequent offense shall result in an additional \$250 civil penalty or fine over the amount for the immediately preceding offense, not to exceed \$5,000 in any event.

(2) The grounds for escalation of the penalty with each violation by a given customer of the District shall carry over from season to season and year to year, on a cumulative basis.

Section 5.03 Enforcement

The District may enforce these rules by mandatory or prohibitory injunction and any other legal remedy available to the District.

CHAPTER 6 – CONTRACT REGULATIONS

Section 6.01 Prohibited Contracts

This Regulation is adopted pursuant to the authority granted to Municipal Utility Districts, by the Texas Legislature, under Sections 49.057, 49.072, 49.213 and 54.201 of the Texas Water Code.

Section 6.02 Employment Contracts

(a) If an individual, a partner in a partnership, an individual who owns 25% or more of a corporation, a director or officer of a corporation, or an individual who effectively controls a corporation is a Member of Emerald Bay Club or resides within the District, then the individual, partnership or corporation shall not consult with the District or perform any service for the District in exchange for monetary compensation from the District, including, but not limited to, repairing equipment, performing maintenance work or serving as a plant manager or operator.

(b) Nothing contained in this Section shall prevent a qualified individual who is a Member of Emerald Bay Club or who resides within the District from voluntarily

consulting with the District or voluntarily performing any service for the District on a pro bono basis, including, but not limited to, repairing equipment, performing maintenance work or serving as a plant manager or operator. Actual and reasonable expenses may be reimbursed according to District policy.

Section 6.03 Supply Contracts

If an individual, a partner in a partnership, an individual who owns 25% or more of a corporation, a director or officer of a corporation, or an individual who effectively controls a corporation is a Member of Emerald Bay Club or resides within the District, then the individual, partnership or corporation shall not sell to the District equipment, chemicals, or other goods used by the District unless such items are sold to the District at the individual, partnership or corporation's cost.

SCHEDULE "A" **FEES AND CHARGES**

Water and Wastewater Service Fees and Charges

This Regulation is adopted pursuant to the authority granted to Municipal Utility Districts by the Texas Legislature, under Section 49.212 of the Texas Water Code.

The District shall adopt a schedule of fees and charges which includes any required deposit for water and sewer service, connection and reconnection fees for water and sewer service, and rates for water and sewer service. The fees shall be reviewed periodically by the District. A tap or connection fee shall not exceed three times the actual and reasonable costs to the District for the tap or connection.

(1) Wastewater Service Fees and Charges

Monthly Service Charge Per Member	\$ 36.85
New Construction Tap Fee: (to be determined by contractor charge)	
New Member Service Fee:	\$250.00
Member/Member Service Transfer Fee (divided equally):	\$100.00
Termination Fee: (based on actual cost per incident)	
Reconnection Fee: (based on actual cost per incident)	
Service Deposit: (to be determined)	

(2) Water Service Fees and Charges

Base (Flat) Rate:	(to be computed)
Rate /1,000 Gallons:	(to be computed)
Water Operating Fee	\$ 25.00
New Construction Tap Fee: (to be determined by contractor charge)	
New Member Service Fee:	\$250.00
Member/Member Service Transfer Fee (divided equally):	\$100.00
Termination Fee: (based on actual cost per incident)	
Reconnection Fee: (based on actual cost per incident)	
Service Deposit: (to be determined)	