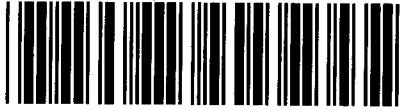


Control Number: 43166



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House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014.

# TYNAN WATER SUPPLY CORPORATION

WATER/WASTEWATER TARIFF

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# TYNAN WATER SUPPLY CORPORATION

## WATER/WASTEWATER TARIFF

### I. DEFINITIONS

**ANY OFFICE:** Any office referred to in this document by title means the person employed or appointed by the corporation in that position, or his or her, duly authorized representative.

**APPROVING AUTHORITY:** The Manager or his duly authorized representative.

**A.W.W.A.:** American Water Works Association.

**B.O.D. (BIOCHEMICAL OXYGEN DEMAND):** The quantity of oxygen by weight, expressed in mill, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20° C.

**BOARD OF DIRECTORS:** The Board of Directors elected by the paid members of the Corporation in accordance with the By-Laws of the Corporation.

**BUILDING SEWER:** The extension from the building drain to the public sewer or other place of disposal, also called the house lateral and house connection.

**BY-LAWS:** Rules governing operation of the Corporation created under the Civil Statutes of Texas.

**C.O.D. (CHEMICAL OXYGEN DEMAND):** Measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.

**CERTIFICATE OF CONVENIENCE AND NECESSITY:** Authorization granted by the Texas Natural Resource Conservation Commission to a Utility Company for service within a defined territory.

**CITY:** A municipal incorporation created under the Civil Statutes of Texas. (City of Tynan, Texas)

**CONTROL MANHOLE:** A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

**CONTROL POINT:** Point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

**COUNTY:** Generally refers to Bee County, Texas.

**CONSTRUCTION PLANS:** Drawings and specifications depicting the proposed construction of water mains, extensions and improvements within a given area.

**CORPORATION:** Tynan Water Supply Corporation (TWSC), P.O. Box 115, Tynan, TX 78391

**CORPORATION MAPS:** Maps located in the Corporation office depicting line location, size, etc.

**DELINQUENT:** Receivable account fifteen (15) days over due. Accounts twenty-five (25) days over due are subject to disconnection.

**DISCONNECTION OF SERVICE:** The turning off, plugging, locking in the off position, or actual physical removal of a meter or sewer line, with \$25.00 charge for water and \$50.00 for sewer.

**EASEMENT:** See utility easement.

**ENGINEER:** A person duly authorized and properly registered under the provisions of the Texas Engineering Registration Act to practice the profession of Engineering.

**EXTRA TERRITORIAL JURISDICTION:** Unincorporated areas contiguous to the corporate limits of any city as established by the Municipal Annexation Act. Article 970a of V.A.C.S. TWSC lies within the jurisdiction area of Tynan, Texas.

**GARBAGE.** Animal and vegetable wastes and residue from preparation, cooking and dispensing of food; and from the handling, processing, storage and sale of food products and produce.

**HEARING:** Audience or meeting before the Board of Directors of TWSC for matters generally concerning water and waste services or billings.

**INDUSTRIAL WASTE.** Waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.

**INDUSTRIAL WASTE CHARGE.** The charge made on those persons who discharge industrial wastes into the TWSC's sewerage system.

**INSTALLATION FEE:** The cost of materials, labor and equipment that the Corporation incurs when installing a residential sewer connection or water meter on an existing main. Such costs may be billed directly or indirectly to the customer.

**LOT:** An undivided tract or parcel of land which is, or in the future may be offered for sale, conveyance, transfer or improvement, which is designated as a distinct and separate tract or parcel, and which is identified by a number or symbol on a plat which has or may be filed for record.

**MANAGER.** An employee of the Corporation who shall be responsible for the day-to-day operation of the waste treatment and/or authorized water system.

**MEMBERSHIP:** A Service Application from the Corporation evidencing a customer's interest in the Corporation with a payment of \$100.00.

**METER:** An instrument used to measure the volume of water. All meters are read by the corporation on a monthly basis and recorded. Meters are not used for sewer connections.

**METER TESTING:** Checking the accuracy of a meter.

**MILLIGRAMS PER LITER (MG/L).** The same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

**NATURAL OUTLET.** Any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater.

**NORMAL DOMESTIC WASTEWATER.** Wastewater excluding industrial Wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

**OTHER REGULATORY AGENCY:** The Texas Department of Health Resources, Texas Natural Resource Conservation Commission, Texas Water Development Board, United States Environmental Protection Agency, and such other agencies as may now or in the future exercise regulatory authority in the operation of the Corporation.

**OVERLOAD.** The imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

**PERSON.** Any individual and includes any corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, or other legal entity.

**pH.** The logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

**PAVEMENT WIDTH:** The portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the face of the curbs where applicable.

**PUBLIC SEWER.** Pipe or conduit carrying Wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the TWSC.

**PLAT:** A map of a lot, tract, or parcel of land, or a map of a division of lands into lots, streets, alleys, easements, or other parts of land, or dedications of parts of land to public uses complying with the latest county or city platting ordinance.

**POINT OF DELIVERY/COLLECTION:** The point at which ownership of the water and pipeline transfers from the Corporation to the Customer. Normally this is the discharge side of the water meter, or the clean out plug point on the sewer line.

**PRESSURE REGULATORS:** Instruments used to regulate water pressure. When located on the discharge side of the customer's meter, this is owned and maintained by the customer.

**RECORD DRAWINGS:** Blueline drawings showing the locations and size of the Corporation's system as near as possible and conforming to the Corporation's standards.

**RENTER:** Person who rents property from a water corporation member or customer.

**RESTORE SERVICE:** To reestablish a disconnected service. A reconnection fee is associated with this task in the amount of \$25.00 for water and \$50.00 for sewer.

**TWSC.** The Tynan Water Supply Corporation, Tynan, Texas, or any authorized person acting in its behalf.

**SANITARY SEWER.** A public sewer that conveys domestic Wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

**SERVICE:** The actual delivery of water to, or the collection of waste water from, the customer, including all acts done, rendered or performed in the delivery of water, or collection of waste water, by the Corporation.

**SERVICE AGREEMENT:** A written agreement between the member and the corporation outlining the responsibilities of each member regarding the service of water and collection of wastewater.

**SHALL, MAY:** The word "shall" is always mandatory. The word "may" is permissive.

**SLUG.** Any discharge of water, Wastewater or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

**STANDARD METHODS:** The examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

**STORM SEWER.** A public sewer which carries storm and surface waters and drainage and into which domestic Wastewater or industrial wastes are not intentionally passed.

**STORM WATER.** Rainfall or any other forms of precipitation.

**STREET:** A public Right-of-Way, however designated, which provides vehicular access to adjacent land.

**SUBDIVISION:** A subdivision is the division of any lot, tract or parcel of land into two or more parts, lot or sites, for the purpose, whether immediate or future, of sale or division of ownership. This definition also includes the re-subdivision of land or lots, which are a part of a previously recorded subdivision. An addition is a subdivision as is defined herein.

**SUBDIVIDER AND/OR DEVELOPER:** The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation, and/or any officer, agent, employee, servant, and trustee thereof, who does, or participates in the doing of, any act toward the subdivision of land within the intent, scope, and purpose of this tariff. The singular shall include the plural, and the plural shall include the singular.

**SUSPEND SOLIDS (SS).** Solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

**SURVEYOR:** Means a licensed State Land Surveyor or Registered Public Surveyor, as authorized by the State Statutes to practice the profession of surveying.

**TEXAS COMMISSION of ENVIRONMENTAL EQUALITY (TCEQ):** On March 1, 1990, the Texas Commission of Environmental Equality assumed all previous jurisdictions exercised by the Texas Natural Resource Conservation Commission. The TCEQ has adopted rules and regulations controlling all aspects of water rate and certification regulation inherited by it from the Utility Commission.

**TO DISCHARGE.** Includes to deposit, conduct, drain, emit, throw, run, allow to seep or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

**TRAP.** A device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

**TYPES OF CUSTOMERS:** Residential: A property whose primary usage is for residential purposes although incidental commercial usage, or potential for such exists, shall be classified as residential requiring one membership per household unit. Any addition to a property classified as a residential user, which is held for rent or has kitchen, bathroom and multiple bedrooms will require another membership.

Commercial: Any building where water consumption is primarily for restroom facilities and average water consumption is less than 25,000 gallons per month on a yearly average. Each structure will require one membership. If a residence is incidental to commercial usage, a separate membership is not required for the residence.

Churches/Non-Profit: Any building where church services or community services are provided.

Industrial: All other users who do not meet the criteria for the above classifications.

**TARIFF:** Approved operating policy of the system organized into written format and available for public inspection in office. Copies available at a cost of \$40.00 each for paid members of Tynan Water Supply Corporation. Non-paid members of Tynan Water Supply Corporation can receive a copy of the tariff at a cost of \$100.00.

**UNEXPRESSED DEFINITIONS:** If not expressly prescribed herein definitions are to be construed in accordance with customary usage in utility operations and engineering practices.

**UNPOLLUTED WASTEWATER.** Water containing:

- (1) No free or emulsified grease or oil;
- (2) No acids or alkalis;
- (3) No phenols or other substances producing taste or odor in receiving water;
- (4) No toxic or poisonous substances in suspension, colloidal state or solution;
- (5) No noxious or otherwise obnoxious or odorous gases;

(6) Not more than an insignificant amount in mg/l each of suspended solids and BOD<sub>5</sub>, determined by the Texas Department of Water Resources; and

(7) Color not exceeding 50 units as measured by the platinum-cobalt method of determination as specified in Standard Methods.

**UTILITY EASEMENT:** An interest in land granted to the Corporation for installing or maintaining utilities across, over and under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

**VERNON'S TEXAS CIVIL STATUTES:** The printed form of the Laws of the State of Texas. Printed by West Publishing Co.

**WASTE.** Rejected, unutilized or superfluous substances in liquid, gaseous or solid form resulting from domestic, agricultural or industrial activities.

**WASTEWATER.** A combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present.

**WASTEWATER FACILITIES.** All facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.

**WASTEWATER TREATMENT PLANT.** Any TWSC-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste and sludges from the sanitary sewers.

**WASTEWATER SERVICE CHARGE.** The charge to all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.

**WATERCOURSE.** A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

## II. ORGANIZATION

- A. Statement of organization - Tynan Water Supply Corporation is a member owned, non-profit corporation incorporated under Article 143a of the Revised Civil Statutes of Texas of 1925, as amended & supplemented by the Texas Non-Profit Corporation Act, Article 1.01 et seq., as amended for the purpose of furnishing a water supply for farm use and domestic purposes to individuals in the certificated service area of the Corporation in Bee County, Texas. The Corporation's operating policy, rates, tariffs and regulations are formulated and effected by a Board of Directors elected by the members of the Corporation and under the guidance and direction of the TNRCC or other governmental agency having jurisdiction.
- B. Reference to By-laws - The Corporation has adopted by-laws which establish the make-up of the Board of Directors, the membership voting right, provides for annual, special, and regular meetings, provides for reserve accounts, the rights of the members and other important regulations of the water system. These are included by reference herein and are on file for inspection in the Corporation's office.
- C. Membership in the Corporation and service of water is provided to all applicants who comply with the provisions of the tariff regardless of race, color, creed, sex or martial status.

The Corporation terms and conditions of service are designed to govern the supplying and taking of water service, and waste collection and treatment services, in such a manner as will secure for each consumer the greatest possible latitude in the enjoyment of service that is consistent with good practice and safety to other members and to the Corporation on a non-discriminatory basis.

### III. RELEVANCE OF TARIFF

- A. All of the provisions of this tariff shall be deemed to be incorporated into every contract between the Corporation and its water customers and each customer shall be charged with knowledge of the provisions of this Tariff and, by applying for and accepting water service from the Corporation shall be deemed to have acceded to the provisions of this Tariff.
- B. It is a violation of state law for any person to take or use water from the water system of the Corporation or to utilize the services of the water and waste systems, except under the terms and conditions specified in the Tariff.

Any person, firm or corporation, violating the terms and provisions of this Tariff shall be prosecuted in the Courts having appropriate jurisdiction in addition to fee of no less than \$150.00 and their own meter service disconnected and the meter possibly removed at their cost.

- C. Failure to comply with any of the provisions of this Tariff relating to the water system of the Corporation shall constitute grounds for discontinuance of water and sewer service by the Corporation to the violating customer member.

### IV. GENERAL POLICY

- A. In the sale of water by Tynan Water Supply Corporation of Tynan, Texas, to any person, firm or corporation, and in the supply of water for use for the protection of property against fires, THE CORPORATION DOES NOT AGREE, unless by specific contract, nor is the Corporation bound to furnish water of any special or specific or specified amount, but only undertakes to furnish such water and amount of water that may be supplied from the TWSC or such other source or sources as the Corporation may select, and in an amount within the capacity of the Corporation's pumping capacity.

- B. Non-liability in cases of failure to supply water for fire fighting purposes:

The Corporation exists for the primary purpose of providing a source of potable water for its customers. The Corporation cooperates with its customers in the establishment of fire fighting support facilities; however, because of limited capacities it MAKES NO REPRESENTATION IT IS OFFERING FIRE PROTECTION nor does it contract with its customers to inspect or maintain fire hydrants or tank filling valves.

In the event for any reason the Corporation may become unable to supply water and waste services to its patrons, or to the municipality for the prevention or suppression of fire, the Corporation will in no manner be liable for damages by reason of any such failure to any patron or patrons of the water and waste services system, or to any person or person whose property may have been destroyed by fire, or otherwise damaged.

- C. Industrial use of water and waste services will be permitted by the Corporation only to the extent of availability to supply domestic needs. Use of water and waste services for non-domestic use may be curtailed at the Corporation's discretion when the use adversely affects domestic use customers.
- D. Water and waste services supply to steam boilers and closed water and waste services heaters:  
It shall be unlawful for any person to draw water and waste services from any Corporation supply pipe directly into any steam boiler which is equipped or arranged for more than fifteen (15) pounds pressure per square inch.

All persons having boilers or closed water and waste services heaters supplied with Corporation water and waste services are cautioned against the danger of explosion or collapse. The Corporation will not be liable for any damages that may occur on account of the water and waste services being shut off for any reason or on account of the breaking of any pipe or fixture by pressure of the water and waste services from Corporation mains.

Where Corporation water and waste services is used to supply a steam boiler of over fifteen (15) pounds pressure, the owner shall provide a tank of sufficient capacity to afford a supply of at least four (4) hours into which the service pipe must be discharged over the top of the tank, and never into the bottom or side.



E. Wasting water and waste services:

It shall be unlawful for any person to willfully and negligently waste water and waste services supplies of the Corporation in any manner whatsoever, and any person having knowledge of any conditions whereby water and waste services is being wasted shall at once notify the Corporation.

The refusal or neglect of an owner or occupant to equip and maintain the premises with proper service connections, utilities or fixtures of approved character and quality to prevent waste of water and waste services shall be sufficient grounds for the refusal of the Corporation to connect the premises with the Corporation water and waste services system or to continue water and waste services service, after having given notice of the intention to shut off the water and waste services, pending the necessary correction.

F. It shall be unlawful for any person to resort to any fraudulent device or arrangement for the purpose of procuring water and waste services for himself or others from private connections on the premises contrary to the Corporation's regulation.

G. No free water and waste services shall be allowed for other than fire fighting purposes.

## V. GENERAL SERVICE RULES AND REGULATIONS

A. Renters - Any customer who rents or leases property to other parties is responsible for all charges to the Corporation. The Corporation will bill the renter for services rendered as a third party, but the owner of the property is responsible for the collection of bills due and payable. It is the responsibility of the owner to take any deposits necessary from the renter to ensure payment.

B. Membership Transfers - All membership transfers are the responsibility of the present owner and new owner and notification must be submitted to the Corporation in writing for Corporation approval prior to any such transfer. All transfers must be in written form and approved only when all past due or due accounts owed the Corporation are paid in full.

C. Interruption of Service - The Corporation will exercise reasonable efforts to prevent interruption of service. When interruptions occur, the Corporation shall re-establish service within the shortest time possible. The Corporation is not obligated to notify customers of service interruptions, but will make all possible efforts to do so for planned interruptions.

D. Priority of Service - In the event total water and waste services supply shall be insufficient to meet all of the needs of the customers, or in the event there is a shortage of water and waste services, the Corporation may prorate the water and waste services available among the various customers on such basis as is deemed equitable by the Board of Directors, and may also prescribe a schedule of hours covering use of water and waste services for garden purposes by particular customers and require adherence thereto or prohibit the use of water and waste services for garden purposes; provided that, if at any time the total supply of water and waste services shall be insufficient to meet all of the needs of all customers, the Corporation must first satisfy all the needs of all customers for domestic purposes and must satisfy all the needs of all customers for both domestic, livestock, and commercial purposes before supplying any water and waste services for garden purposes.

5. Operating Pressures - Normally minimum service pressure shall not be below 20psi operating pressure. Maximum pressures may be at the Corporation's discretion. It will be the customer's responsibility to protect plumbing on the customer's side of the meter against excessive pressures or surges using individual pressure regulators or other devices.

F. The Corporation's service area is that area within which its lines and customers are located and which area is approved by the Certificate of Convenience and Necessity issued by the Texas Water and Waste Services Commission which assumed jurisdiction over water and waste services supply corporations. The proposed service area encompasses the Community of Tynan, a 2500' radius from the intersection of Highway 359 and F.M. 796 (Avenue G); with the service area being bounded on the south by the county line that separates Bee County and San Patricio County. The total area being requested includes approximately 346.47 acres and 96 current customers.

## **VI. RATES AND BILLINGS (GENERAL)**

- A. The Manager is empowered to adjust erroneous bills as may be necessary and report this to the Board of Directors during the next regular meeting.
- B. All bills shall be considered rendered when sent to the user, and failure of user to receive any such bill shall in no way relieve said user of the duty to pay for the service rendered.
- C. Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least fifteen (15) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next workday after the due date. A late penalty of either a minimum of \$5.00 or up to 10.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.
- D. The minimum 2000 gallons covered under the minimum monthly payment \$20.00 and a minimum usage of 3000 gallons of \$28.00 for sewer is not accumulative from month to month and is lost if less than that amount is used by the customer in any given month.

## **VII. DELINQUENT ACCOUNTS**

- A. An account is defined as delinquent if the total payment due is not received by the twenty-fifth (25<sup>th</sup>) of the billing month. Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered. The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill has been broken and if proper notice of termination has been given.
- B. If the customer wishes to contest the delinquency or disconnection actions, then the user must notify the Manager or Board and request in writing a hearing before the Board to discuss any such dispute or discrepancies involved.
  - 1. If the user does not exercise his/her right to request a hearing within the ten (10) day disconnection notice period, the user forever waives his/her right to request such a hearing and is summarily liable for the amount due for utility charges. The user also faces disconnection of water and waste services service and possible legal action.
  - 2. If the user does exercise his/her right to request a hearing the Board shall inform the user requesting the hearing of the date, time and location of the next regularly scheduled meeting of the Board at which time a hearing will be conducted. Information pertaining to the date, time and location of the hearing shall be conveyed to the requesting user within five (5) days after the receipt of the request by the Board.
  - 3. The Board shall examine the facts and circumstances of each case and consider the views expressed by interested parties. The Board shall render a final decision concerning the rationality, propriety, or existence of any utility charges assessed to the user requesting the hearing. The decision of the Board shall be final. The decision will be rendered within 30 days of receipt of the request for a hearing. The disconnection process will be suspended until the hearing has been completed. After receiving the decision of the Board, the customer shall immediately (within 3 days) pay all prescribed fees or late charges or face immediate disconnect procedures.

- C. The Corporation is authorized to physically disconnect the meter after it has been determined by the Board that the hearing process has been exhausted or waived by the user, and that the user is delinquent in payments owed for water and waste services service. Water and waste services service shall not be reinstated until all charges shown on the bill plus reconnect fees are paid in full. If the meter service has been turned off or locked in the off position the reconnect fee is \$25.00. If a plug has been placed in the sewer line, the reconnect fee is \$50.00.

## VIII. DISCONTINUATION OF SERVICES

- A. Utility Service may be disconnected for any of the following reasons:

1. No user of water and waste services from the Corporation shall sell any such service and no such service shall be furnished to any user thereof. Any person, firm or corporation violating any provision of this regulation shall be subject to discontinuance of water and waste services service after due notice has been given the customer if the illegal service thereafter continues.
2. Failure to pay a delinquent account or failure to comply with the terms of a deferred payment agreement.
3. Violation of the Corporation's rules pertaining to the use of service in manner which interferes with the service of others or the operation of nonstandard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation.
4. Without notice where a known dangerous condition exists for as long as the condition exists.
5. It shall be unlawful for any person to remove any water and waste services meter that has been placed by the Corporation, or to in any manner change, interfere with, bypass or tamper with any such water and waste services meter. The provisions of this paragraph shall not apply to the employees of the Corporation when acting in their official capacity. A meter tampering fee of \$50.00 will be assessed if any interference is discovered. If there is a lock on the meter to prevent water consumption to the property location and it is discovered the lock has been physically removed by any party other than an authorized employee of the Corporation, a fee of \$20.00 will be assessed for the cost of the lock. If there is a plug in the sewer line and it is physically removed by an party other than an authorized employee of the Corporation, a fee of \$100.00 will be assessed for the cost of the plug.

- B. In the event any of these events are discovered, the Corporation will take such steps to discontinue the improper use and disconnect the meter. Service will thereafter not be resumed to any customer at that location until such customer has paid all estimated charges for consumed water and waste services together with any damage to the meter or water and waste services lines plus costs incurred for reconnection or deposits. If tampering or bypassing the meter occurs again, the meter will be removed and legal action may be taken against the customer to restrain such activity and recover damages.

## IX. WATER AND WASTE SERVICE CONNECTIONS (GENERAL)

- A. Responsibility of applicant for service for payment. The person who makes application for water and waste services service shall be responsible for payment of charges provided for in this article, until written notice is given to the Corporation by such person of the intention to discontinue such service, unless in the event of a rental property, then the owner will assume payment of all charges.
- B. It shall be unlawful for any person to make or permit any unauthorized connection with the main or service pipes of the water and waste services system or to turn on or use water and waste services of such system, without first obtaining **authorization**. Application for such connections shall be filed in the Corporation Office on the form prescribed by the Corporation. If the application is approved, the connection shall be issued.
- C. Upon approval of the connection and payment of the connection fee, the Manager shall make, or have made, the necessary connections and furnish a meter box, locking meter stop, nipple and customer cutoff, the cost of which is included in the meter connection fee.

- D. Upon applying for a new service connection, if there is found to be any outstanding balance on the property location, it will be the customer's responsibility to pay for the overdue balance before any service is provided.

#### **X. WATER AND WASTE SERVICE METERS (GENERAL)**

- A. All water and waste services furnished by the Corporation to its consumers shall be measured by meters. All meters shall conform to Corporation specifications and size, type, right to own or control all meters installed or used by consumers of its water and waste services shall be determined by the Corporation which shall keep all meters owned by it in repair, without expense to the consumer, except that the property owner will be charged for meters, boxes and materials damaged or destroyed through the act of negligence, or carelessness of the owner or occupant and for labor costs incurred in reestablishes service.
- B. Not more than one consumer shall purchase water and waste services through any single meter without the consent of the Corporation; provided that, single metering is authorized for more than one unit of occupancy, provided responsibility for payment of all utility services for the single-meter billing is assumed by the single property owner. In cases where single metering is to be used for more than a single-unit occupancy, and where one of the occupancies requires a higher water and waste services use than a single-family residence, a meter sufficient in size to meet the total requirements will be required. The size of the meter will be determined by the Board at the time of request for service
- C. Meter failure: If a meter fails to register the water and waste services actually consumed by reason of the register or meter being out of order, the Corporation may estimate the charge based on the consumption of a reasonable representative period.
- D. Meter test on request of customer: The Corporation shall, upon request of a customer, and, if he so desires, in his presence or in that of his authorized representative, make a test of the accuracy of the customer's meter. The test shall be made during the Corporation's normal working hours at a time convenient to the customer if he desires to observe the test. The test shall be made preferably on the customer's premises, but may, at the Corporation's discretion, be made elsewhere. If it is found that the meter does register in error more than two (2) percent fast, the consumer shall not pay for such test, and the Corporation shall make appropriate adjustments in the water and waste services service charges. If it is found that the meter does not register in error more than two (2) percent fast, the customer shall pay for such test. Cost will be determined at time of testing. Following the completion of any requested test, the Corporation shall promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test and who made the test.
- E. Adjustment to the bill:
1. Fast meter - Whenever any meter tested by the Corporation is found to have an average error of more than 2% fast (in the Corporation's favor) a refund or credit will be issued to the member for an overcharge based upon previous usage. Overcharge will not be adjusted for a time period longer than three (3) months prior to meter testing and only to the present owner. Total adjustments of less than \$1.00 will not be made.
  2. Non registering - Whenever a meter is found not to register for any period, unless bypassed or tampered with, the Corporation shall make a charge for estimated gallons used, but not metered, for a period not to exceed three months. The estimate will be based upon past usage and facts evident to the Corporation.
- F. Meter Reading:  
It shall be the responsibility of the corporation to read and record the meter readings monthly and provide an invoice to the customer the following month. Failure to receive a water bill does not relieve the customer of the responsibility of paying the monthly minimum each month.

## **XI. CROSS CONNECTIONS BETWEEN WATER AND WASTE SERVICE WELLS OR ANY OTHER WATER AND WASTE SERVICES SUPPLIES PROHIBITED**

No physical connection between the distribution system of Tynan Water and waste services Supply Corporation shall be permitted. (Sec. .008(k) of State Health Department Regulations).

## **XII. WATER AND WASTE SERVICE OUTSIDE THE TCEQ CERTIFICATED TERRITORY (GENERAL)**

No water and waste services shall be furnished by the Corporation beyond the areas authorized by the TCEQ and nothing in this section or any other section of this tariff shall be construed to compel the Corporation to furnish water and waste services to consumers beyond the TWSC certificated limits or to continue such service once begun, and the Corporation reserves the right to furnish service to such customers it deems advisable and to, at any time, wholly or partially discontinue the water and waste services supply upon violation of any of the terms of this tariff, the same as though such consumer resided within the certificated territory.

## **XIII. EASEMENT, ACCESS, ETC.**

- A. Access - The customer shall give the duly authorized agents of the Corporation permission to enter the customer's premises at any time necessary for any purpose incidental to the supplying of water and waste services service.
- B. Inspection of Premises Served or to be Served - Any person desiring to obtain or to continue to obtain service from the Corporation shall be required to submit to the inspection of his premises by the Manager of utilities or his representative when requested to do so.

## **XIV. OTHER DUTIES OF CONSUMERS**

- A. Water and waste services consumers shall keep their own service pipe lines and apparatus in good repair and condition, protected from freezing, at their own risk and expense, and shall prevent all unnecessary waste of water and waste services. It is especially stipulated that no claim shall be made against the Corporation by reason of the breakage of any customer pipe or service cock, or from any damage by reason of shutting off the water and waste services to repair mains, or for any other purposes. It is the consumer's responsibility to maintain his private lines and fixtures to prevent potential contamination of the water and waste services system or be in violation of State Department of Health Regulations. If the consumer fails to properly maintain his lines, the Corporation reserves the right to discontinue service.
- B. The customer is required to safeguard the Corporation's mains crossing his property and prevent construction along or over the easement therein other than as authorized by the terms of the easement.

## **XV. MAPS OF WATER AND WASTE SERVICE WORKS SYSTEMS**

The Manager shall keep in his office maps and plats of the Corporation system showing all mains and pipes laid or belonging to the Corporation giving the size of same and showing the locations of all valves and fire hydrants.

## **XVI. WATER AND WASTE SERVICES RATES ESTABLISHED**

- A. A uniform monthly rate shall be charged to all persons for the use of water and waste services within the established limits of the Corporation. Such rates are established in the section "Application of Rates".
- B. Whenever water and waste services is purchased by any consumer other than through a service connection through the mains of the Corporation, and such water and waste services is purchased from taps belonging to the Corporation, such consumer shall pay for water and waste services purchased. In addition, the purchaser shall pay all charges in relation to the installation and removal of metering equipment as required.

# Tynan Water Supply Corporation- Rates Revised

Water	Deposit for Water	-	-	-	\$100.00
	Disconnect fee	-	-	-	\$ 25.00
	Reconnect fee	-	-	-	\$ 25.00
	**First 2,000 gallons	-	-	-	\$ 25.00
	Each 1,000 gallons after	-	-	-	\$ 5.00
Sewer	Deposit for Sewer	-	-	-	\$ 50.00
	Disconnect fee	-	-	-	\$ 50.00
	Reconnect fee	-	-	-	\$ 50.00
	**First 3,000 gallons (residential)	-	-	-	\$ 33.00
	Each 1,000 gallons after (residential)	-	-	-	\$ 7.00
	Usage /3,000 gallons (commercial)	-	-	-	X \$ 42.00
	Usage /3,000 gallons (churches)	-	-	-	X \$ 35.00
*Membership		-	-	-	\$100.00
New Service (No Existing Lines)					
	Boar under road	-	-	-	\$1,000.00 (minimum)
	Water Impact fee	-	-	-	\$2,500.00
	Sewer Impact fee	-	-	-	\$2,000.00
	Water Tap fee	-	-	-	\$1,000.00 (minimum)
	Sewer Tap fee	-	-	-	\$1,500.00 (minimum)
	Water Connection	-	-	-	\$ cost to be determined
	Sewer Connection	-	-	-	\$ cost to be determined
Other Charges					
	Recheck meter for reading (correct)	-	-	-	\$ 25.00
	Return check fee	-	-	-	\$ 25.00
	Repairs (property owner side)	-	-	-	\$ cost to be determined
	Repairs (Tynan Water side)	-	-	-	\$ No charge
	Meter tampering fee	-	-	-	\$ 50.00
	Cut lock (water)	-	-	-	\$ 20.00
	Cut plug (sewer)	-	-	-	\$ 100.00
	Call out charge	-	-	-	\$ 10.00
	Service fee	-	-	-	\$ cost to be determined
	Late fee	-	-	-	\$ 5.00 minimum then 10%
	Meter Installation fee (new service)	-	-	-	\$ 150.00 (minimum)
Sewer Service without water through meter					
	Residential	-	-	-	\$ 250.00
	Commercial	-	-	-	\$ 500.00
	Churches	-	-	-	\$ 350.00
Customer providing water to another residence		-	-	-	\$ 150.00 & disconnected until All property serviced through meter

\*Membership was revised June 17,2010

\*\*rates were revised March 1, 2009

Revision 1  
TYNAN WATER SUPPLY CORPORATION  
Water/WasteWater Tariff

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**XVII. Rates:**

C. Water and Waste Services Rate Schedule: The water and waste services rate schedule may be changed from time to time by Board action.

**Water: Change amount from \$20.00 to \$25.00**

FIRST 2000 GALLONS change from \$20.00 to \$25.00 (Minimum monthly Fee, not accumulative)  
\$5.00 PER EACH ADDITIONAL 1000 GALLONS

**Waste: Change Rate amount from \$28.00 to \$33.00**

For any connection made by any user of the TWSC's sanitary system inside the city, the following shall be paid:

- a). Residence FIRST 3000 GALLONS \$28.00 CHANGE TO FIRST 3000 GALLONS \$33.00 (Minimum not accumulative)  
\$7.00 PER EACH ADDITIONAL 1000 GALLONS

**NAME CHANGE:** Texas Natural Conservation Commission shall be **CHANGED** to **Texas Commission On Environmental Quality (TCEQ)** beginning Page 1 thru Page 23 throughout the Tynan Water Supply Corporation, Water/WasteWater Tariff.

**All changes can be handwritten throughout the tariff.**

**Change Residential Rate from \$28.00 to \$33.00**

The Texas Commission On Environmental Quality (TCEQ) formerly known as Texas Natural Resource Conservation Commission (TNRCC) Usage Rate amount is calculated, the amount will be divided by 3000 gallons (the approximate usage of a home) and multiplied by the residential (\$33.00) times 1.5. Churches and Church related buildings usage amount is calculated as follows: After the usage amount is calculated, the amount will be divided by 3000 gallons (the approximate usage of a home) and multiplied by the residential rate (\$33.00) times 1.25

**Effective March 1, 2009**



**Albert J. Zdansky**  
Tynan WSC President

## XVII. RATES

- A. Membership Rates: Membership cost is set at \$100.00.
- B. Meter Installation Costs: Installation charges, road crossing fees and other charges will be billed at cost to the customer plus 10% service charge.
- C. Water and Waste Services Rate Schedule: The water and waste services rate schedule may be changed from time to time by Board action. Copies of current rates are shown on the reverse side of the bills.

### Water

FIRST 2000 GALLONS \$20.00 (Minimum monthly Fee, not accumulative)  
\$5.00 PER EACH ADDITIONAL 1000 GALLONS

### Waste

For any connection made by any user of the TWSC's sanitary system inside the city, the following fees shall be paid:

- a). Residences FIRST 3000 GALLONS \$28.00 (Minimum monthly Fee, not accumulative)  
\$7.00 PER EACH ADDITIONAL 1000 GALLONS

The Texas Natural Resource Conservation Commission Wastewater Usage Rate Chart, Chapter 285.90 (attached) will be used as guidelines for setting commercial rates. After the usage amount is calculated, the amount will be divided by 3000 gallons (the approximate usage of a home) and multiplied by the residential rate (\$28.00) times 1.5. Churches and Church related buildings usage amount is calculated as follows. After the usage amount is calculated, the amount will be divided by 3000 gallons (the approximate usage of a home) and multiplied by the residential rate (\$28.00) times 1.25.

- D. Impact Fee: For those applicants to hook up to water and wastewater who were not designated on the facilities plan the following Impact Fee shall apply:
  - a). Water \$2,500.00
  - b). Wastewater \$2,000.00
- E. Repair Rates: For any repairs made to service lines on the customer's side shall be determined at time of repairs. Management reserves all rights to make necessary repairs if customer is not able to be contacted to make repairs themselves. A service charge of no less than \$15.00 will be assessed for inspecting possible leaks determined to be on the customer's side of responsibility.
- F. Rereading Meters: For any reason, if a customer asks to have meter reread, a cost of \$25.00 will be assessed.

## XVIII. NEW SERVICE APPLICATIONS AND CONNECTIONS

- A. Applications - Persons desiring water and waste services from the Corporation shall make application for service by completing the required "Application for Membership" and submitting this to the Corporation office along with a \$50.00 (waste), \$100.00 (water) deposit, \$100.00 membership fee, any outstanding balances on property location and any construction fees.

Upon receipt of an application properly executed, the Corporation will review at the next regularly scheduled Board meeting, date submitted and within 10 working days the applicant will be notified in writing as to one of the following dispositions:

- 1. Application approved, customer requested to pay all fees within 30 calendar days (customer service agreement attached). A minimum water and waste services charge will be made on a monthly basis whether a meter is set or not in accordance with the current rate schedule.



2. Application is being routed through the engineer to determine if sufficient water and waste services is available at that location.
  3. Application returned for further information.
  4. Application is not approved.
- B. If the application is disapproved on the basis of unknown service capability, the applicant may engage (at applicant's cost) the Corporation's Engineering services to determine system capability for service. This engineering report will be used by the Corporation to determine under what conditions water and waste services service will be instituted. **All engineering costs or fees will be billed to the applicant regardless of the approval or disapproval of the application.**
- C. Corporation Water and waste services Main in Place on Private Property or in the public Right-of-Way (Corporation's choice not because of refusal to grant easement):  
After approval of the application made by applicant and receipt by the Corporation of applicable membership, meter and installation and Deferred Construction fees, the Corporation shall effect the installation of a standard 5/8" or 3/4" meter service.
- D. Corporation Water and waste services Main Insufficient for Additional Service:  
In the event an applicant desires water and waste services service to a property and the Corporation mains at that location are inadequate, the applicant may be able to obtain water and waste services service by, in addition to the regular fees, paying for additional facilities as may be required to provide the service. Any facilities so provided shall be the property of the Corporation.
- E. Corporation Water and waste services Main in Public Right-of-Way because of refusal to Grant Easement:  
In those instances where a water and waste services main has been located in the public Right-of-Way adjacent to the applicant's property due to the applicant's (or the applicant's predecessor) previous refusal to grant an easement to the Corporation for the purpose of installing the water and waste services main and appurtenances, the applicant, prior to receiving the requested service, shall grant an easement to the Corporation and shall pay to the Corporation, in addition to the standard fees such sums as are necessary for the removal of the water and waste services main from the public Right-of-Way to the applicant's property.
- F. Extension Policy:  
It is the policy of the Corporation that all extensions or improvements to facilities required as a result of an application or applications for service except those that are a part of a program to be financed by Farmers Home Administration as a general extension project, shall be paid for in full by the applicant or applicants for such service, and will include the cost of engineering under Sec.27F. Payment received by the Corporation for such extension or improvement shall be in addition to the standard membership, installation and deferred construction fees.
- G. Request for Non Standard Service:  
If an applicant requires other than the standard service and meter provided by the Corporation, such applicant will be required to pay all expenses incurred by the Corporation in excess of the expense that would be incurred in providing the standard service and meter **if that service is approved by the Board and meets all other standards.**
- H. Refusal of Service:
1. Compliance by Applicant:  
The Corporation may decline to serve an applicant until such applicant has complied with appropriate federal, state, and local governmental regulations and approved rules and regulations of the Corporation. **This is meant to include the extra-jurisdictional boundary requirement of the city or county for which written approval from the city or county may be required if deemed necessary by the Board.**
    - a. Applicant's facilities inadequate: If the applicant's installation or equipment is known to be hazardous or of such character that satisfactory service cannot be given: or
    - b. If the Corporation's facilities are not adequate to accommodate the requested service.

2. Applicant's Recourse:  
In the event that the Corporation shall refuse service to an applicant under the provisions of these rules, the Corporation must inform the applicant of the basis of its refusal and the applicant may file a complaint.
3. Sub Metering: Sub metering will not be permitted.
4. Location of Meters: Meters shall be placed in an easement on the applicant's property or private access road. The Corporation retains the right to choose the location of meters, but so far as practical the location should be mutually acceptable to the member and the Corporation.
5. Permits and easements: It shall be the responsibility of the applicant to secure all permits and easements as deemed necessary by the Corporation or required by Government agencies.

#### IX. REQUIREMENTS PRIOR TO SERVICE:

- A. If the Corporation determines that the customer making application for membership is required by state law (Section 974A, Vernon's Texas Civil Statutes) to prepare a subdivision plat for approval by local governmental agencies then membership will be withheld until such a plat has been properly filed for record.
- B. The Engineer's report, indicating possible service will not constitute an agreement for membership by the Board. If the Board agrees to provide service to a customer, the Corporation will first review the Engineer's report to ensure that the conditions as originally studied have not changed.
- C. If the Corporation determines that the hydraulic conditions have changed sufficiently to warrant further study, they will refer the request back to Engineering for restudy at the petitioner's expense.
- D. The customer requesting service must provide an overall preliminary plan showing his entire intended development together with his proposed water and waste services distribution system layout.
- E. Approval of the preliminary subdivision plan by the Corporation will not constitute an agreement for service for any or all units of development.
- F. Where the Corporation's system is not adequate to accommodate the request, a petitioner would be required to construct any approach mains and all internal lines to the Corporation's specifications and dedicate these to the Corporation.
- G. If any part of a subdivision unit is within or adjacent to the ETJ of a city as determined by the Board, the water and waste services system within the subdivision will be designed to conform to the Fire protection standards of the municipality but not less than the standards of the Corporation. If the offsite supply mains are not sufficient to support fire hydrants, then the internal mains will be constructed so as to support fire hydrants in the future.
- H. Upon approval of the preliminary plan of development a developer must then prepare a subdivision plat which conforms to all state, county and city regulations and detailed construction plans for the water and waste services system for review and approval by the Corporation.
- I. The construction plans must be submitted to the Corporation Engineer for approval.
- J. The developer will prepay or repay expenses incurred by the Corporation for plan reviews, inspections, tests, legal fees, etc.; and no acceptance or use of the water and waste services mains will be made until all fees or expenses due the Corporation are paid in full.
- K. Approach lines to a subdivision are required to be located in easements on private lands or public Right-of-Way. These easements are to be secured by the developer in behalf of the Corporation.
- L. Policies, rates, fees, etc. are subject to change at any time.

**XX. CONDITION FOR SUBDIVISION PLAT APPROVAL AND  
WATER AND WASTE SERVICE**

- A. Upon execution of an agreement for service and payment of the Corporation's expenses to be incurred for engineering and or legal services in this regard and satisfactory performance of the other terms herein, the Corporation agrees to offer the availability of water and waste services service to a certain number of lots in the subdivision.
- B. Developer shall cause to be prepared a final subdivision plat which conforms to City, County and State subdivision regulations and submit this for review by the Corporation. Developer shall reflect on the plat to be recorded, all required or existing water and waste services line easements in the Corporation's favor and upon recordation, furnish Corporation with a recorded copy of this plat. Corporation makes no representation that its water and waste services system conforms to requirements for service to subdivision lots as imposed by a municipality.
- C. Meters for lots within the subdivision will be physically furnished and set in place under the supervision and approval of the Corporation.
- D. The Developer, at the developer's expense, shall engage a professional engineer to prepare construction plans to conform to Tynan water and waste services supply design standards and those of the regulatory agencies for the internal water and waste services distribution system within the subdivision. These plans shall be submitted to the Corporation for approval and thereafter the Developer shall be responsible for securing other governmental agency plan approvals and permits.
- E. Construction plans for offsite improvements will be prepared at developer's expense and approved by the Corporation.
- F. Construction of the inter and offsite water and waste service line systems for these units shall conform to TWSC standards of construction and to the approved plans at the developer's cost.
- G. Developer agrees to dedicate these internal and offsite facilities to the Corporation for their ownership, use and maintenance upon completion. Where the developer undertakes construction, a 12 month warranty of the work is required.
- H. Corporation agrees, upon completion, to accept the facility for operation and maintenance to offer water and waste services as requested to lot owners within the approved platted areas under the terms then in existence for customers along existing water and waste services mains. Customers requesting services must pay the then current membership, installation and Deferred Construction fees required by the Corporation less any prepayment by the developer.
- I. Said service to lot owners will also be conditional upon the developer having paid all professional service fees incurred by the Corporation's Engineer or Attorney in behalf of the project.
- J. In the event the terms of an agreement relative to subdivision platting and water and waste service line construction are not completed within 6 months, the Corporation may at its option void all or change the conditions of the agreement including initial developer charges. No refunds of Developer charges will be made.
- K. The developer may petition the Corporation for time extensions, which will be considered by the Corporation in light of then current cash flow and availability of water and waste services for others.
- L. The developer must contact the city or county of the intent to develop and receive written approval from the city or county.
- M. The developer must meet all the extra-territorial requires of the city or county.

## XXI. WASTE DISPOSAL REQUIREMENTS

### PROHIBITED SEWER DEPOSITS.

It shall be unlawful for any person to throw or deposit, or cause or permit anyone under his control to throw or deposit, in any TWSC sewer, or in any vessel or receptacle connected with any TWSC sewer, any ungrounded garbage, hair, ashes, fruits or vegetable peelings, refuse rags, cotton, cinders, or any other matter whatsoever, except feces, urine, the necessary closet paper and liquid slops.

### PROHIBITED DISCHARGES.

- (A) No person may discharge to public sewers any waste, which by itself or by interaction with other wastes may:
- (1) Injure or interfere with wastewater treatment processes or facilities;
  - (2) Constitute a hazard to humans or animals; or
  - (3) Create a hazard in receiving waters of the wastewater treatment plant effluent.
- (B) All discharges shall conform to requirements of this Subchapter.

### CHEMICAL DISCHARGES.

- (A) No discharge to public sewers may contain:
- (1) Cyanide greater than one point zero (1.0) mg/l;
  - (2) Fluoride other than that contained in the public water supply;
  - (3) Chlorides in concentrations greater than 400 mg/l;
  - (4) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
  - (5) Substances causing excessive chemical oxygen demand (C.O.D.).
- (B) No waste or wastewater discharged to public waters may contain:
- (1) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
  - (2) Fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and 150° F. (0 and 65 degree. C.).
  - (3) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater treatment works exceeds the limits established by the approving authority for such materials; or
  - (4) Obnoxious, toxic, or poisonous solids, liquids or gases in quantities sufficient to violate the provisions of PROHIBITED DISCHARGES (A).
- (C) No waste, wastewater, or other substance may be discharged into public sewers which has a ph lower than five point five (5.5) or higher than nine point five (9.5), or any other corrosive property capable of causing carnage or hazard to structures, equipment, and/or personnel at the wastewater facilities.
- (D) All waste, wastewater or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

### HAZARDOUS METALS AND TOXIC MATERIALS.

- (A) No discharges may contain concentrations of hazardous metals other than amounts specified in division (B) of this section.

- (B) The allowable concentrations of hazardous metals, in terms of milligrams per liter (mg/l), for discharge to inland waters, and determined on the basis of individual sampling in accordance with A Standard Methods: are:

<i>Not to Exceed</i>			
<i>Metal</i>	<i>Average</i>	<i>Daily</i>	<i>Grab Sample</i>
Arsenic	0.1	0.20	0.3
Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.00	2.0	3.0
Selenium	0.05	0.1	0.2

(NOTE: these concentration parameters and rules governing same are promulgated under authority of Tex. Water Code, " 5.131 and 5.132, Hazardous Metals, and in accordance with Texas Department of Water Resources Rule 156.19.)

- (C) No other hazardous metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes and other applicable provisions.
- (D) Prohibited hazardous materials include, but are not limited to:
- (1) Antimony;
  - (2) Beryllium;
  - (3) Bismuth;
  - (4) Cobalt;
  - (5) Molybdenum;
  - (6) Uranium;
  - (7) Rhenium;
  - (8) Strontium;
  - (9) Tellurium;
  - (10) Herbicides;
  - (11) Fungicides; and
  - (12) Pesticides.

#### PARTICULATE SIZE.

No person may discharge garbage or other solids into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.

The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

#### STORM WATER AND OTHER UNPOLLUTED DRAINAGE.

(A) No person may discharge to public sanitary sewers:

- (1) Unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage;
- (2) Unpolluted cooling water;
- (3) Unpolluted industrial process waters;
- (4) Other unpolluted drainage;

or make any new connections from inflow sources.

(B) In compliance with the Texas Water Quality Act, TEX. WATER CODE, " 26.001 ET SEQ., and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in division (A) of this section may be discharged.

#### TEMPERATURE.

No person may discharge liquid or vapor having a temperature higher than 150° F. 65 degree C.), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of 10° F. or more per hour, or a combined total increase of plant in-fluent to 110° F.

#### RADIOACTIVE WASTES.

(A) No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(B) The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

#### IMPAIRMENT OF FACILITIES.

(A) No person may discharge into public sewers any substance capable of causing:

- (1) Obstructions to the flow in sewers;
- (2) Interference with the operation of treatment processes of facilities; or
- (3) Excessive loading of treatment facilities.

(B) Discharges prohibited by division (A) above include, but are not limited to, materials, which exert or cause concentrations of:

- (1) Inert suspended solids greater than 250 mg/l including, but not limited to:
  - (a) Fuller's earth;
  - (b) Lime slurries; and
  - (c) Lime residues;
- (2) Dissolved solids greater than 1,500 mg/l including, but not limited to:
  - (a) Sodium chloride; and
  - (b) Sodium sulfate;

(3) Excessive discoloration including, but not limited to:

- (a) Dye wastes; and
- (b) Vegetable tanning solutions; or

(4) BOD, COD, or chlorine demand in excess of normal plant capacity.

(C) No person may discharge into public sewers any substance that may:

- (1) Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;
- (2) Overload skimming and grease-handling equipment;
- (3) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the non-amenability of the substance to bacterial action; or
- (4) Deleteriously affect the treatment process due to excessive quantities.

(D) No person may discharge any substance into public sewers which:

- (1) Is not amenable to treatment or reduction by the processes and facilities employed; or
- (2) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(E) The approving authority shall regulate the flow and concentration of slugs when they may:

- (1) Impair the treatment process;
- (2) Cause damage to collection facilities;
- (3) Incur treatment costs exceeding those for normal wastewater; or
- (4) Render the effluent unfit for stream disposal or industrial use.

(F) No person may discharge into public sewers solid or viscous substances which may violate division (A) of this section if present in sufficient quantity or size including, but not limited to:

- |                |  |
|----------------|--|
| (1) Ashes;     | (13) Wood;   |
| (2) Cinders;   | (14) Garbage;  |
| (3) Sand;      | (15) Whole blood;  |
| (4) Mud;       | (16) Paunch manure;  |
| (5) Straw;     | (17) Hair and flashings;   |
| (6) Shavings;  | (18) Entrails;   |
| (7) Metal;     | (19) Paper products, either whole or ground by garbage grinders; |
| (8) Glass;     | (20) Slops;  |
| (9) Rags;      | (21) Chemical residues;  |
| (10) Feathers; | (22) Paint residues; or  |
| (11) Tar;      | (23) Bulk solids.  |
| (12) Plastics; |  |

#### APPROVING AUTHORITY REQUIREMENTS.

(A) If discharges or proposed discharges to public sewers may:

- (1) Deleteriously affect wastewater facilities, processes, equipment, or receiving waters;
  - (2) Create a hazard to life or health; or
  - (3) Create a public nuisance;
- the approving authority shall require:

- (a) Pretreatment to an acceptable condition for discharge to the public sewers;
- (b) Control over the quantities and rates of discharge; and
- (c) Payment to cover the cost of handling and treating the wastes.

- (B) The approving authority is entitled to determine whether a discharge or proposed discharge is included under division (A) of this section.
- (C) The approving authority shall reject wastes when it determines that a discharge or proposed discharge does not meet the requirements of division (A) of this section.

#### APPROVING AUTHORITY REVIEW AND APPROVAL.

- (A) If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.
- (B) The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
- (C) Any person responsible for discharges requiring pretreatment, flow equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.

#### REQUIREMENTS FOR TRAPS.

- (A) Discharges requiring a trap include:
  - (1) Grease or waste containing grease in amounts that will impede or stop the flow in the
  - (2) Oil;
  - (3) Sand;
  - (4) Flammable wastes; and
  - (5) Other harmful ingredients.
- (B) Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:
  - (1) Provide equipment and facilities of a type and capacity approved by the approving
  - (2) Locate the trap in a manner that provides ready and easy accessibility for cleaning and
  - (3) Maintain the trap in effective operating condition.

#### REQUIREMENTS FOR BUILDING SEWERS.

Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:

- (A) Install an accessible control manhole;
- (B) Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste; and
- (C) Install safety equipment and facilities (ventilation, where needed.)
- (D) Maintain the equipment and facilities.

#### SAMPLING AND TESTING.

- (A) Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property.

NOTE: The particular analysis involved will determine whether a 24-hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, eight-hour or some other period may be required. Periodic grab samples are used to determine pH and oil and grease.

- (B) Examination and analyses of the characteristics of waters and wastes required by the subchapter shall be:
  - (1) Conducted in accordance with the latest edition of "Standard Methods"; and
  - (2) Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.



- (C) BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.
- (D) The approving authority shall determine which users or classes of users may contribute wastewater, which is of greater strength than normal domestic wastewater. All users or classes of users so identified shall be sampled for flow BOD, TSS and pH at least annually.
- (E) The TWSC may select an independent firm or laboratory to determine flow, BOD, and suspended solids, if necessary. Flow may alternately be determined by water meter measurements if no other flow device is available and no other source of raw water is used.

#### USER CHARGE SYSTEM.

- (A) Persons making discharges of industrial waste into the TWSC system shall pay a charge to cover all costs of collection and treatment.
- (B) When discharges of any waste into the TWSC system are approved by the approving authority, the TWSC or its authorized representative shall enter into an agreement or arrangement providing:
  - (1) Terms of acceptance by the TWSC;
  - (2) Payment by the person making the discharge, in accordance with the user charge system as established in division (E) below;
  - (3) A sewer application approved with connection fee paid; and
  - (4) Construction of sewer connections shall be approved by TWSC inspectors prior to sewer use.
- (C) Each user of the wastewater treatment system will be notified, at least annually, in conjunction with a regular sewer bill, of the rate and that portion of user charges or ad valorem taxes which are attributable to the operation and maintenance of the wastewater treatment system.
- (D) The TWSC will apply excess revenues collected from a class of users to the cost of operation and maintenance attributable to that class for the next year and adjust the rates accordingly.

### ***XXII. ADMINISTRATION AND ENFORCEMENT***

#### POWER TO ENTER PROPERTY.

- (A) The Manager and other duly authorized employees of the TWSC bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this chapter.
- (B) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security and fire protection.
- (C) Except when caused by negligence or failure of person(s) to maintain safe conditions, the TWSC shall indemnify the person(s) against loss or damage to their property by TWSC employees and against liability claims and demands for personal injury or property damage asserted against the person(s) and growing out of the sampling operation.
- (D) The Manager and other duly authorized employees of the TWSC bearing proper credentials and identification are entitled to enter all private properties through which the TWSC holds a negotiated easement for the purposes of:
  - (1) Inspection, observation, measurement, sampling or repair;
  - (2) Maintenance of any portion of the sewerage system lying within the easements; and
  - (3) Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.

- (E) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.

AUTHORITY TO DISCONNECT SERVICE.

- (A) The TWSC may terminate wastewater disposal service and disconnect a customer from the system when:
- (1) Acids or chemicals which may damage the sewer lines or treatment process are released to the sewer potentially causing accelerated deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
  - (2) A governmental agency informs the TWSC that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the TWSC's system that cannot be sufficiently treated or requires treatment that is not provided by the TWSC as normal domestic treatment; or
  - (3) The customer:
    - (a) Discharges waste or wastewater that is in violation of the permit issued by the approving authority;
    - (b) Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;
    - (c) Fails to pay monthly bills for sanitary sewer services when due, in accordance with TWSC policy; or
    - (d) Repeats a discharge of prohibited wastes to public sewers in violation of IMPAIRMENT OF FACILITIES, APPROVING AUTHORITY REQUIREMENTS, and APPROVING AUTHORITY REVIEW AND APPROVAL as stated above.
- (B) If service is discontinued pursuant to division (A)(2) of this section, the TWSC shall:
- (1) Disconnect the customer;
  - (2) Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and
  - (3) Continue disconnection until such time as the customer provides pretreatment/additional pretreatment or other facilities designed to remove the objectionable characteristics from his wastes.

NOTICE OF VIOLATION; CONTINUING PROHIBITED DISCHARGES.

- (A) The TWSC shall serve a person discharging in violation of this chapter with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.
- (B) No person may continue discharging in violation of this chapter beyond the time limit provided in the notice.

FAILURE TO PAY.

In addition to sanctions provided for by this chapter, the TWSC is entitled to exercise sanctions provided for by the other ordinances of the TWSC for failure to pay the bill for sanitary sewer service when due.

CRIMINAL MISCHIEF.

The TWSC may pursue all criminal and civil remedies to which it is entitled under authority or statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.