

# Fee Schedule

Austin Water - Austin Water Wastewater Utility Operating Fund		
	2018-19	Note

**D. For AISD (Per Contract between Shady Hollow MUD and AISD)**

**Monthly Customer Account Charge**

Customer Account Charge (\$/month)	\$10.30	
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**Volume Unit Charge: All Volumes**

Austin Independent School District	\$7.16	Per KGals
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**IV. Water and Wastewater Surcharge**

*(Applies only to out-of-District customers who are connected to and served by facilities owned by the District)*

**Monthly charge per out-of-District non residential unit - Set by District**

Monthly charge per out-of-District residential unit (in addition to monthly water and wastewater charges)	\$28.97	
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**V. Credit Card Payments**

i. Processing fee for payments by credit card	\$3.00	Per Transaction
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ii. Fee for payments not honored by credit card company

*10% of transaction (not to exceed \$25.00)*

**B. Capital Recovery Fees (Impact Fees)**

*Fees for lots that were platted after October 1, 2007 and before January 1, 2014. For lots platted prior to this period see previous fee schedules.*

**1. Drinking Water Protection Zone**

**1.1 Inside City Fees**

Wastewater	\$1,200.00
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**1.2 Outside City Fees**

Wastewater	\$1,400.00
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**2. Desired Development Zone**

**2.1 Inside City Fees**

Wastewater	\$600.00
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**2.2 Outside City Fees**

Wastewater	\$1,000.00
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**3. Desired Development Zone-Urban Watersheds**

Wastewater	\$500.00
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**4. Desired Development Zone-Central Urban Redevelopment Combining District and the area bounded by Lady Bird Lake, Lamar Blvd., 15th Street, and IH-35**

Wastewater	\$400.00
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# Fee Schedule

Austin Water - Austin Water Wastewater Utility Operating Fund		
	2018-19	Note

5. Outside of Austin Extraterritorial Jurisdiction (ETJ)

Wastewater	\$1,400.00
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6. Fees for lots that were platted on or after January 1, 2014 and before October 1, 2018. For lots platted prior to this date see previous fee schedules.

All Areas-Wastewater	\$2,200.00
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7. Fees for lots that were platted on or after October 1, 2018.

All Areas-Wastewater	\$2,500.00
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Capital Recovery Fee - Calculation of Service Units: Service Units are determined on rated continuous flow of the meter purchased at sale of tap. (AWWA Standards)

*Calculation of the impact fee in accordance with the Local Government Code requires the use of "Service Units" a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development.*

Meter Size-Meter Type

a. 5/8" Positive Displacement  
1 Service Unit

b. 3/4" Positive Displacement  
1.5 Service Units

c. 1" Positive Displacement  
2.5 Service Units

d. 1 1/2" Positive Displacement  
5 Service Units

e. 1 1/2" Turbine  
9 Service Units

f. 2" Positive Displacement  
8 Service Units

g. 2" Turbine  
16 Service Units

h. 3" Compound  
17.5 Service Units

i. 3" Turbine  
35 Service Units

j. 4" Compound  
30 Service Units

k. 4" Turbine  
65 Service Units

l. 6" Compound  
67.5 Service Units

m. 6" Turbine  
140 Service Units

n. 8" Turbine  
240 Service Units

o. 10" Turbine  
350 Service Units

p. 12" Turbine  
440 Service Units

q. 6X2" Fire Service  
Based On Domestic Demand

r. 8X2" Fire Service  
Based On Domestic Demand

s. 10X2" Fire Service  
Based On Domestic Demand

C. Other Fees

# Fee Schedule

## Austin Water - Austin Water Wastewater Utility Operating Fund

2018-19

Note

### Addition to System Fee

Wastewater tap fees for all second connections and/or wastewater connections larger than six inches (6") are calculated on the total labor costs, transportation and equipment costs, materials and supplies costs, plus indirect and overhead costs for the connection. If the facility requiring wastewater service consist of more than fifteen living units (including, but not limited to apartments, motels, hotels, nursing homes, hospitals, etc.) or is of a commercial and/or industrial nature in excess of 4,000 square feet, a review by the Utility will be conducted to determine the need for a manhole in the sewer line. In the event that a manhole is required, the charge shall be calculated on a cost basis.

### Connections and Manholes

The fees for wastewater connections and manholes performed by the City are as follows:

Connection Size-Location	
6-inch or less-Zone 1-East	\$422.00
6-inch or less-Zone 2-Central	\$490.00
6-inch or less-Zone 3-West	\$560.00

### Descaling Permit Fee \$685.00

Annual fee used to recoup the costs incurred in performing the tasks associated with regulating companies performing temporary descaling activities in the City of Austin's water service area (e.g., analyzing and documenting plans, specifications, applications and reports, monitoring and inspecting sites where temporary descaling activities have been authorized, enforcing regulations when violations occur, etc.). All of these activities are conducted to ensure compliance with pretreatment program and other health and safety requirements. This annual Descaling Permit Fee is prorated by quarter if the descaling company is in its first year of operation. Subsequent years of operations are charged at the full annual rate.

### Dillo Dirt Sales

1-199 Cubic Yards	\$12.00
200-499 Cubic Yards	\$11.00
500 Cubic Yards and above	\$10.00

### Evaporative Loss Credit Application and Processing Fee \$196.00

Non-refundable application and processing fee; customer is responsible for reporting timely and accurate meter readings each month. If customer reports an erroneous meter read or fails to meet the monthly reporting deadline, the Utility can waive the deadline for three instances in a twelve month period

### Industrial Waste Surcharge

Surcharge unit charges in dollars per pound

Ammonia-Nitrogen	\$1.55	exact fee is 1.559
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Rate is \$1.559 per pound of ammonia-nitrogen discharged into Austin Water's wastewater system by an Industrial User when the ammonia-nitrogen concentration is in excess of 35 mg/l. The surcharge fee for ammonia nitrogen will be charged to an Industrial User that uses or produces ammonia-nitrogen in a manufacturing process. The surcharge fee for ammonia-nitrogen will be determined by calculating the difference between the average concentrations discharged from such an Industrial User and the 35 mg/l threshold as described in the formula below:

Surcharge fee for ammonia-nitrogen = Volume of wastewater discharged (in millions of gallons) X 8.34 pounds per gallon x [\$1 559 per pound x (Industrial User's average ammonia-nitrogen (in mg/l) - 35 mg/l)]

BOD	\$0.50	exact fee is 0.5043
COD	\$0.22	exact fee is 0.2242
TSS	\$0.11	exact fee is 0.1087

# Fee Schedule

Austin Water - Austin Water Wastewater Utility Operating Fund		
	2018-19	Note

## Interest On Private Lateral Repair - Payment Agreements

Annual Interest Rate	10.00%
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## Lab Services-Testing Fees

### 1. Automated General Chemical Analysis

Alkalinity, Auto-Titration	\$7.30	Ea.
Dissolved-Ortho Phosphorus	\$20.50	Ea.
Dissolved-Total Phosphorus	\$22.25	Ea.
Nitrate+Nitrite-Nitrogen	\$21.00	Ea.
Nitrite-Nitrogen	\$21.00	Ea.
Nitrogen Package: Nitrate+Nitrite- Nitrogen, Nitrite-Nitrogen and Nitrate-Nitrogen	\$46.00	Ea.
Ortho Phosphorus	\$20.50	Ea.
Total Kjeldahl Nitrogen	\$19.90	Ea.
Total Phosphorus	\$22.25	Ea.

### 2. General Chemical Analyses

Alkalinity-Total	\$7.10	Ea.
Ammonia-Nitrogen	\$8.45	Ea.
Biochemical Oxygen Demand	\$7.10	Ea.
Calcium	\$7.10	Ea.
Carbonaceous BOD	\$8.45	Ea.
Chemical Oxygen Demand	\$7.10	Ea.
Conductivity	\$7.10	Ea.
Cyanide, Amenable	\$56.50	Ea.
Cyanide, Total	\$43.00	Ea.
Dissolved Oxygen	\$7.10	Ea.
Nitrate-Nitrogen	\$8.45	Ea.
Oil & Grease	\$29.30	Ea.
Ortho Phosphorus	\$7.10	Ea.
Percent Solids in Semi-Solid Sample	\$8.45	Ea.
PH	\$7.10	Ea.
Temperature	\$7.10	Ea.
Total Dissolved Solids	\$7.10	Ea.
Total Organic Carbon by Persulfate - UV Oxidation	\$58.60	Ea.
Total Phosphorus	\$22.30	Ea.
Total Solids	\$8.45	Ea.
Total Suspended Solids	\$7.10	Ea.
Total Volatile Solids	\$9.65	Ea.
Turbidity	\$7.10	Ea.
Volatile Suspended Solids	\$8.45	Ea.

### 3. Ion Analyses by Ion Chromatography

Chloride	\$26.50	Ea.
Fluoride	\$49.00	Ea.

# Fee Schedule

Austin Water - Austin Water Wastewater Utility Operating Fund		
	2018-19	Note
Sulfate	\$26.50	Ea.
4. Metals Analyses and Digestions		
ICP Metals	\$12.50	Ea.
Mercury-Cold Vapor	\$47.60	Ea.
Sample Digestion	\$9.65	Ea.
5. Microbiological Analyses		
E. Coli (Colilert-MPN)	\$19.45	Ea.
E. Coli (Membrane Filter)	\$16.30	Ea.
Fecal Coliform (EC Broth-MPN)	\$16.30	Ea.
Fecal Coliform (Membrane Filter)	\$16.30	Ea.
Heterotrophic Plate Count (Pour Plate)	\$33.95	Ea.
Microscopic Examination	\$18.20	Ea.
Total Coliform (Colilert-MPN)	\$16.30	Ea.
Total Coliform + E. Coli (Colilert-MPN)	\$20.50	Ea.
6. Organic Analyses		
Acid & Base Neutral Extractable Organic Compounds by GCMS	\$506.50	Ea.
Volatile Organic Compounds by GCMS	\$215.00	Ea.
7. Miscellaneous Laboratory Services		
Bottle washing/maintenance per bottle	\$2.70	Ea.
Liquid Waste Hauler's Fees		
After Hours Receiving Station Fee	\$298.00	
<i>Fee to recover the costs incurred by AW in order to open and operate the hauled waste receiving station after normal business hours for a minimum of at least 2 hours. This fee applies to each 2 hour interval that the hauled waste receiving station is requested and authorized to be opened after hours.</i>		
Disposal and Treatment Fee		
Volume Basis: Vehicle Storage Capacity	100.00%	
Volume: Charge per 1,000 gallons of liquid waste	\$45.50	
Permit Fee	\$96.50	each
<i>The Permit Fee can be prorated by month if the Liquid Waste Hauler is in its first year of operation. Subsequent years of operation are charged at the full annual rate. For all the Liquid Waste Haulers the Permit Fee can be prorated by month when the annual Liquid Waste Hauler permit renewal date is adjusted.</i>		
Trip Ticket Book	\$10.50	
Vehicle Inspection or Re-inspection	\$46.75	
Mapping Sales		
Color Copies		
CD ROM Copies	\$6.25	Ea.
D-Size	\$46.00	Ea.
Municipal Utility District Map (11" x 17")	\$2.75	Ea.

# Fee Schedule

Austin Water - Austin Water Wastewater Utility Operating Fund		
	2018-19	Note
Wastewater Major Facilities Map (11" x 17")	\$2.75	Ea.
Wastewater System Map	\$2.75	Ea.
Photo Copies		
11" x 17"	\$1.25	Ea.
12" x 18"	\$2.75	Ea.
Blowbacks from Film	\$3.95	Ea.
C-Size (18" x 24")	\$3.95	Ea.
D-Size (24" x 36")	\$3.95	Ea.
D-Size blueines or blacklines	\$3.95	Ea.
Impact Fee land use map with assumptions appendix	\$2.70	Ea.
Intersection Detail Drawings	\$1.05	Ea.
Plan and Profile Drawings	\$1.05	Ea.
Metered Wastewater Billing Application Fee	\$345.00	
<i>Fee to determine the feasibility of wastewater metering.</i>		
On-Site Sewage Facility (OSSF) & Alternative Wastewater System Fees		
Alternative Wastewater System Fee	\$630.00	
Emergency Holding Tank Fee		
Non-Single Family	\$445.00	each
Single-Family Residential	\$227.00	each
OSSF Tank Abandonment		
Private sewage facility cutover to sewer	\$56.00	each
Permit Review		
License Amendment or Design Change Fee	\$281.00	each
Alternative Wastewater System Design Change Fee	\$276.00	each
<i>The fee covers the cost of reviewing changes to submitted engineering designs of alternative wastewater collection systems.</i>		
Minor Re-permit Changes	\$314.00	
On-Site Sewage Facility Permit Fee (Permit to Construct/License to Operate)	\$630.00	each
Re-inspection	\$84.00	each
Site/Lot Evaluation	\$84.00	each
State OSSF Surcharge	\$10.00	each
Subdivision Review		
<i>Review of subdivisions served by private sewage facilities.</i>		
a. For the first 20 lots	\$175.00	First 20 lots
b. Each additional lot	\$7.10	Each additional lot
Post-Annexation Water and Sewer Fees		

# Fee Schedule

Austin Water - Austin Water Wastewater Utility Operating Fund	
2018-19	Note

Customers within the following areas pay an additional monthly post-annexation water and sewer rate as provided below: (1) The former Southland Oaks Municipal Utility District based on meter size - until November 6, 2021:

Meter Size		
a. 5/8"	\$25.21	
b. 3/4"	\$37.82	
c. 1"	\$63.03	
d. 1 1/2"	\$126.05	
e. 2"	\$201.68	
f. 3"	\$378.15	
g. 4"	\$630.25	
h. 6"	\$1,260.50	
i. 8"	\$2,016.80	
j. 10"	\$3,940.32	
k. 12" or larger	\$5,629.14	
Private Wastewater Lateral Evaluation Fee	\$116.00	
<i>This fee covers the cost of providing site elevation analysis on City-identified private wastewater laterals that are defective and under enforcement activities by the City.</i>		
Re-Sampling Fee	\$212.00	
<i>This re-sampling fee is used to recoup the costs associated with the sampling and analysis of wastewater discharge samples that are used to derive a wastewater surcharge for industrial users that request such a re-sample as authorized under Chapter 15-10 (Wastewater Regulations). A minimum of two samples per outfall per industrial user site are required. The re-sampling fee applies to each sample required to be collected in order to derive a wastewater surcharge. Industrial user customers may gain approval for only one re-sampling event per calendar year</i>		
Safety and Technical Training		
<i>The courses below are offered to both City of Austin employees and any other interested persons:</i>		
Activated Sludge	\$210.00	
Basic Wastewater	\$210.00	
Chlorinator Maintenance	\$210.00	
Pre-Utility Calculations	\$157.00	
Pump and Motor Maintenance	\$210.00	
Utility Calculations	\$157.00	
Wastewater Collection	\$210.00	
Wastewater Treatment	\$210.00	
Sale of Reports/Publications		
Decentralized Wastewater System Video	\$14.00	Ea.
WW Collection System Long Range Planning Guide	\$28.00	Ea.
WW Collection System Long Range Planning Guide Summary	\$2.80	Ea.
Service Extension Request with Administrative Approval		

# Fee Schedule

Austin Water - Austin Water Wastewater Utility Operating Fund		
	2018-19	Note
a. Cost per acre served	\$8.20	Per acre served
1. Minimum Charge	\$168.00	
2. Maximum Charge	\$420.00	
Service Extension Request with Council Approval		
b. Cost per acre served	\$32.75	Per acre served
1. Minimum Charge	\$670.00	Minimum
2. Maximum Charge		No Maximum
Utility Piping Permit Fee	\$670.00	
<i>Annual fee used to recoup the costs incurred in regulating the chemical providing companies performing temporary utility piping activities in the City of Austin's water service area (e.g., analyzing and documenting plans, specifications, applications and reports, monitoring and inspecting sites where temporary utility piping activities have been authorized, enforcing regulations when violations occur, etc.) All of these activities are conducted to ensure compliance with pretreatment program and other health and safety requirements. This annual Utility Piping Permit fee is prorated by quarter if the chemical provider company is in its first year of operation. Subsequent years of operation are charged at the full annual rate.</i>		
Utility Special Service Billings		
The Utility charges the following hourly rates for these special service requests:		
Flusher Truck	\$102.00	
Hydrostatic Test	\$271.00	
<i>This fee includes up to four hours of labor, subsequent labor will be billed at \$90.00 per hour.</i>		
Mini Camera	\$171.00	
Rodding Machine	\$171.00	
Smoke Test	\$102.00	
TV Inspection Unit	\$171.00	
Vactor Truck	\$171.00	
Wastewater Discharge from Boats on Lake Austin		
Fee per ten minutes of pumping.	\$0.50	Each 10 minute interval
Wastewater Discharge Permit Base Fee		
<i>Permit Base Fees for Category I General and Category V Dental Industrial Users are charged on a monthly basis at 1/12 of the respective fee shown below. These Category I and Category V Permit Base Fees are only charged during the month(s) the General or Dental Industrial User's account is active. For all other Industrial Users (e.g. significant industrial users, categorical industrial users, major industrial users, other political subdivision industrial users, etc.) Permit Base Fees are charged on an annual basis at one of the rates shown below for Categories II through IV. This annual Permit Base Fee is prorated by quarter if the Industrial user is in its first year of operation. Subsequent years of operation are charged at the full annual rate. Analytical costs will be determined by the amount of Water Laboratory cost associated with each Industrial User. The Category V Permit Fee for Dental Industrial Users will only be applied when the federal categorical standards stipulated in 40 CFR 441 become effective.</i>		
Annual Permit Fee		
Category I - General Industrial Users	\$169.50	
Category II - Significant Industrial Users	\$700.00	
Category III - Major Industrial Users	\$700.00	
Category IV - Categorical Industrial Users	\$916.75	
Category V - Dental Industrial Users	\$66.25	



# Fee Schedule

Austin Water - Austin Water Wastewater Utility Operating Fund		
	2018-19	Note

## Watercraft and Marinas Program Fees

Boat Pump-Out Facility \$61.50

*Annual permit fee that AW charges customers with a boat pump-out facility operated on or adjacent to the surface waters of the City's water supply. This permit is required in accordance with Chapter 6-5, Article 3 (Watercraft and Marinas) of the Austin City Code.*

Excursion Boat with Marine Sanitation Device \$24.50

*Annual permit fee that AW charges customers with a marine sanitation device on a watercraft operated or intended for operation on the surface waters of the City's water supply.*

# Fee Schedule

**Austin Water - Austin Water Reclaimed Water Utility Operating Fund**

**2018-19**

**Note**

## Utility Charges/Rates

### Reclaimed Water Service Rates

*For all bills and charges rendered on or after November 1st, 2018, these rates are applicable to all sales or service of reclaimed water to retail customers served by the City of Austin. Customers will be assessed a monthly charge for each meter when water consumption has registered, or for service of at least 10 days of the monthly billing period. Reclaimed water used for domestic, cooling, or other non-irrigation purposes will be treated the same as potable water as it relates to wastewater billing.*

#### a. Monthly Customer Charges:

##### Meter Size:

a. 5/8"	\$8.00
b. 3/4"	\$9.00
c. 1"	\$10.00
d. 1 1/2"	\$14.00
e. 2"	\$19.00
f. 3"	\$31.00
g. 4"	\$45.00
h. 6"	\$84.00
i. 8"	\$131.00
j. 10"	\$186.00
k. 12"	\$271.00

#### b. System-wide Volume Unit Charge.

Mandatory Connections (Volume Unit Cost Per 1,000 Gallons)	\$4 20	Per KGals
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*New developments or redevelopments within 250 feet of an existing reclaimed main*

Non-Mandatory Connections (Volume Unit Cost Per 1,000 Gallons)	\$2.82	Per KGals
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*Customers with a site plan submitted prior to May 1, 2015, potable water conversion customers and customers with reclaimed main extensions greater than 250 feet.*

#### c. Austin Energy Sandhill Power Plant

*In April 2036, the fixed charge will end and the volumetric rate will revert to the system wide retail rate*

Monthly Fixed Capital Charge	\$10,690.00
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Volume Unit Charge per 1,000 Gallons:	\$1.47	Per KGals
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#### d. Parkland Reclaimed Water Rates:

*Rates for reclaimed water use at City-owned parkland and golf courses*

All Volumes (Unit Cost Per 1,000 Gallons)	\$1.32
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## Tap & Reconnection Fees

*Meter Tap & Reconnection Fees (not to exceed meter size 5/8" plus actual cost of meter fees) shall be waived for the installation of a water meter solely for a City-Supported Community Garden as defined in Chapter 14-7 of the City Code.*

The fees for water and reclaimed water connection/reconnections performed by contractors in accordance with City connections procedures are as follows:

##### Meter Size:

a. 5/8" through 2" plus actual cost of meter	\$172.00
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# Fee Schedule

Austin Water - Austin Water Reclaimed Water Utility Operating Fund		
	2018-19	Note

b. 3" through 4" plus actual cost of meter	\$548.00
c. 6" or larger plus actual cost of meter	\$822.00

The fees for water and reclaimed water connections/reconnections performed by the City are as follows:

**Meter Size:**

a. 5/8" plus actual cost of meter	\$513.00
b. 3/4" plus actual cost of meter	\$537.00
c. 1" plus actual cost of meter	\$609.00
d. 1 1/2" plus actual cost of meter	\$1,000.00
e. 2" plus actual cost of meter	\$1,196.00

**Tap Inspection Fee**

*Fee for inspection of water tap set-up to verify compliance with the standard meter detail of City of Austin code requirements.*

**Cost Per Inspection:**

Water and Reclaimed Water Meter sizes 2" or less	\$68.50
Tap Re-inspection Fee	\$34.00

*Fee charged for additional water tap inspection(s) after initial inspection has failed to be in compliance with standard meter detail of City of Austin code requirements. This fee must be paid in order to schedule a follow up inspection.*

Austin Water  
Docket No. 49189  
Test Year Ending 9/30/2018  
Schedule V-4 Unaccounted for Water  
Witness: Joseph Gonzales

Line No	(a)	(b)	(c)	(d)
		CY 2015	CY 2016	CY 2017
1	Total gallons produced	42,191,680,040	43,120,955,690	45,525,408,861
2	Total authorized consumption	35,478,755,849	37,147,534,153	38,061,499,414
3	Total Water Loss	6,712,924,191	5,973,421,537	7,463,909,447
4	Infrastructure Leakage Index (ILI)	3.88	3.31	4.21
5	Percentage Loss*	15.91%	13.85%	16.40%
6				
7				
8	*Austin Water has chosen to provide the ILI in addition to percentage losses. Percentage losses is a poor			
9	performance measurement, as it is driven by total consumption more than losses, and therefore can provide trends			
10	that are misleading when considering water loss. The Infrastructure Leakage Index is calculated according to TWDB			
11	methodology and accounts for length of mains, number of connections, and system operating pressure and is			
12	considered a superior performance measure by the AWWA M36 Water Loss Control manual.			
13				
14	Water loss calculations for CY 2018 will be finalized by the May 1, 2019 TWDB reporting deadline.			
15				

Austin Water provides water services to a variety of retail and wholesale customers spanning over 540 square miles to a service population of over one million customers. AW draws water from the Colorado River into three regional water treatment plants that have a combined maximum capacity of 335 million gallons per day. Drinking water is pumped from the plants into Austin's water distribution system, which has a total reservoir storage capacity of approximately 170 million gallons.

Austin Water performs a system water loss audit annually, using the Texas Water Development Board methodology. Non-revenue water is calculated, and quantified as real losses, apparent losses, and unbilled consumed water. Austin Water has comprehensive and aggressive programs to reduce non-revenue water, including active leak detection on both transmission and distribution mains, a meter replacement program and a meter accuracy study, the Renewing Austin initiative to replace and upgrade aging water lines, and multiple agreements to track unmetered water use for water withdrawn by City departments through hydrants. All customer connections supplied by Austin Water are metered. Water used for flushing and distribution system maintenance by Austin Water crews is calculated using flow durations, aperture size, and pressure, and is reported through the work order system. Water flushed by third parties for construction of new water mains is reported through meter reads required to close out construction permits. Theft is estimated according to TWDB methodology, and as a component of apparent losses is not used to reduce non-revenue water estimates. The Austin Water water loss audits from 2011-2017 have been reviewed for accuracy and validity by third party professionals under the AWWA Water Audit Data Initiative.

The annual water loss report and water loss audit submissions to the TWDB are prepared by a Project Manager II at Austin Water. The Project Manager II is primarily responsible for collecting data for the audit, ensuring that all uses of water are properly and accurately tracked, performing data validity reviews, and compiling the water loss audit according to TWDB standards.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule V-4 (1) Unaccounted for Water - Narrative

Witness: Joseph Gonzales

**Unaccounted for Water - Narrative**

Austin Water provides water services to a variety of retail and wholesale customers spanning over 540 square miles to a service population of over one million customers. AW draws water from the Colorado River into three regional water treatment plants that have a combined maximum capacity of 335 million gallons per day. Drinking water is pumped from the plants into Austin's water distribution system, which has a total reservoir storage capacity of approximately 170 million gallons.

Austin Water performs a system water loss audit annually, using the Texas Water Development Board methodology. Non-revenue water is calculated, and quantified as real losses, apparent losses, and unbilled consumed water. Austin Water has comprehensive and aggressive programs to reduce non-revenue water, including active leak detection on both transmission and distribution mains, a meter replacement program and a meter accuracy study, the Renewing Austin initiative to replace and upgrade aging water lines, and multiple agreements to track unmetered water use for water withdrawn by City departments through hydrants. All customer connections supplied by Austin Water are metered. Water used for flushing and distribution system maintenance by Austin Water crews is calculated using flow durations, aperture size, and pressure, and is reported through the work order system. Water flushed by third parties for construction of new water mains is reported through meter reads required to close out construction permits. Theft is estimated according to TWDB methodology, and as a component of apparent losses is not used to reduce non-revenue water estimates. The Austin Water water loss audits from 2011-2017 have been reviewed for accuracy and validity by third party professionals under the AWWA Water Audit Data Initiative.

The annual water loss report and water loss audit submissions to the TWDB are prepared by a Project Manager II at Austin Water. The Project Manager II is primarily responsible for collecting data for the audit, ensuring that all uses of water are properly and accurately tracked, performing data validity reviews, and compiling the water loss audit according to TWDB standards.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule V-5 Corporate History

Witness: David Anders

**Austin Water History**

For over 100 years, Austin Water has been committed to providing safe, reliable, high-quality and affordable water services to our customers. Many additions and improvements have been made over the years to keep Austin Water in step with technology and Austin's growing population.

Austin's first organized water system began in 1871 when a private company, under a franchise granted by the City, began pumping water from the Colorado River. In 1893, the 60-foot high Austin Dam was completed in the hopes that cheap hydroelectricity would lure business. After a catastrophic failure of the dam on April 7, 1900, parts of the city were flooded and destroyed. Shortly after that the City of Austin bought out the private water company and formed what is now Austin Water.

Austin Water has three water treatment plants: Water Treatment Plant 4, Davis, and Ullrich. These water treatment plants draw water from the Colorado River, filter and treat it, to provide safe drinking water for the community.

Austin Water's first wastewater treatment facility was built in 1919. In 1923, Dr. E.P. Schoch, a chemical engineering professor at the University of Texas at Austin, created a simple chemical treatment that used lime to treat river water. The first water treatment plant was built in 1925 to use this treatment method. In 1937, Austin Water built a new wastewater treatment plant that used activated sludge, an innovative treatment process at the time.

Austin Water has two wastewater treatment plants: Walnut Creek and South Austin Regional. These wastewater treatment plants can receive up to 150 million gallons per day of sewage to treat before it is returned to the Colorado River.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule VI-1.a Compliance with TCEQ Rules - Violations

Witness: David Anders

Austin Water is currently not in violation of any provision of the Texas Commission on Environmental Quality rules, regulations, orders or any condition of a permit. Previous violations are detailed below. Attached to this schedule is the latest public water and wastewater system inspection and violation reports.

**October 2018 Flood Conditions**

Austin Water had surface water treatment technique violations at our three water plants arising from the October 2018 flood conditions. Specifically, those violations occurred during the week of October 21-28, 2018. By the end of that week, Austin Water was in full compliance with Texas Commission on Environmental Quality standards (TCEQ). Austin Water issued a boil water notice during that week and then met TCEQ conditions for lifting the notice by showing a return to full compliance with water quality standards. Additionally, Austin water issued the required public notices to our customers.

**TCEQ Notice of Violation**

On March 16, 2015, TCEQ issued a notice of violation regarding trees on the pond berms at the Hornsby Bend Biosolids Management Plant and required AW to submit a tree management plan. In response, a tree assessment was conducted by the City of Austin Arborist. Following the tree assessment, AW hired a consultant to develop:

1. Tree Removal Plan,
2. Vegetation Management Plan, and
3. Migratory Bird Treaty Act Compliance Document

which were presented to a diverse group of stakeholders at a public meeting and subsequently submitted to TCEQ. TCEQ has approved the plans and work on tree removal and vegetation management has commenced and is continuing.

**An Agreed Order was finalized with TCEQ for the following four incidents:**

- i. For drinking water discharge from a 20-inch diameter cast iron main break in Shoal Creek on August 5, 2015 resulting in a fish kill.
- ii. For drinking water discharge from a 12-inch diameter asbestos cement main break near Bull Creek on August 29, 2015 resulting in a fish kill.
- iii. For a sanitary sewer overflow from an 8-inch diameter pipe near East Bouldin Creek on August 22, 2015 resulting in a fish kill.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule VI-1.a Compliance with TCEQ Rules - Violations

Witness: David Anders

- iv. Reported the unauthorized discharge that occurred on August 29, 2015 to TCEQ at Site No. 2.

In settlement of the Agreed Order for the above four incidents, Austin Water contributed \$29,312 to the Austin Parks Foundation for a Supplemental Environmental Project towards Barton Creek Greenbelt Restoration.

**TCEQ Agreed Order with an Administrative Penalty of \$7,351**

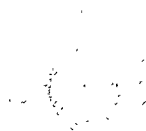
An administrative penalty in the amount of \$7,351 was assessed by TCEQ for issues related to the Lost Creek Water Reclamation Plant operation and maintenance. Austin Water is completing two maintenance items required by the Agreed Order at the Lost Creek Plant. In lieu of the penalty, Austin Water will contribute \$7,351 to the Austin Parks Foundation for a Supplemental Environmental Project towards Barton Creek Greenbelt Restoration. TCEQ is currently completing the approval process for this Agreed Order.

**TCEQ Agreed Order with an Administrative Penalty of \$11,625**

An administrative penalty in the amount of \$11,625 was assessed by TCEQ for wastewater overflow at the Southland Oaks Lift Station in July 2017 that resulted in 15 fish kills. Austin Water mobilized significant resources and cleaned up the overflow. In lieu of the penalty, Austin Water will contribute \$11,625 to the Austin Parks Foundation for a Supplemental Environmental Project towards Barton Creek Greenbelt Restoration. TCEQ is currently completing the approval process for this Agreed Order.



Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 7, 2017

Mr. Greg Meszaros, Director  
Austin Water  
City of Austin  
Post Office Box 1088  
Austin, Texas 78767

Re: Comprehensive Compliance Investigation at:  
City of Austin Water System  
625 East 10<sup>th</sup> Street, Austin, Travis County  
TCEQ Public Water Supply 2270001, RN101220085

Dear Mr. Meszaros:

On May 16 and 18, 2017, Lawrence King and Lauren Parrish of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced facilities to evaluate compliance with applicable requirements for public water systems. No violations are being alleged as a result of the investigation. However, please review the attached additional issue. Austin Water continues to merit recognition as a "Superior" water system.

The TCEQ appreciates your assistance in this matter and your continued efforts to ensure the protection of the public health. Should you have a question, please feel free to contact Mr. King in the Austin Region Office at (512) 339-2929.

Sincerely,

A handwritten signature of Shawn Stewart in black ink, located below the "Sincerely," text.

Shawn Stewart  
Water Section Manager  
Austin Region Office

SS/lok

cc: Mr. Charlie Maddox, Water Regulatory Manager, Austin Water

## Summary of Investigation Findings

CITY OF AUSTIN WATER & WASTEWATER	Investigation # 1414241
, TRAVIS COUNTY,	Investigation Date: 05/16/2017
Additional ID(s): 2270001	

No Violations Associated to this Investigation

### ADDITIONAL ISSUES

Description  
Item 1

#### Additional Comments

During the inspection of the water system facilities at the Albert R. Davis Plant, it was observed that the surface coating on the high-service discharge pipes had deteriorated allowing corrosion to form in a number of places.

Jon Niermann, *Chairman*  
Emily Lindley, *Commissioner*  
Toby Baker, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 17, 2018

The Honorable Steve Adler  
Mayor of Austin  
P.O. Box 1088  
Austin, Texas 78767

Re: Notice of Compliance with Commission Order  
City of Austin; RN101220085 and RN101607794; Account No. WQ0010543012 and  
TX2270001  
Docket No. 2016-0073-WQ-E; Enforcement Case No. 51633

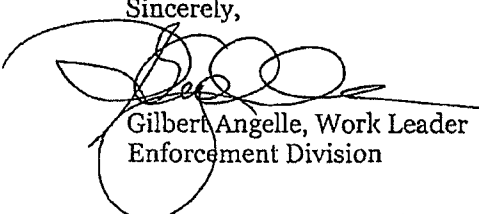
Dear Mayor Adler:

This letter is to inform you that a review of Texas Commission on Environmental Quality records concerning the above-referenced enforcement matter indicates that the City of Austin has fulfilled the requirements of the Commission Order ("Order") effective on July 25, 2018. Specifically, the City of Austin has fulfilled the Supplemental Environmental Project requirements assessed in the Order.

Based upon this, we conclude that your response has been satisfactory, and no further action is necessary at this time with respect to this enforcement matter. The Order will remain on the compliance history for this regulated entity for five years from the effective date of the Order.

We appreciate your cooperation, and if we can be of any further assistance, please contact Mr. Horus Garcia at (512) 239-1813.

Sincerely,



Gilbert Angelle, Work Leader  
Enforcement Division

cc: Mr. Charles Maddox, Water Regulatory Manager, City of Austin, P.O. Box 1088, Austin, Texas 78767



**City of Austin | Austin Water**  
P.O. Box 1088 Austin, TX 78767  
AustinWater.org

August 23, 2018

Austin Parks Foundation  
1023 Springdale Road, Suite 4B  
Austin, Texas 78721

Re: **\$29,312.00 Check for Austin Parks Foundation from the City of Austin**  
**TCEQ Docket No. 2016-0073-WQ-E**  
**Agreed Order Assessing Administrative Penalties and Requiring Certain Actions**

Dear Madam/Sir:

In accordance with the attached Agreed Order, I am enclosing a \$7,351.00 check payable to the Austin Parks Foundation.

Please acknowledge the receipt of the check and a copy of the Agreed Order by countersigning on the indicated line below on a copy of this letter and returning the countersigned copy to me.

Thank you very much for your assistance. If you have any questions or require additional information, please e-mail me at [Raj.Bhattarai@austintexas.gov](mailto:Raj.Bhattarai@austintexas.gov) or call me at 512-972-0075.

Sincerely,

Rajendra P. Bhattarai, P.E., BCEE, WEF Fellow, Division Manager  
Environmental and Regulatory Services Division  
Austin Water, City of Austin

Attachments: \$29,312.00 Check Payable to the Austin Parks Foundation  
Copy of Agreed Order, TCEQ Docket No. 2016-0073-WQ-E

Acknowledged receipt of \$29,312.00 check from the City of Austin and a copy of Agreed Order, TCEQ Docket No. 2016-0073-WQ-E.

\_\_\_\_\_  
Signature of Austin Parks Foundation Employee  
Receiving the Check and Agreed Order

8/23/18  
\_\_\_\_\_  
Date

Printed Name of the Signatory: \_\_\_\_\_

Jayna Bungdorf



*The City of Austin is committed to compliance with the Americans with Disabilities Act (ADA).  
Reasonable modifications and equal access to communications will be provided upon request.*

**JAYNA BURGDORF**

CFO • [jayna@austinparks.org](mailto:jayna@austinparks.org)

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1023 Springdale Rd #4B, Austin, TX 78721  
TEL (512) 537 - 3612 • CELL (512) 740 - 8352

↪ [austinparks.org](http://austinparks.org) ↪

TOTAL: 29,312.00



2619

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Stephanie Bergeron Perdue, *Interim Executive Director*



JUL 30 2018

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 27, 2018

### FIRST CLASS MAIL

Greg Meszaros, Director- Austin Water  
The Honorable Steve Adler, Mayor  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

RE: City of Austin  
TCEQ Docket No. 2016-0073-WQ-E;  
Agreed Order Assessing Administrative Penalties and Requiring Certain Actions

Enclosed is a copy of an order issued by the Commission.

Questions regarding the order should be directed to the Texas Commission on Environmental Quality's Enforcement Division at (512) 239-2545 or the Litigation Division at (512) 239-3400. If there are questions pertaining to the mailing of the order, then please contact Donald Purdy of the Office of the Chief Clerk at (512) 239-2040.

Sincerely,

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac  
Chief Clerk

BCB/dcp

Enclosure

cc: Herbert Darling, Enforcement Coordinator, TCEQ Enforcement Division  
Stuart Beckley, SEP Coordinator, TCEQ Enforcement Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY  
OF A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
DOCUMENT, WHICH IS FILED IN THE PERMANENT RECORDS

JUL 27 2018

OF THE COMMISSION GIVEN UNDER MY HAND AND THE  
SEAL OF OFFICE ON

*Bridget C. Baker*  
BRIDGET C. BAKER, CHIEF CLERK  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF AUSTIN  
RN101220085 AND RN101607794

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2016-0073-WQ-E

At its JUL 25 2018 agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Austin ("Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates sites located at the following locations (the "Sites"):



- a. A public water system located approximately 1.75 miles north of United States Highway 290 East and 0.75 mile west of the intersection of Giles Road and Boyce Lane with an associated water line located along West Avenue between West 4th Street and West 5th Street in Austin, Travis County, Texas ("Site No. 1").
  - b. A public water system located approximately 1.75 miles north of United States Highway 290 East and 0.75 mile west of the intersection of Giles Road and Boyce Lane with an associated water line located near 7700 North Capitol of Texas Parkway in Austin, Travis County, Texas ("Site No. 2").
  - c. A wastewater treatment facility located at 13009 Fallwell Lane with an associated wastewater line located at 1102 South Congress Avenue in Austin, Travis County, Texas ("Site No. 3").
2. The Respondent has discharged a pollutant into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During an investigation conducted on August 6, 2015, TCEQ staff documented that a water main break occurred on August 5, 2015, along West Avenue between West 4th Street and West 5th Street, discharging chlorinated drinking water into Shoal Creek killing approximately 1,926 fish.
4. During an investigation conducted on August 31, 2015, TCEQ staff documented that a water main break occurred on August 29, 2015, near 7700 North Capitol of Texas Parkway, discharging approximately three million gallons of chlorinated water into Bull Creek killing approximately 200 fish.
5. During an investigation conducted on August 31, 2015, TCEQ staff documented that the discharge of chlorinated water that occurred on August 29, 2015, was not reported to the TCEQ within 24 hours after the occurrence.
6. During an investigation conducted on August 23, 2015, TCEQ staff documented that a wastewater main break that occurred on August 22, 2015, at 1102 South Congress Avenue, leaked sewage into a stormwater drain discharging into East Bouldin Creek killing approximately 18 fish.
7. The Respondent received notices of the violations on September 25, 2015 and October 14, 2015.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Sites:
  - a. By August 6, 2015, shut the pressure to the water main; installed a clamp; dechlorinated the area affected by the unauthorized discharge along Shoal Creek; and removed and properly disposed of the dead fish at Site No. 1.

- b. By August 23, 2015, ceased the discharge; flushed East Bouldin Creek with water from a hydrant; vacuumed the area affected by the unauthorized discharge; and removed and properly disposed of the dead fish at Site No. 3.
- c. By August 30, 2015, ceased the discharge; repaired the water main; dechlorinated the area affected by the unauthorized discharge along Bull Creek; and removed and properly disposed of the dead fish at Site No. 2.
- d. By August 31, 2015, reported the unauthorized discharge that occurred on August 29, 2015 to TCEQ at Site No. 2.

## II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent the unauthorized discharge of a pollutant into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
- 3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent the unauthorized discharge of a pollutant into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
- 4. As evidenced by Findings of Fact No. 5, the Respondent failed to provide notification to the TCEQ of an accidental discharge which causes pollution within 24 hours of the occurrence, in violation of TEX. WATER CODE § 26.039(b).
- 5. As evidenced by Findings of Fact No. 6, the Respondent failed to prevent the unauthorized discharge of sewage into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a)(1).
- 6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 7. An administrative penalty in the amount of \$29,312 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.051. Pursuant to TEX. WATER CODE § 7.067, \$29,312 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with

all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 7 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Austin, Docket No. 2016-0073-WQ-E" to:  
  
Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The Respondent shall implement and complete an SEP as set forth in Section II, Paragraph 7. The amount of \$29,312 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Bryan L. Shaw  
For the Commission

7-25-18  
Date

Pamela Sanchez  
For the Executive Director

6/25/18  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Austin. I am authorized to agree to the attached Agreed Order on behalf of the City of Austin, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Austin waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

GREG MESZAROS  
Signature

4/23/18  
Date

GREG MESZAROS  
Name (Printed or typed)  
Authorized Representative of  
City of Austin

DIRECTOR, AUSTIN WATER  
Title CITY OF AUSTIN

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

**Attachment A**  
**Docket Number: 2016-0073-WQ-E**  
**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	<b>City of Austin</b>
<b>Payable Penalty Amount:</b>	<b>\$29,312</b>
<b>SEP Offset Amount:</b>	<b>\$29,312</b>
<b>Type of SEP:</b>	<b>Contribution to a Third-Party Pre-Approved SEP</b>
<b>Third-Party Administrator:</b>	<b>Austin Parks Foundation</b>
<b>Project Name:</b>	<b><i>Barton Creek Greenbelt Restoration</i></b>
<b>Location of SEP:</b>	<b>Travis County; Colorado River Basin</b>

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**a. Project**

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Austin Parks Foundation** for the *Barton Creek Greenbelt Restoration* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to remove invasive woody plants from at least 35 acres of the Barton Creek Greenbelt ("Greenbelt"), a City of Austin-owned parkland preserve. Invasive species removal will allow the opportunity for restoring native hill country/canyon land flora and habitat to the Greenbelt. Removal of sun-blocking invasive species will allow native understory and grass restoration, reducing soil erosion and water pollution of the sensitive karst system. Invasive species to be removed include Ligustrum, Chinaberry, Nandina, Photinia, Chinese Tallow, and Chinese Pistache. The Third-Party Administrator shall also create a relational database, interactive website, and interactive Geographic Information System ("GIS") map to assist with invasive species removal.

The Project will be completed in four phases. During Phase 1, contractors will remove large trees (trees with a trunk diameter of two inches or more) using chainsaws. Stumps will be treated with herbicides. Contractors will also establish erosion-resistant windrows and re-vegetate the areas with native plants. In Phase 2, contractors and volunteers will remove smaller plants using hand tools. Phase 3 will involve a contractor creating a relational geo-database linked to a publicly accessible interactive website. The

City of Austin  
Agreed Order - Attachment A

database will include data on the locations of invasive plants, plot infestation areas and management zones throughout the Greenbelt, tracking restoration status, and produce web-based interactive GIS maps and reports to assist with restoration efforts. After the database is created, it will be hosted and maintained at the Third-Party Administrator's expense. Phase 4 will involve using an all-terrain vehicle with a chipper to chip brush windrows. The Third-Party Administrator will obtain, at its own expense, any necessary approvals for work under this Project from the City of Austin. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The Barton Creek Greenbelt contains a Hill Country ecosystem in an urban area. The park offers recreational opportunities and is an ecological resource for protecting the underlying karst aquifer system, which provides spring flow to support the endangered Barton Springs salamander. Encroachment of dense stands of exotic shrubs and small trees has the potential to overcome the native riparian and canyon forest canopy supporting endangered songbirds. The health of this natural system has become threatened by the dense coverage of invasive *Ligustrum* and other non-native plant species. Invasives cause erosion by shading out native understory plants and ground cover that hold the soil in place. Ground cover also serves as food sources and habitat for native fauna. This Project will combat the ecological degradation caused by invasive species.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

## **2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Austin Parks Foundation SEP** and shall mail the contribution with a copy of the Agreed Order to:

Austin Parks Foundation  
Attention: Programs Director  
P.O. Box 300369  
Austin, Texas 78703

## **3. Records and Reporting**

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality  
Enforcement Division  
Attention: SEP Coordinator, MC 219  
P.O. Box 13087  
Austin, Texas 78711-3087

## **4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:



City of Austin  
Agreed Order - Attachment A

Texas Commission on Environmental Quality  
Litigation Division  
Attention: SEP Coordinator, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

**6. Recognition**

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule VI-1.b Consumer Confidence Reports

Witness: David Anders

Austin Water has not issued any Consumer Confidence Reports within the last 5 years which reflect a violation.  
The most recent CCR is attached.

# WATER QUALITY REPORT | AUSTIN

January – December 2017



Austin  
**IN WATER**

Austin Water delivers drinking water of the highest quality, providing exceptional value and reliability. This annual Drinking Water Quality Report provides information on the City of Austin's drinking water.

Austin's drinking water met all national and state water quality standards and had no violations in 2017. The U.S. Environmental Protection Agency (EPA) requires that all drinking water suppliers provide a water quality report to their customers on an annual basis.

Este reporte incluye información importante sobre el agua para tomar. Para asistencia en español, favor de llamar al 512-972-0214.

There are many opportunities for public participation. The Austin City Council meets on Thursdays. Information on these meetings can be found by visiting [austintexas.gov/department/city-council/council-meetings](http://austintexas.gov/department/city-council/council-meetings)

## WATER SOURCES

Customers of the City of Austin receive their drinking water from three water treatment plants that pump surface water from the Lower Colorado River as it flows into Lake Travis and Lake Austin. The City of Austin treats and filters the water according to federal and state standards to remove any possible harmful contaminants.

The sources of drinking water nationwide (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and can be polluted by animals or human activity.

The Lower Colorado River watershed reaches many miles upstream, passing through agricultural and urban areas. Contaminants that may be present in the source water include:

**Microbial contaminants**, such as viruses and bacteria;

**Inorganic contaminants**, such as salts and metals;

**Pesticides and herbicides**, which may come from a variety of sources such as agriculture, storm water runoff, and residential uses;

**Organic chemicals**, from industrial or petroleum use,

**Radioactive materials**, which can be naturally-occurring.

EPA prescribes regulations which limit the amount of certain contaminants in water provided by public water systems to ensure that tap water is safe to drink. The Food and Drug Administration regulations establish limits for contaminants in bottled water, which must provide the same protection for public health.

Contaminants may be found in drinking water that may cause taste, color, or odor problems. These types of problems are not necessarily a cause for health concerns. For concerns with taste, odor, or color of drinking water, contact Austin Water at 512-972-0021.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that the water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline at 800-426-4791.

## SOURCE WATER ASSESSMENT

The Texas Commission on Environmental Quality (TCEQ) completed an assessment of our source water and results indicate that some of our sources are susceptible to certain contaminants. The sampling requirements for the water system are based on this susceptibility and previous sample data. Any detection of these contaminants will be found in this Consumer Confidence Report. For more information on source water assessments and protection efforts of our system contact Austin Water's Regulatory Manager at 512-972-0021.

## SPECIAL NOTICE

You may be more vulnerable than the general population to certain microbial contaminants such as *Cryptosporidium*, in drinking water. Infants, some elderly or immunocompromised persons such as those undergoing chemotherapy for cancer; those who have undergone organ transplants; those who are undergoing treatment with steroids; and people with HIV/AIDS or other immune system disorders can be particularly at risk from infections.

You should seek advice about drinking water from your physician or health care provider. Additional guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* are available from the Safe Drinking Water Hotline 800-426-4791.

All surface water sources are known to be susceptible to contamination by *Cryptosporidium*. Because of this, Austin Water monitors for *Cryptosporidium* in the lake water. *Cryptosporidium* was not found in the lake water tested in 2017.

## DRINKING WATER REGULATIONS

Austin Water is in full compliance with the State of Texas and the EPA national primary drinking water regulations during the 12-month period covered by this report, and we continue to be in compliance.

## FLUORIDE AND INFANTS

Water fluoridated at a level optimal for oral health (as is used in Austin) poses no known health risks for infants. However, some children may develop enamel fluorosis, a cosmetic condition where faint white markings or streaks may appear on the teeth. Fluorosis can affect both baby teeth and permanent teeth while they're forming under the gums.

If you're concerned about fluorosis, you can minimize your baby's exposure to fluoride in several ways. Breast feeding is the best source of nutrition for infants. If breast feeding is not possible, you can minimize fluoride exposure by using ready-to-feed formula. You can also alternate tap water and non-fluoridated water for formula preparation, or mix powdered or liquid infant formula concentrate with low-fluoride water most or all of the time. If you use only non-fluoridated water, such as purified, deionized or distilled water to prepare your baby's formula, your doctor may recommend fluoride supplements beginning at six months.

## WATER LOSS

The Infrastructure Leak Index (ILI) measures the efficiency of water loss control efforts. It is calculated by taking the real losses (water lost due to leaks) and dividing them by the unavoidable real losses, the theoretical level of minimum leakage calculated by American Water Works Association Standards. For Austin Water's 2017 ILI, please visit [austinwater.org/waterquality](http://austinwater.org/waterquality).

# WATER QUALITY REPORT | AUSTIN

January - December 2017



Austin  
WATER

Substance (Sampled for in 2017 unless noted differently)	Highest Level Allowed (EPA's MCL)	City of Austin Drinking Water			Ideal Goals (EPA's MCLG)	Possible Sources
Regulated at the Treatment Plant						
		Low	High	Average		
Barium (ppm)	2	0.01	0.01	0.01	2	Natural geology
Copper (ppm)	AL=1.3	<0.002	.007	0.004	1.3	Household plumbing
Fluoride (ppm)	4	0.42	0.70	0.58	4	Natural geology, supplement
Nitrate (ppm)	10	0.26	0.28	0.27	10	Runoff from fertilizer use
Cyanide (ppb)	200	<10	120	57	200	Discharge from manufacturing
Diquat (ppb)	20	0.8	0.8	0.8	20	Runoff from herbicide use
		0.02	0.15	0.04		
Turbidity (ntu)-(clarity)	TT (95% of the samples must be at or below 0.3 ntu)	100% of the readings were below 0.3 ntu			Austin Water measures turbidity (cloudiness of the water) as an indicator of the effectiveness of our filtration system.	
TOC Removal Ratio*	Annual avg ≥1	0.55	2.45	1.76		
* The TOC removal ratio is the percent of TOC removed through the treatment process divided by the percent of TOC required by TCEQ to be removed. Total organic carbon (TOC) has no adverse health effects. Total organic carbon provides a medium for the formation of disinfection byproducts when water is disinfected. Disinfection is necessary to ensure that water does not have unacceptable levels of pathogens. Byproducts of disinfection include trihalomethanes (THMs) and haloacetic acids (HAAs) which are reported below.						
Regulated in the Distribution System						
Chloramines (mg/l)	4.0 (MRDL)	0.03	3.20	2.10	≤4 (MRDLG)	Disinfectant used to control microbes
E. Coli Positive	A routine sample or repeat sample is total coliform positive and one is also E.coli positive	1 sample out of 3615 samples was positive. <i>No violation incurred nor water quality impacted.</i>			0	Human and animal fecal waste
Haloacetic Acids (5) (ppb)	Yearly Average 60	7.5	18.9	13.7	not applicable	Byproduct of drinking water disinfection
Total Trihalomethanes* (ppb)	Yearly average 80	16.8	70.1	36.7	not applicable	Byproduct of drinking water disinfection
*Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.						
Lead and Copper testing is done at the customer's taps. Testing is done every 3 years.						
Copper (ppm) 2015	AL=1.3	90% of all samples tested were <0.02 ppm. None exceeded 1.3			1.3	Household plumbing
Lead (ppb) 2015	AL=15	90% of all samples tested were <1.0 ppb. None exceeded 15			0	Household plumbing
If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. Austin Water is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline (800-426-4791) or <a href="http://www.epa.gov/safewater/lead">www.epa.gov/safewater/lead</a> .						
Unregulated Contaminants						
Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted. Any unregulated contaminants detected are reported in the following table. For additional information and data visit <a href="http://www.austintexas.gov/centraldata">www.austintexas.gov/centraldata</a> , or call the Safe Drinking Water Hotline (800-426-4791).						
Substance	Highest Level Allowed (EPA's MCL)	Low	High	Average	Ideal Goals	Possible Sources
Bromodichloromethane (ppb)	Not Regulated	5.0	23.2	13.3	0	Byproduct of drinking water disinfection
Chlorodibromomethane (ppb)	Not Regulated	1.9	11.1	7.7	60	Byproduct of drinking water disinfection
Chloroform (ppb)	Not Regulated	9.9	34.9	15.3	70	Byproduct of drinking water disinfection
Bromoform (ppb)	Not Regulated	<1	2.0	1.1	0	Byproduct of drinking water disinfection
Dichloroacetic Acid (ppb)	Not Regulated	4.4	12.1	8.4	0	Byproduct of drinking water disinfection
Trichloroacetic Acid (ppb)	Not Regulated	1.4	5.8	3.6	20	Byproduct of drinking water disinfection
Dibromoacetic Acid (ppb)	Not Regulated	<1	3.1	1.8	No MCLG	Byproduct of drinking water disinfection
Bromochloroacetic Acid (ppb)	Not Regulated	2.0	6.5	4.3	No MCLG	Byproduct of drinking water disinfection
Table Key						
AL = Action Level The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow		TT = Treatment Technique TT is a required process intended to reduce the level of a contaminant in drinking water		ppm = parts per million or milligrams per liter (mg/l)	ppb = parts per billion or micrograms per liter (µg/l)	ntu = nephelometric turbidity units (a measure of turbidity)
MCL = Maximum Contamination Level – The highest level of a contaminant allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best treatment technology		MRDL = Maximum Residual Disinfectant Level – The highest level of a disinfectant allowed in drinking water. There is evidence that addition of a disinfectant helps control microbial contaminants		MRDLG = Maximum Residual Disinfectant Level Goal – The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants		MCLG = Maximum Contamination Level Goal The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule VI-1.c Water Pressure Problems

Witness: David Anders

Austin Water has experienced no water pressure problems, lasting longer than 5 days, since the last rate proceeding in 2013.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule VI-1.d Discharge Violations

Witness: David Anders

Austin Water is currently not in violation of any provision of the Texas Commission on Environmental Quality rules, regulations, orders or any condition of a permit. Previous violations are detailed below.

**An Agreed Order was finalized with TCEQ for the following four incidents:**

- i. For drinking water discharge from a 20-inch diameter cast iron main break in Shoal Creek on August 5, 2015 resulting in a fish kill.
- ii. For drinking water discharge from a 12-inch diameter asbestos cement main break near Bull Creek on August 29, 2015 resulting in a fish kill.
- iii. For a sanitary sewer overflow from an 8-inch diameter pipe near East Bouldin Creek on August 22, 2015 resulting in a fish kill.
- iv. Reported the unauthorized discharge that occurred on August 29, 2015 to TCEQ at Site No. 2.

In settlement of the Agreed Order for the above four incidents, Austin Water contributed \$29,312 to the Austin Parks Foundation

**TCEQ Agreed Order with an Administrative Penalty of \$11,625**

An administrative penalty in the amount of \$11,625 was assessed by TCEQ for wastewater overflow at the Southland Oaks Lift Station in July 2017 that resulted in 15 fish kills. Austin Water mobilized significant resources and cleaned up the overflow. In lieu of the penalty, Austin Water will contribute \$11,625 to the Austin Parks Foundation for a Supplemental Environmental Project towards Barton Creek Greenbelt Restoration. TCEQ is currently completing the approval process for this Agreed Order.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule VI-2 Customer Complaint Policy

Witness: David Anders

Austin Water's customer complaint policies are contained in City Code Chapter 15-9 Utility Service Regulations and Article 12 Administrative Review and Hearing. These documents are attached.

ARTICLE 12. - ADMINISTRATIVE REVIEW AND HEARING.

§ 15-9-191 - ADMINISTRATIVE REVIEW.

- (A) Except as provided in Subsections (B), (C), and (D), before requesting an administrative hearing, a person who disputes an action, policy, decision, or invoice relating to utility service must contact the director of the utility providing the service no later than the 90th day after the date of the notice of violation or the date the customer knew or should have known about the subject of the dispute.
- (B) Before requesting an administrative hearing, a customer who disputes an action, policy, decision, or application related to the drainage fee or the transportation user fee shall request an administrative review from the director of the Watershed Protection Department or the Public Works Department, respectively. These administrative reviews are authorized by Chapters 14-10 ( *Transportation User Fee* ) and 15-2 ( *Drainage Utility* ) of the Code. If requested by a customer, the department director shall provide a customer with a copy of the department's Appeals Rules and Procedures.
- (C) A customer who disputes an action, policy, or decision by a utility related to compliance with Title 25 ( *Land Development Code* ) or Title 30 ( *Austin/Travis County Subdivision Regulations* ) of the Code shall follow the procedures prescribed in the applicable title.
- (D) A customer who disputes an action, policy, or decision related to compliance with Chapter 6-4 ( *Water Conservation* ) of the Code shall follow the procedures prescribed in Article 3 of that chapter. A customer who disputes an action, policy, or decision related to compliance with Chapter 15-5 ( *On-Site Sewage Facilities* ) of the Code shall follow the procedures prescribed in that chapter. A customer who disputes an action, policy, or decision related to compliance with Chapter 15-11 ( *Private Lateral Sewer Lines* ) of the Code shall follow the procedures prescribed in that chapter.
- (E) The director of a utility shall attempt to resolve the customer's dispute. If the director of a utility cannot resolve the dispute through an administrative review, the director shall:
  - (1) communicate the administrative review decision to the customer including the reason for the dispute and if applicable, the disputed amount; and
  - (2) if applicable, inform the customer that the customer has a right to request an administrative hearing and provide the customer instructions how to request an administrative hearing.
- (F) If a customer is informed of his right to a hearing, the customer must request that hearing not later than 30 days after the date of the notice.

*Source: 2003 Code Sections 15-9-51(A), (B), (D), and (E); 1992 Code Sections 18-4-075(A), (B), (D), and (E); Ord. 040805-02; Ord. 20130620-002.*

§ 15-9-192 - RESTRICTION ON ADMINISTRATIVE HEARING.

A customer may not request an administrative hearing if:

- (1) the utility did not conduct an administrative review;
- (2) the customer did not timely request an administrative hearing;
- (3) criminal charges are pursued for the occurrence of utility service diversion, unlawful use of service, damage to City utility equipment, unauthorized sale of utility service or other violation of law; or
- (4) the customer is disputing:
  - (a) the terms or denial of a deferred payment agreement;
  - (b) the customer's financial inability to pay for utility services provided by the City;
  - (c) the rate schedule;



- (d) unexplained high utility consumption if a meter has been tested and is determined to be accurate or under-registering in accordance with the American Water Works Association standards or the American National Standard Institute standard;
- (e) denial or discontinuance of utility service based on a danger to public health or safety;
- (f) a matter subject to a court decision;
- (g) the application or amount of a credit security deposit; or
- (h) a decision by the City regarding a claim for property damage or personal injury.

*Source: 2003 Code Section 15-9-51(C); 1992 Code Section 18-4-075(C); Ord. 040805-02; Ord. 20060727-006; Ord. 20130620-002.*

§ 15-9-193 - ADMINISTRATIVE HEARING.

- (A) A hearing under this article shall be held by a hearings officer appointed by the city manager. A hearings officer may not be an employee of a utility.
- (B) A customer who disagrees with an administrative review decision by the director of a utility may request an administrative hearing. The customer shall request the administrative hearing in writing no later than the 30th day after the director of a utility informed the customer of the right to request a hearing in accordance with Subsection (E) of Section 15-9-191 ( *Administrative Review* ). The customer requesting the hearing shall have the burden of proof to prove the City's position is in error.
- (C) Not later than the tenth day before the date of an administrative hearing, the director of a utility shall provide the customer with notice of the time date and location of the hearing either in person, by telephone, by confirmed facsimile transmission, by electronic mail, or by mail to the customer's last known address
- (D) Except as provided in Subsection (E), if the customer fails to appear at an administrative hearing, the hearings officer may enter a default decision against the customer.
- (E) The City and the customer may agree to waive appearance at an administrative hearing and submit the dispute to the hearings officer in writing.
- (F) The customer may appear in person and may be represented by counsel. If a customer is represented by counsel, the customer must notify the City at least two business days before the hearing. If the City does not receive notice under this subsection, the City may reschedule the administrative hearing.
- (G) The customer may make one request to reschedule an administrative hearing for a period not to exceed 30 days from the date of the original hearing before the City reinstates utility service termination procedures. The City may agree to the date and time of a hearing rescheduled under this subsection to a date later than 30 days after the date of the original hearing. If a customer makes a second request to reschedule an administrative hearing, the City may terminate the customer's utility service.
- (H) If the City does not agree to a customer's second or later request to reschedule, the City shall not reschedule the administrative hearing and the hearings officer shall issue a decision on the merits.
- (I) The hearings officer may deliver an oral decision at the close of a hearing and shall deliver a written decision not later than:
  - (1) the 10th day after the close of the hearing; or
  - (2) if the hearings officer requests additional information from the parties, a date agreed to by the parties.

*Source: 2003 Code Section 15-9-52(A)-(D), (F), and (G); 1992 Code Section 18-4-076(A)-(D), (F), and (G); Ord. 040805-02; Ord. 20060727-006; Ord. 20130620-002; Ord. No. 20150625-021, Pt. 16, 10-1-15.*

§ 15-9-194 - RESULTS OF HEARINGS.

- (A) If a hearings officer rules against a customer, the hearings officer's decision shall include:
  - (1) the actions to be taken by the customer to continue utility service; and
  - (2) a deadline for performance by the customer that is consistent with the deferred payment agreement policies of the utility and the requirements of this chapter.
- (B) If a hearings officer rules completely or partly in favor of a customer, the hearings officer's decision shall include:
  - (1) the actions to be taken by the City and the customer to continue or reconnect utility service; and
  - (2) deadlines for performance by the City and the customer that are consistent with the deferred payment agreement policies of the utility and the requirements of this chapter.
- (C) A hearings officer shall not base the officer's decision on a judicial decision from a case to which the City was not a party.

*Source: 2003 Code Section 15-9-53; 1992 Code Section 18-4-077; Ord. 040805-02; Ord. 20130620-002.*

§ 15-9-195 - CONTINUITY OF SERVICE DURING APPEAL.

- (A) Before a hearing under this article, the City shall continue to provide a customer with utility service, unless:
  - (1) the service was disconnected before the customer requested a hearing;
  - (2) the customer fails to pay an invoice for utility services provided after a hearing was requested;
  - (3) the customer's service is transferred; or
  - (4) termination is required to protect public health and safety.
- (B) If a customer's utility service is disconnected before the customer requested a hearing, the City shall reconnect utility service after the customer pays all amounts owed for utility service less the amount disputed in the requested hearing.
- (C) The City shall not continue or reconnect utility service if the connection:
  - (1) allows utility service diversion;
  - (2) creates a dangerous condition;
  - (3) allows an unlawful use of service;
  - (4) allows unauthorized remetering, sub-metering, or resale of utility service; or
  - (5) violates Title 25 ( *Land Development* ) of the Code or a City ordinance relating to the utility service.

*Source: 2003 Code Section 15-9-54; 1992 Code Section 18-4-078; Ord. 040805-02; Ord. 20130620-002.*

## CHAPTER 15-9. - UTILITY SERVICE REGULATIONS.

### ARTICLE 1. - GENERAL PROVISIONS.

#### § 15-9-1 - DEFINITIONS.

In this chapter:

- (1) ACCOUNT means the record of consumption, charges, and payments for services or products provided to a customer by a utility. An account is an ACTIVE ACCOUNT if utility service is currently available to the customer at the service address for the account. An account is an INACTIVE ACCOUNT if service has been disconnected for the customer at the service address for the account.
- (2) BILLING CYCLE means the interval of approximately 30 days between successive meter reading dates.
- (3) CITY means the City of Austin, Texas and, depending on the context:
  - (a) the Electric Utility;
  - (b) the Water Utility;
  - (c) the Watershed Protection and Development Review Department;
  - (d) the Solid Waste Services Department; or
  - (e) the Law Department.
- (4) COMMERCIAL means utility service provided to a business enterprise or a service address not primarily used as a residence.
- (5) CUSTOMER means:
  - (a) an individual, partnership, association, firm, public or private corporation, governmental authority, or other legal entity that receives City utility service at a service address;
  - (b) an owner of property that is connected to the City's utility service at a service address; or
  - (c) a person who receives the benefit of the City's utility service.
- (6) CUSTOMER CARE means the division of the Austin Electric Utility that:
  - (a) initiates and terminates City utility services;
  - (b) regularly reads City utility meters;
  - (c) regularly invoices utility services;
  - (d) resolves billing problems and inquiries related to invoiced services; and
  - (e) collects and manages utility service accounts receivable.
- (7) CUSTOMER'S INSTALLATION means:
  - (a) for an electric installation, the wiring, appliances, and equipment on a customer's side of the point of delivery used to receive electric service, excluding the City's meter installation;
  - (b) for a water installation, the plumbing on a customer's side of the point of delivery used to receive water service, excluding the City's meter installation;
  - (c) for a reclaimed water installation, the plumbing on a customer's side of the point of delivery used to receive reclaimed water service, excluding the City's meter installation; and

- (d) for a wastewater installation, the plumbing on customer's side of the point of delivery.
- (8) DIRECTOR means the director of the applicable department, or the director's designee.
- (9) MASTER METER means an electric, water, or reclaimed water meter that serves more than one residential unit or more than one commercial space.
- (10) METER means one or more mechanized or automated meters, including an auxiliary device, that measure the power and energy of electric service or quantity of water, reclaimed water, or wastewater service supplied to a customer at a single point of delivery.
- (11) POINT OF DELIVERY means:
  - (a) for electric service, the end of City's drop or the point where the City's wires are joined to a customer's wires or equipment, except as otherwise specified in a customer's service contract;
  - (b) for water service, the water meter or the customer's property line if the meter is installed on the customer's property;
  - (c) for reclaimed water, the reclaimed water meter or the property line if the meter is installed on the customer's property;
  - (d) for wastewater service, the customer's property line or the edge of a wastewater or public utility easement at the location and elevation of the City service; and
  - (e) for solid waste service, the closest point to the curbline or pavement edge of the City's right-of-way.
- (12) RESIDENTIAL means service provided to a service address used primarily for a residential use.
- (13) SERVICE ADDRESS means a specific, unique address for a location eligible to receive City utility service, including a street name, house number, and, if applicable, a building or unit identification letter or number.
- (14) SERVICE CONNECTION means:
  - (a) for electric service, the City-owned wires connecting the City's distribution facilities to a customer's service terminal;
  - (b) for water service, the City-owned pipes connecting the City's distribution facilities to a property owner's cut-off valve;
  - (c) for reclaimed water service, the City-owned pipes connecting the City's distribution facilities to the property owner's cut-off valve; and
  - (d) for wastewater service, the City-owned pipes connecting the City's collection facilities to a property owner's pipes.
- (15) UNLAWFUL USE OF SERVICE means the use of utility service by a person in violation of City, state, or federal law or regulation.
- (16) UTILITY means:
  - (a) for electric service and other energy related products and services, the Austin Electric Utility;
  - (b) for water, reclaimed water, and wastewater service and other related products, the Austin Water Utility;
  - (c) for roadway services, the Public Works Department;
  - (d) for drainage service, the Watershed Protection and Development Review Department; and
  - (e) for solid waste services, the Solid Waste Services Department.

(17) UTILITY SERVICE means:

- (a) for drainage service, providing or maintaining facilities to collect, convey, and treat stormwater runoff in the city;
- (b) for electric service, making electric power and energy available to a customer, including non-metered outdoor lighting;
- (c) for solid waste service, making available or providing garbage, trash, rubbish, miscellaneous waste collection and disposal, street cleaning and litter removal services in the city;
- (d) for transportation services, providing and maintaining facilities for the City's transportation system;
- (e) for water service, maintaining facilities to make water available to a customer at the point of delivery;
- (f) for reclaimed water service, maintaining facilities to make reclaimed water available to a customer at the point of delivery; and
- (g) for wastewater service, maintaining facilities to make wastewater collection and treatment service available to a customer at the point of entry.

(18) UTILITY SERVICE DIVERSION means a person's unauthorized action to divert utility service to:

- (a) prevent accurate measurement of utility usage;
- (b) receive the benefit of utility service without approval;
- (c) alter metering equipment preventing accurate meter readings and subsequent billings; or
- (d) alter utility account records or computer data to prevent accurate billings.

(19) UTILITY DIVERSION CHARGE means a charge, including damage fees and labor expenses based on the labor required, the damage to equipment, and the cost of testing metering equipment, for:

- (a) unauthorized tampering that damages City equipment; or
- (b) utility diversion or tampering that results in an investigation by the City.

*Source: 2003 Code Section 15-9-3; 1992 Code Section 18-4-003; Ord. 040805-02; Ord. 20060504-039; Ord. 20090305-003; Ord. No. 20180524-006, Pts. 1, 2, 6-4-18.*

§ 15-9-2 - APPLICABILITY.

If there is a conflict or inconsistency between this chapter and an ordinance or Code provision outside this chapter regarding the operation of a utility with respect to service, charges, billing, or refunds, the other ordinance or Code provision prevails.

*Source: Ord. 040805-02.*

§ 15-9-3 - FEES AND CHARGES.

- (A) The council shall set rates, fees, and charges under this chapter by separate ordinance.
- (B) The council shall conduct a public hearing before approving an ordinance changing an electric, water, wastewater, or solid waste service rate. The council shall hear evidence to determine the rate necessary to provide adequate and efficient services and operations and to determine the fairness, justness, and reasonableness of the rate.

- (C) Customer care shall identify each fee or charge on a utility invoice.

*Source: 2003 Code Sections 15-9-176 and 15-9-231; 1992 Code Section 18-4-255 and 18-4-320; Ord. No. 031211-3; Ord. 040805-02; Ord. No. 20170518-014>, Pt. 7, 5-29-17.*

§ 15-9-4 - CHANGES TO RATE SCHEDULE OR CLASSIFICATION.

- (A) Before the council adopts a proposed change to a rate schedule or service classification, the City shall provide public notice of the proposal, including locations for public inspection.
- (B) On request, the City shall send a customer a brief explanation of the proposed change.
- (C) Not later than the 60th day after the council has adopted a change to a rate schedule or service classification, the City shall notify each affected class of customers of a new rate schedule or service classification. Notice under this subsection satisfies the requirement prescribed in Section 15-9-22 ( *Availability and Distribution of Rate Schedules and Utility Service Regulations* ).
- (D) If a customer is entitled to notice under Section 13.187 of the Texas Water Code, the City shall provide notice as prescribed by that section.

*Source: 2003 Code Section 15-9-13; 1992 Code Section 18-4-017; Ord. 040805-02.*

§ 15-9-5 - DEPOSIT OR BOND FOR INFRASTRUCTURE IMPROVEMENTS.

- (A) The director of the Electric Utility shall assess a deposit or impose a bond requirement against a customer that requests electric utility service with an expected peak demand load of four megawatts or greater. The director of the Electric Utility and the customer shall agree on an estimated peak demand load under this section. The City is not liable for interest on any amount assessed or released under this section.
- (B) The director of the Electric Utility shall require a customer to provide a deposit or bond approved by the director in an amount equal to 50 percent of the costs, including labor and overhead, associated with estimated electric utility infrastructure improvements necessary to meet the customer's expected peak demand load. The customer shall provide the deposit or bond in addition to a contribution in aid of construction or other payment or fee required by a service contract.
- (C) The director of the Electric Utility shall release the customer's deposit or bond in full if, after 18 months from initiation of service, the customer's actual peak demand load has reached 90 percent or more of the estimated peak demand load over three consecutive billing cycles.
- (D) The director of the Electric Utility shall average the customer's actual peak demand load for the three highest consecutive billing cycles to determine the amount of the deposit or bond to be released to the customer if, after 18 months from initiation of service, the customer's actual peak demand load is at least 50 percent, but less than 90 percent of the estimated peak demand load over three consecutive billing cycles. Under this subsection, the director of the Electric Utility shall release the customer's deposit or bond at a rate of 2.5 percent for each full percentage point the average actual peak demand load exceeds 50 percent of the estimated peak demand load. The customer shall forfeit the remainder of the deposit or bond to the Electric Utility.
- (E) The director of the Electric Utility shall retain the customer's deposit in full or shall collect against the full amount of the customer's bond if, after 18 months from initiation of service, the customer's actual peak demand load is less than 50 percent of the estimated peak demand load over three consecutive billing cycles.
- (F) The director of the Electric Utility and the customer may agree to a shorter or longer period of time under Subsections (C), (D) and (E).

- (G) Under Subsections (D) and (E), the director of the Electric Utility may not retain or collect more than the actual cost of labor, overhead, and materials associated with infrastructure improvements made to meet a customer's expected peak demand load.

*Source: 2003 Code Section 15-9-232; 1992 Code Section 18-4-321; Ord. 040805-02.*

§ 15-9-6 - CLAIMS BY CUSTOMERS.

A person may file a claim for damages under this chapter with the city manager as prescribed by Article XII ( *General Provisions* ), Section 3 ( *Notice of Claims* ) of the City Charter.

*Source: 2003 Code Section 15-9-56; 1992 Code Section 18-4-080; Ord. 040805-02.*

§ 15-9-7 - LIMITATION ON CITY'S LIABILITY; RELEASE.

- (A) The City is not liable to a customer or to any other person for property damage, personal injury, business damage, or other loss resulting from a negligent or non-negligent act of the City that causes an interruption or failure of water, reclaimed water, wastewater, or solid waste disposal service, a delay in commencing service, fluctuation of water or reclaimed water pressure, or wastewater service.
- (B) The City is not liable to a customer or to any other person, for property damage, personal injury, business damage, or other loss resulting from a power black-out, power brown-out, interruption or failure of electric service, delay in commencing service, low voltage, high voltage, power surges, or fluctuation of power voltage, wave form, or frequency, caused by a negligent or non-negligent act of the City unless the damages are caused by the gross negligence or willful misconduct of the City.
- (C) A customer shall release and hold the City harmless for any damage, injury or loss described in this section.

*Source: 2003 Code Section 15-9-41; 1992 Code Section 18-4-060; Ord. 040805-02.*

§ 15-9-8 - NO WAIVER FOR MISSED DEADLINES.

The City does not waive its right to terminate services or enforce this chapter if the City fails to act before a deadline established in this chapter.

*Source: 2003 Code Section 15-9-55; 1992 Code Section 18-4-079; Ord. 040805-02.*

§ 15-9-9 - CRITERIA MANUALS.

The Utilities Criteria Manual and the Water and Wastewater Design Criteria Manual apply to utility service provided under the Code.

*Source: Ord. 040805-02.*

ARTICLE 2. - CUSTOMER SERVICE.

§ 15-9-21 - NOTICE OF CUSTOMER'S RIGHTS.

The City shall provide each customer with a summary of the customer's rights and the City's responsibilities under this chapter in a form designated by the council.

- (1) with the first invoice to a customer initiating service; and
- (2) not less frequently than once every two years.

*Source: 2003 Code Section 15-9-15; 1992 Code Section 18-4-019; Ord. 040805-02.*

§ 15-9-22 - AVAILABILITY AND DISTRIBUTION OF RATE SCHEDULES AND UTILITY SERVICE REGULATIONS.

- (A) The City shall send each utility customer a summary of the current rate schedule applicable to each major class of customers for which a separate rate is established and the identity of a class whose rates are not summarized:
  - (1) with the first invoice to a customer initiating service; and
  - (2) not less frequently than annually.
- (B) The city clerk shall post a conspicuous notice in the city clerk's office stating that copies of the following are available for public inspection:
  - (1) rate schedules;
  - (2) utility fees and deposits schedule; and
  - (3) utility service regulations.
- (C) The Austin Electric Utility, the Austin Water Utility, the Watershed Protection and Development Review Department, and the Solid Waste Services Department, shall make copies of the rate schedules available to a utility customer on request.

*Source: 2003 Code Sections 15-9-1(C), 15-9-12, and 15-9-115(B); 1992 Code Sections 18-4-001(C), 18-4-016, and 18-4-177(B); Ord. 040805-02.*

§ 15-9-23 - MEDICALLY VULNERABLE RESIDENTS.

- (A) The City shall maintain a list of residential service addresses that have a Medically Vulnerable resident. A Medically Vulnerable resident has a documented condition as defined below:
  - (1) LIFE SUPPORT means the resident is sustained by a life support system that has been registered with and approved by the City and that requires uninterrupted electric or water service. The resident's need for the system must be certified by a licensed physician as essential to sustain the life of the resident, and include but are not limited to devices such as an iron lung, ventilator, feeding pump, kidney dialysis machine, aerosol tent, apnea monitor, blood pump, compressor/concentrator, electric nerve stimulator, extremity pump, hospital bed, hemodialysis machine, oxygen concentrator, pressure pump, pressure pad, and respirator;
  - (2) CRITICAL ILLNESS means the resident is being treated by a licensed physician for paraplegia, hemiplegia, quadriplegia, multiple sclerosis or scleroderma, and such medical condition requires heating or air conditioning; and,
  - (3) SERIOUS ILLNESS means the resident is being treated by a licensed physician for a disease or ailment of long duration or frequent recurrence where bodily function or organs would be seriously impaired without heating or air conditioning.
- (B) For a service address to be listed as having a Medically Vulnerable resident, the Medically Vulnerable resident, or a duly authorized guardian or representative, must complete, sign, and provide to the City, and the City must approve, an application including the following:
  - (1) a signed certification by a licensed physician of the qualifying medical condition, including but not limited to the length of time the condition is expected to exist;



- (2) authorization by the Medically Vulnerable resident, or a duly authorized guardian or representative, for the City to verify the physician's certification and other information in the application;
  - (3) authorization for on-site verifications at the service address by City personnel at reasonable times or during emergencies;
  - (4) designation of a contact person (including name, address, and phone number) authorized to receive communications or other utility related information from the City on behalf of the Medically Vulnerable resident; and
  - (5) such other information the City may deem necessary to approve the application.
- (C) Life Support and Critical Illness residents, or a duly authorized guardian or representative, must reapply under Subsection (B) of this section on an annual basis to maintain Medically Vulnerable Status, while Serious Illness residents, or a duly authorized guardian or representative, must reapply after every two months. Failure to reapply shall result in removal from the Medically Vulnerable list.
- (D) If at the time of application the utility account for the service address or for the Medically Vulnerable resident has a balance past-due, the customer must pay the balance due or enter into a deferred payment agreement under Section 15-9-144 in order for the residence to be placed on the Medically Vulnerable list.
- (E) Regardless of the City's awareness of a Medically Vulnerable resident's condition or presence at a service address, the limitation of liability and release set forth in Section 15-9-7 applies to a Medically Vulnerable resident.

*Source: Ord. 20100527-004.*

#### § 15-9-24 - COMPLAINT INVESTIGATION.

- (A) The City shall investigate a complaint made by a person and inform the person of the results of the investigation.
- (B) A person may make a complaint to the City under this section in person, in writing, or by telephone.

*Source: 2003 Code Section 15-9-17; 1992 Code Section 18-4-021; Ord. 040805-02.*

#### ARTICLE 3. - UTILITY SERVICE.

##### § 15-9-31 - UTILITY SERVICE PROVIDED.

- (A) The City shall provide utility service:
  - (1) as authorized by this chapter, the rate schedule adopted by council, and other applicable City regulation;
  - (2) to a valid service address;
  - (3) at an approved point of delivery adjacent to a City utility facility;
  - (4) using the most direct route practicable from the City's utility facility to an approved point of delivery; and
  - (5) to a customer's installation that complies with applicable Code requirements.
- (B) If a customer requests a change to the customer's point of delivery, service capacity, or type of service, the customer shall:
  - (1) pay the cost of the change as established by the rate schedule, including applicable fees; and

- (2) if necessary, enter into or amend a service contract.
- (C) The City may refuse to provide utility service to a service address if the applicant owes money to the City for utility service previously provided to the applicant. The City shall provide utility service under this section if the applicant has entered into a deferred payment agreement.
- (D) The City may refuse to provide water service to a service address if the director determines that there is no City-approved means of wastewater disposal at the service address.

*Source: 2003 Code Section 15-9-33; 1992 Code Section 18-4-052; Ord. 040805-02; Ord. 20131205-007; Ord. No. 20180524-006, Pt. 3, 6-4-18.*

§ 15-9-32 - CONTINUITY OF SERVICE.

- (A) The City shall use reasonable diligence to supply a customer with constant utility service but does not guarantee the service against an irregularity or interruption.
- (B) The City may interrupt a customer's utility service when necessary to repair, change, or relocate the City's equipment and facilities. The City is not liable for damage resulting from interrupted service for repair, change, or relocation.

*Source: 2003 Code Section 15-9-34; 1992 Code Section 18-4-053; Ord. 040805-02.*

§ 15-9-33 - SERVICE ADDRESS REQUIRED.

- (A) A customer within the city limits must obtain a service address from the city manager.
- (B) A customer shall post the customer's service address in a place that is visible from the street on which the structure or meter is located in compliance with Article 1 ( *Building Code* ), Division 1 ( *Uniform Building Code and Local Amendments* ) and Article 7 ( *Uniform Fire Code* ) of Chapter 25-12 ( *Technical Codes* ) of the Code.
- (C) The city manager shall:
  - (1) assign a service address to:
    - (a) property with legal tract status as determined by the Watershed Protection and Development Review Department; or
    - (b) a meter location not serving a residence or permanent place of business; and
  - (2) recognize an address in the City's utility service area that is assigned by another city.

*Source: 2003 Code Section 15-9-3(5); 1992 Code Section 18-4-003(5); Ord. 040805-02; Ord. 20060504-039.*

§ 15-9-34 - METER READING.

If requested by a customer, the City shall inform the customer on how to read a City utility meter.

*Source: 2003 Code Section 15-9-14; 1992 Code Section 18-4-018; Ord. 040805-02.*

§ 15-9-35 - SERVICE CONTRACT CREATED.

- (A) Except as provided in Subsection (B), a service contract is created when:
  - (1) the City and a person execute a written service agreement;

- (2) the City accepts a written, electronic, or verbal application for utility services;
  - (3) the City provides utility services to a person; or
  - (4) other circumstances that obligate a person to pay the City for utility service.
- (B) If a person who has not requested utility service is receiving service, the person may notify the City in writing within 72 hours after the person knows of the service to request that the City disconnect the service without incurring liability for utility service charges. If the City receives notice under this subsection later than 72 hours after the person knows the person is receiving services that were not requested, the person is liable for utility services charges provided by the City.
- (C) A service contract under this section includes:
- (1) a customer's duty to pay for utility services provided by the City on or before the payment due date specified on the customer's bill;
  - (2) the City's duty to provide utility services to a customer who is not in arrears; and
  - (3) the terms of this Chapter.

*Source: 2003 Code Sections 15-9-3(27) and 15-9-31; 1992 Code Sections 18-4-003 and 18-4-050; Ord. 040805-02; Ord. 20090305-003.*

#### § 15-9-36 - CONTRACT TERM.

A service contract between a customer and the City is in effect until the earlier of:

- (1) cancellation by the City or the customer; or
- (2) the expiration of the contract.

*Source: 2003 Code Section 15-9-32; 1992 Code Section 18-4-051; Ord. 040805-02.*

#### § 15-9-37 - CUSTOMER'S RESPONSIBILITIES.

- (A) A customer is responsible for utility service provided on the customer's side of the point of delivery, including:
- (1) excessive consumption caused by faulty equipment or settings on equipment;
  - (2) damage caused by an open valve or circuit after service initiation, or
  - (3) a violation of this chapter, including utility service diversion, unlawful use of service, or damage to City utility equipment.
- (B) A customer who vacates a service address before providing the City with notice to cancel utility service is responsible for charges for utility service and violations of this chapter that occur before the City receives cancellation notice.
- (C) A customer shall convey to the City a perpetual right-of-way that is:
- (1) acceptable to the City;
  - (2) across the property owned or controlled by the customer;
  - (3) for the City's lines and line extensions, poles, or other equipment necessary or incidental to supply service to the customer; and
  - (4) at no cost to the City.
- (D) A customer shall:

- (1) maintain the customer's property to allow verification of the service address of the premises from the street; and
- (2) provide the City, its agents, contractors, and employees safe and unobstructed access to the customer's property to allow the City to:
  - (a) use, maintain, remove, or replace City property;
  - (b) read a utility meter;
  - (c) trim or remove a tree or shrubbery that interferes with or creates a danger to a utility line or other City utility equipment;
  - (d) remove an object that interferes with or creates a danger to a utility line or other City utility equipment;
  - (e) inspect wiring, a plumbing system, a backflow method or assembly, or other equipment on a new or remodeled installation;
  - (f) turn off an irrigation system if the customer is irrigating on a day or time prohibited under Chapter 6-4 ( *Water Conservation* ) and the customer cannot be located;
  - (g) sample a wastewater discharge;
  - (h) obtain a water or reclaimed water sample; and
  - (i) take other action related to supplying service to the customer.
- (E) A customer's service connections must be readily accessible to the City's service facilities. The City shall determine a service connection point based on the most direct route to City facilities. The City may relocate a service connection point if the City determines relocation is necessary.
- (F) A customer must reimburse the City for all costs incurred by the City resulting from the failure or refusal of the customer to comply with this section.
- (G) The City may disconnect utility service if a customer fails to maintain the customer's property as required by this section. The City is not liable for damage to the customer's property caused by City authorized maintenance of a right-of-way or meter installation.

*Source: 2003 Code Section 15-9-35; 1992 Code Section 18-4-054; Ord. 040805-02; Ord. 20070927-006; Ord. 20130620-002.*

#### § 15-9-38 - TRANSFER OF SERVICE.

An existing customer requesting that the City transfer the customer's utility service from the current service address to a new service address shall comply with Article 4 ( *Application for Utility Service* ) and Article 5 ( *Credit Security* ) based on the type of service requested at the new location.

*Source: 2003 Code Section 15-9-142; 1992 Code Section 18-4-216; Ord. 040805-02.*

#### § 15-9-39 - NOTICE OF CUSTOMER CANCELLATION.

- (A) If a customer vacates a service address, the customer must give the City notice before the date the customer wants utility service to be disconnected.
- (B) A customer is responsible for utility service provided by the City to the customer's service address until the later of the date that the City:
  - (1) receives notice of cancellation;
  - (2) disconnects service; or

- (3) closes the customer's account.

*Source: 2003 Code Section 15-9-141; 1992 Code Section 18-4-215; Ord. 040805-02.*

§ 15-9-40 - REMEDIES FOR A CUSTOMER'S FAILURE TO COMPLY WITH A SERVICE CONTRACT.

- (A) If a customer fails to comply with the terms of a service contract, the City may:
  - (1) disconnect service under Article 7 ( *Termination of Service* );
  - (2) cancel a service contract; or
  - (3) take other action authorized by law.
- (B) If a customer fails to pay for City utility service, the City may obtain payment from the customer or another person as authorized by Texas law.

*Source: 2003 Code Sections 15-9-38 and 15-9-39; 1992 Code Sections 18-4-057 and 18-4-058; Ord. 040805-02.*

ARTICLE 4. - APPLICATION FOR UTILITY SERVICE.

§ 15-9-51 - WHERE TO APPLY FOR UTILITY SERVICE.

- (A) A person requesting City utility service shall apply to customer care or to the Water Utility for reclaimed water service.
- (B) An eligible customer who seeks to participate in the continuous electric service program must sign a service contract approved by the City. Utility service is governed by the service contract and this chapter.

*Source: 2003 Code Section 15-9-71; 1992 Code Section 18-4-100; Ord. No. 031211-03; Ord. 040805-02.*

§ 15-9-52 - APPLICATION REQUIRED.

- (A) An applicant for residential or commercial utility service may make a written, verbal, or electronic application. At the discretion of customer care, an applicant for residential or commercial utility service may receive utility service without entering into a written service contract.
- (B) An applicant shall execute a service application or service contract on the form approved by the utility for:
  - (1) commercial service;
  - (2) standby or supplementary service;
  - (3) non-metered outdoor lighting;
  - (4) fire suppression;
  - (5) a service requiring a branch from or continuation of an existing electric line to the point of delivery to customer including:
    - (a) an increase in capacity of an existing City facility or a change to an electric line to meet a customer's requirements; and
    - (b) each transformer, service connection, and meter;

- (6) wholesale water or wastewater service; or
- (7) other service at the discretion of the director of a utility.
- (C) Except for irrigation purposes, an applicant for a water service connection to a property with an existing water service connection shall execute a multi-service contract on the form approved by the director of the Water Utility.

*Source: 2003 Code Sections 15-9-3(10) and 15-9-31; 1992 Code Sections 18-4-003 and 18-4-050; Ord. 040805-02.*

§ 15-9-53 - IDENTIFICATION REQUIRED.

- (A) Customer care shall develop guidelines establishing exceptions to the identification requirements under this section. Customer care may grant an exception to the requirements of this section based on the guidelines.
- (B) Except as provided in Subsection (C), an applicant for residential service shall provide one of the following forms of identification:
  - (1) a verifiable driver's license, including a photograph, issued by a state or territory of the United States;
  - (2) a verifiable identification card, including a photograph, issued by a state or territory of the United States; or
  - (3) a social security card.
  - (4) An applicant who cannot produce the identification required by Subsection (B) may obtain utility service by providing proof of a valid, official government-issued identification, including a photograph, issued by a foreign government that conforms to the guidelines adopted under Subsection (A).
- (C) An applicant for commercial service shall provide a Federal tax identification number.
- (D) An applicant who fails to comply with this section may be denied service.

*Source: 2003 Code Section 15-9-72; 1992 Code Section 18-4-101; Ord. 040805-02.*

§ 15-9-54 - CREDIT SECURITY REQUIRED.

An applicant for utility service must comply with the requirements of Article 5 ( *Credit Security* ) before the City may establish utility service.

*Source: 2003 Code Section 15-9-73; 1992 Code Section 18-4-102; Ord. 040805-02.*

§ 15-9-55 - FEES AND PAYMENT.

- (A) In addition to establishing credit security, an applicant for service must pay all applicable fees prescribed by ordinance.
- (B) A person shall pay fees when the City sends the person an invoice.
- (C) A person must pay fees, a deposit, or other charge in United States currency, or with a personal check, a traveler's check, a money order, a cashier's check, electronic funds transfer, a debit card, a credit card, or other method approved by customer care.

*Source: 2003 Code Section 15-9-75; 1992 Code Section 18-4-104; Ord. No. 031211-3; Ord. 040805-02.*

§ 15-9-56 - VERIFICATION OF RIGHT OF OCCUPANCY.

The City may require an applicant for utility service to produce verifiable proof of the applicant's right to occupy a service address, including a date of occupancy, before the City establishes or reconnects utility service for the customer at the service address.

*Source: 2003 Code Section 15-9-74; 1992 Code Section 18-4-103; Ord. 040805-02.*

§ 15-9-57 - DOCUMENTATION FOR COMMERCIAL SERVICE.

The City may require an applicant for commercial service to provide verifiable documentation of the applicant's authority to contract for the entity requesting service before the City establishes or reconnects commercial utility service.

*Source: 2003 Code Section 15-9-76; 1992 Code Section 18-4-105; Ord. 040805-02.*

ARTICLE 5. - CREDIT SECURITY.

§ 15-9-71 - CREDIT SECURITY AUTHORIZED.

(A) The City may:

- (1) require a customer to give, maintain, or re-establish credit security for a service address or account;
- (2) require that a customer of a non-City owned water district meet the credit security policy and procedures established by the district; and
- (3) establish utility customer payment standards, including the minimum payment practices a utility customer must meet instead of providing other forms of credit security.

(B) Customer care shall develop guidelines establishing exceptions to the credit security requirements under this Article. Customer care may grant an exception to the requirements of this Article based on the guidelines.

*Source: 2003 Code Sections 15-9-3(11) and 15-9-101; 1992 Code Sections 18-4-003 and 18-4-150; Ord. 040805-02; Ord. No. 20180412-005, Pt. 1, 4-23-18.*

§ 15-9-72 - FORMS AND AMOUNT OF CREDIT SECURITY FOR RESIDENTIAL SERVICE.

If a residential customer or applicant provides proof of identification under Section 15-9-53 ( *Identification Required* ), the City may accept the following forms of credit security:

- (1) a record of satisfactory compliance with Section 15-9-75 ( *Customer Payment Standards* ), if applicable, and no outstanding utility invoices;
- (2) a letter of reference from another electric, gas, or water utility indicating no record of late payments or outstanding balances, and no disconnections for non-payment during the last twelve consecutive billing cycles;
- (3) for a customer who has not had continuous utility service for the preceding 12 billing cycles due to the customer terminating utility services, a letter of reference from another electric, gas, or

water utility indicating no record of late payments or outstanding balances and no disconnections for non-payment during 12 of the preceding 18 consecutive billing cycles;

- (4) for a tenant of a rental property where the cost of utilities is included in the rent payment, a signed copy of the tenant's lease and a written statement from the landlord indicating that rent payments were timely made for the preceding 12 consecutive months; or
- (5) a refundable deposit of \$200.

*Source: 2003 Code Section 15-9-102; 1992 Code Section 18-4-151; Ord. 040805-02; Ord. 20060727-006; Ord. No. 20180412-005, Pt. 2, 4-23-18.*

#### § 15-9-73 - FORMS AND AMOUNT OF CREDIT SECURITY FOR COMMERCIAL SERVICE.

The City may accept the following forms of credit security from a commercial customer or applicant for commercial service:

- (1) a record of satisfactory compliance with customer payment standards for service at a comparable commercial service address served by the City;
- (2) a letter of reference from another electric, gas, or water utility stating that commercial service was provided within the preceding 24 consecutive billing cycles with no record of a past due balance, and that the applicant's service was not disconnected during that period;
- (3) a refundable deposit of one-sixth of the average annual or estimated billing at the same or a comparable commercial service address for the preceding 12 months as determined by customer care; or
- (4) for construction purposes only, a refundable deposit in an amount determined by the Electric Utility.

*Source: 2003 Code Sections 15-9-103 and 15-9-143(A); 1992 Code Sections 18-4-152 and 18-4-217(A); Ord. 040805-02; Ord. No. 20180412-005, Pt. 3, 4-23-18.*

#### § 15-9-74 - TRANSFER OF CREDIT SECURITY.

If an existing customer requests a transfer to a new service address, customer care may:

- (1) require an additional deposit or credit security if the credit security requirement at a new service address is higher than at an existing customer's previous service address; or
- (2) continue the existing credit security agreement if the customer has no record of late payment, unlawful use of service, or utility service diversion.

*Source: 2003 Code Sections 15-9-103 and 15-9-143(A); 1992 Code Sections 18-4-152 and 18-4-217(A); Ord. 040805-02.*

#### § 15-9-75 - CUSTOMER PAYMENT STANDARDS.

(A) Except as set forth in subsection (B), to establish compliance with customer payment standards, a residential customer must:

- (1) have received utility service from the City for not fewer than 12 consecutive billing cycles;
- (2) have paid each utility invoice before its due date during the preceding 12 billing cycles;
- (3) not have submitted a payment returned for insufficient funds; and



- (4) not have committed unlawful use of service or utility service diversion.
- (B) For customers who have not had continuous utility service for the preceding 12 billing cycles due to the customer terminating utility services, a residential customer must show that in 12 of the preceding 18 billing cycles from the date that new utility service is requested, the residential customer has:
  - (1) received utility service from the City for not fewer than 12 billing cycles;
  - (2) paid each utility invoice before its due date;
  - (3) not submitted a payment returned for insufficient funds; and
  - (4) not committed unlawful use of service or utility service diversion.
- (C) To establish compliance with customer payment standards, a commercial customer must:
  - (1) have received comparable commercial utility service from the City for not fewer than 24 consecutive billing cycles;
  - (2) have paid each utility invoice before its due date during the preceding 24 billing cycles;
  - (3) not have submitted a payment returned for insufficient funds; and not have committed unlawful use of service or utility service diversion.

*Source: 2003 Code Section 15-9-104; 1992 Code Section 18-4-153; Ord. 040805-02; Ord. No. 20180412-005, Pt. 4, 4-23-18.*

#### § 15-9-76 - USE AND REPLACEMENT OF SECURITY DEPOSIT.

- (A) If the City determines that an existing customer's payment or unlawful usage practices create a financial risk to the City, it may require the customer to pay a new credit security deposit equal to:
  - (1) three times the average monthly utility invoice for the service address over the 12 preceding billing cycles; or
  - (2) \$400 for residential customers and \$1,000 for commercial customers if the customer has less than 12 billing cycles of history with the City.
- (B) The City may disconnect a customer's utility service if the customer fails to pay a new security deposit under this section.

*Source: Ord. 040805-02; Ord. No. 20180412-005, Pt. 5, 4-23-18.*

#### § 15-9-77 - TRANSFER OR REFUND OF DEPOSITS.

- (A) A customer's deposit earns simple annual interest at the rate effective on October 1 of each year. The interest rate under this section is equal to 85 percent of the average yield of the 90-day United States Treasury Bills issued during the preceding twelve month period ending June 30 of each year.
- (B) If a customer transfers utility service, the City may transfer the customer's deposit to the customer's new account as prescribed by Section 15-9-74 ( *Transfer of Credit Security* ).
- (C) The City shall refund a customer's deposit, including interest earned, to the customer if:
  - (1) the customer establishes a record of satisfactory compliance with the payment standards prescribed by Section 15-9-75 ( *Customer Payment Standards* ); or
  - (2) the customer discontinues all City utility accounts and pays all outstanding utility invoices.
- (D) The City may apply a customer's deposit to each unpaid invoice before the City refunds the balance of the deposit to the customer.

- (E) The City shall keep a record of unclaimed deposits and shall make a reasonable effort to return deposits.

*Source: 2003 Code Section 15-9-106; 1992 Code Section 18-4-155; Ord. 040805-02; Ord. No. 20180412-005, Pt. 6, 4-23-18.*

§ 15-9-78 - CUSTOMER'S FAILURE TO COMPLY WITH CREDIT SECURITY REQUIREMENTS.

If a customer fails to comply with credit security requirements, the City may disconnect the customer's service as prescribed by Article 7 ( *Termination of Service* ).

*Source: 2003 Code Section 15-9-107; 1992 Code Section 18-4-156; Ord. 040805-02.*

ARTICLE 6. - DENIAL OF SERVICE.

§ 15-9-91 - GROUNDS FOR DENIAL OF UTILITY SERVICE.

The City may deny an application for utility service or refuse to establish utility service if:

- (1) the applicant is not in compliance with:
  - (a) the state, federal or municipal regulations relating to the utility service applied for; or
  - (b) Section 15-9-37 ( *Customer's Responsibilities* ), Article 4 ( *Application for Utility Service* ), or Article 5 ( *Credit Security* ) of this chapter;
- (2) the applicant responsible for payment of utility service under Section 15-9-40 ( *Remedies for a Customer's Failure to Comply with a Service Contract* ) has an outstanding utility invoice, excluding an invoice subject to a hearing under Article 12 ( *Administrative Review and Hearing* );
- (3) the applicant's installation or equipment creates a hazard or cannot be connected to utility service; or
- (4) the building or structure to be served:
  - (a) does not comply with the Chapter 25-12 ( *Technical Codes* ), Chapter 15-1 ( *Cross-Connection Regulations* ), or Chapter 15-10 ( *Wastewater Regulations* ) of the Code;
  - (b) is not connected with the City's distribution or collection facilities;
  - (c) is outside the City's defined service area or impact fee area or the applicant has not paid the impact fee; or
  - (d) is not on a legal tract as determined by the Watershed Protection and Development Review Department.

*Source: 2003 Code Section 15-9-91; 1992 Code Section 18-4-120; Ord. 040805-02.*

§ 15-9-92 - DENIAL BASED ON TRANSFER TO AVOID PAYMENT.

If the City believes that an applicant is applying for service at a service address where the current customer is in arrears primarily to allow the current customer to avoid payment of a past due invoice, the City may deny the application for service.

*Source: Ord. 040805-02.*

§ 15-9-93 - RIGHT OF APPEAL.

- (A) If the City denies an application for utility service under this chapter, the City shall provide the applicant notice of the denial, including the basis of the denial.
- (B) An applicant denied utility service may appeal the decision as provided in Article 12 ( *Administrative Review and Hearing* ).

*Source: 2003 Code Section 15-9-92; 1992 Code Section 18-4-121; Ord. 040805-02.*

ARTICLE 7. - TERMINATION OF SERVICE.

§ 15-9-101 - BASIS FOR TERMINATION OF SERVICE.

- (A) The City may disconnect a customer's utility service without notice:
  - (1) at the request of the customer, on or before the third day after the date the customer requests the termination;
  - (2) if the City determines that there is:
    - (a) utility service diversion;
    - (b) a dangerous condition that creates a threat to public health, safety, or property;
    - (c) an unlawful use of service;
    - (d) a violation of a City ordinance, or state regulation relating to sub-metering of utility service;
    - (e) fraud in obtaining utility service; or
    - (f) a violation of Article 4 ( *Electrical Code* ) or Article 11 ( *Residential Code* ) of Chapter 25-12 ( *Technical Codes* ), Chapter 15-10 ( *Wastewater Regulations* ), or Chapter 15-1 ( *Cross-Connection Regulations* ) of the Code, or a City ordinance relating to utility service;
  - (3) under Subsection 15-9-103(B) ( *Termination of Service for Insufficient Funds Payment* ); or
  - (4) under Section 15-9-105 ( *Termination Request by Non-City Utility* ).
- (B) The City may disconnect a customer's utility service after notifying the customer, if:
  - (1) the customer fails to:
    - (a) visibly post the service address on a structure or meter location;
    - (b) pay a delinquent utility account balance;
    - (c) comply with the terms of a deferred payment agreement;
    - (d) comply with credit security requirements;
    - (e) connect to the City's distribution or collection facilities as required by Section 15-9-173 ( *Relocation of City Distribution or Collection Facility* );
    - (f) comply with Section 15-9-37 ( *Customer's Responsibilities* );
    - (g) comply with Chapter 6-4 ( *Water Conservation* ); or
    - (h) comply with Chapter 15-5 ( *Private Sewage Facilities* ) and Chapter 15-11 ( *Private Lateral Sewer Lines* ); or
  - (2) the customer installs or operates equipment that interferes with utility service to another person.

- (C) The City may disconnect a customer's water and wastewater service in the City's extra-territorial jurisdiction as authorized by Section 13.250 ( *Continuous and Adequate Service; Discontinuance, Reduction, or Impairment of Service* ) of the Texas Water Code.

*Source: 2003 Code Sections 15-9-161 and 15-9-171; 1992 Code Sections 18-4-240 and 18-4-250; Ord. 040805-02; Ord. 20070927-006; Ord. No. 20180524-006, Pt. 4, 6-4-18.*

§ 15-9-102 - TERMINATION FOR DEFAULT ON DEFERRED PAYMENT AGREEMENT.

If a customer fails to meet the terms of a deferred payment agreement, the City:

- (1) may disconnect the customer's utility service as provided in Article 7 ( *Termination of Service* ); and
- (2) may refuse to allow the customer to negotiate a subsequent deferred payment agreement before the customer's utility service is disconnected.

*Source: 2003 Code Section 15-9-134; 1992 Code Section 18-4-203; Ord. 040805-02.*

§ 15-9-103 - TERMINATION OF SERVICE FOR INSUFFICIENT FUNDS PAYMENT.

- (A) The City may disconnect utility service to a customer's account if the customer's payment has been returned for a reason other than a verifiable vendor error.
- (B) The City may immediately disconnect utility service without notice if the customer pays for restored service with a payment method that is returned for insufficient funds.
- (C) The City shall proceed with collection activities and utility service disconnection if a customer pays for service with a payment method that is returned for insufficient funds.
- (D) If a customer has made two payments during the preceding 12 billing cycles that have been returned for insufficient funds, the City may not accept a customer's personal check, credit card payment, or electronic funds transfer as payment on the account and may require the customer to pay in cash, by certified check, or by money order for up to 12 billing cycles.

*Source: Ord. 040805-02.*

§ 15-9-104 - TERMINATION AND CHARGES FOR UTILITY SERVICE DIVERSION, UNLAWFUL USE OF SERVICE AND DAMAGE TO CITY EQUIPMENT.

- (A) If a customer benefits from utility service diversion, unlawful use of service, or damage to City utility equipment, the City may:
  - (1) immediately disconnect the customer's service as provided in Article 7 ( *Termination of Service* ); and
  - (2) request that the appropriate official prosecute the customer under applicable law.
- (B) If a person commits, allows another person to commit, or benefits from utility service diversion, unlawful use of service, or damage to City utility equipment, the City may collect payment from the person equal to:
  - (1) the estimated costs of electricity, water, reclaimed water, and wastewater services not recorded on a meter and charged to the customer under the applicable rate schedule; and
  - (2) utility diversion charges.

- (C) The City may impound equipment or property used by a person for utility service diversion, unlawful use of service, or damage to City utility equipment without compensating the owner of the equipment or property.

*Source: 2003 Code Section 15-9-118; 1992 Code Section 18-4-182; Ord. 040805-02.*

§ 15-9-105 - TERMINATION REQUEST BY NON-CITY UTILITY.

The City may terminate water utility service to a customer who receives wastewater utility service from a non-city utility as prescribed by Section 291.88 ( *Discontinuance of Service* ) of Title 30 ( *Environmental Quality* ) of the Texas Administrative Code and Section 13.250 ( *Continuous and Adequate Service; Discontinuance, Reduction, or Impairment of Service* ) of the Texas Water Code if:

- (1) the City and the non-city utility have a written agreement relating to disconnecting water service, including the non-city utility's obligation to communicate with its customer regarding the disconnection and the customer's right to a hearing, if any; and
- (2) the non-city utility has notified its customer and the City that water service may be disconnected for non-payment of wastewater charges.

*Source: Ord. 040805-02.*

§ 15-9-106 - NOTICE OF SERVICE DISCONNECTION.

- (A) Except as provided in Subsection (B), the City shall notify a customer if the City intends to disconnect the customer's utility service.
- (B) The City is not required to provide notice of service disconnection to a person whose service is being disconnected under Section 15-9-105 ( *Termination Request by Non-City Utility* ).
- (C) Notice under this section:
- (1) may be delivered by mail, hand delivery, electronic transmission, or telephone, either by pre-recorded message or in person;
  - (2) shall be available in both English and Spanish; and
  - (3) shall include:
    - (a) the reason for the proposed disconnection;
    - (b) if applicable, notice of the customer's right to a hearing before service is disconnected, including that the customer must request a hearing in writing on or before the due date of the notice;
    - (c) the date of the proposed disconnection, excluding a holiday or weekend; and
    - (d) if in writing, prominent notice that the document is a disconnection notice.

*Source: 2003 Code Section 15-9-172; 1992 Code Section 18-4-251; Ord. 040805-02.*

§ 15-9-107 - RESTRICTIONS ON TERMINATION OF SERVICE.

The City may not disconnect utility service if:

- (1) a customer fails to pay a invoice disputed under Article 12 ( *Administrative Review and Hearing* ) before a final determination is made by a hearing officer;
- (2) a customer fails to pay an estimated invoice that was not produced by an approved meter reading plan, unless:

- (a) the City is unable to read the meter due to circumstances beyond its control; or
- (b) an invoice based on meter readings for the utility service is provided to the customer;
- (3) the previous customer at the service address is delinquent in payment, unless the current customer is also liable for the service under this chapter or state law; or
- (4) disconnection is prohibited by Section 13.250 ( *Continuous and Adequate Service; Discontinuance, Reduction, or Impairment of Service* ) of the Texas Water Code.

*Source: 2003 Code Section 15-9-162; 1992 Code Section 18-4-241; Ord. 040805-02.*

§ 15-9-108 - RESTRICTIONS DURING TERM OF DEFERRED PAYMENT AGREEMENT.

The City may not disconnect the utility service of a customer who is making payments under a deferred payment agreement, if the customer:

- (1) makes the preliminary payment specified in the agreement;
- (2) pays the balance of the customer's current invoice on or before the due date; and
- (3) makes the remaining payments specified in the agreement on or before the due dates.

*Source: 2003 Code Sections 15-9-133; 1992 Code Section 18-4-202; Ord. 040805-02.*

§ 15-9-109 - RESTRICTIONS DURING EXTREME WEATHER CONDITIONS.

- (A) The City shall place an extreme weather moratorium on disconnecting residential utility service for nonpayment if the National Weather Service reports a temperature or temperature forecast that:
  - (1) states the forecasted low temperature for the following day is or will be 32 degrees Fahrenheit or lower, or the forecasted low temperature for the following day is or will be 35 degrees Fahrenheit or lower with a 50 percent or more chance of precipitation, in which case the moratorium shall be put into effect on the forecasted day; or
  - (2) states the actual heat index for the then current day and the forecasted heat index for the following day is or will be 102 degrees Fahrenheit or above, in which case the moratorium shall be put into effect the day following the current day.
- (B) If the City places an extreme weather condition moratorium, it is not required to restore previously disconnected utility service unless the customer complies with this chapter.

*Source: 2003 Code Sections 15-9-3(14) and 15-9-174(C); 1992 Code Sections 18-4-003 and 18-4-253(C); Ord. 040805-02; Ord. 20100527-004; Ord. 20110127-004.*

§ 15-9-110 - RESTRICTIONS FOR MEDICALLY VULNERABLE RESIDENTS.

- (A) After notice is first provided under Section 15-9-106 ( *Notice of Service Disconnection* ) the City will allow not fewer than 20 days before the City disconnects utility service at a residential service address where a Medically Vulnerable resident is listed as Life Support or Critical Illness, during which period the City shall make not fewer than two additional attempts to notify the customer named on the account, the Medically Vulnerable resident, and the Medically Vulnerable resident's designated contact that service may be disconnected. Notice under this section may be delivered by mail, hand delivery, door hanger, electronic transmission, telephone, or pre-recorded phone message.
- (B) After the notices have been provided as required in Subsection (A) of this section, the City may disconnect utility services at the residential service address.

*Source: Ord. 20100527-004.*

§ 15-9-111 - RESTRICTIONS FOR MASTER METER SERVICE.

- (A) After notice is provided under Section 15-9-106 ( *Notice of Service Disconnection* ) and before the City disconnects utility service to a building containing two or more separately occupied residential units invoiced as a single account, the City shall provide notice in writing or by telephone to each non-customer occupant that service may be disconnected without further notice on or after the third day following the date of the notice.
- (B) Notice under this section shall include:
  - (1) the amount of the past due balance on the customer's account;
  - (2) the disconnection date; and
  - (3) an explanation of the occupant's ability to pay the customer's past due account to avoid disconnection or to restore utility service.
- (C) Payment of a customer's past due account by a non-customer occupant does not release the customer from the customer's duty to pay other charges and penalties under this chapter, including future invoices for current utility service.

*Source: 2003 Code Section 15-9-174(B); 1992 Code Section 18-4-253(B); Ord. 040805-02.*

§ 15-9-112 - RESTORATION OF SERVICE.

- (A) The City shall restore disconnected service within a reasonable time, if the customer pays the full balance of the customer's utility account or enters into a deferred payment agreement and delivers proof of payment and a request for reconnection to customer care.
- (B) If the City has disconnected service because of utility service diversion, unlawful use of service, or damage to City utility equipment, before the City restores utility service, the City may require the customer to pay:
  - (1) the estimated cost of electricity, water, reclaimed water, or wastewater services not recorded on a meter; and
  - (2) utility diversion charges.
- (C) Before the City restores disconnected utility service, the City shall:
  - (1) require a customer to provide credit security on the customer's utility account as prescribed by Section 15-9-54 ( *Credit Security Required* ); and
  - (2) charge a customer applicable fees.
- (D) If a residential customer participates in or meets the qualifications for the utility's customer assistance program, the City shall restore disconnected utility service if the customer enters into a deferred payment agreement, which shall not require a reconnection fee or pre-payment of a deposit as a condition for the agreement.

*Source: 2003 Code Section 15-9-175; 1992 Code Section 18-4-254; Ord. 040805-02; Ord. 20131205-007.*

§ 15-9-113 - AVAILABILITY OF UTILITY PERSONNEL.

- (A) Except as provided in Subsection (B), the City shall disconnect utility service on a day when utility personnel are available to restore service during that day and until noon on the next day.

- (B) The City may disconnect utility service at any time if necessary to prevent or correct a condition that creates a danger or threat to public health, safety, or property, or that results from unlawful use of service, utility diversion, damage to City utility equipment, unauthorized sale of utility service, or a violation of law.

*Source: 2003 Code Section 15-9-177; 1992 Code Section 18-4-256; Ord. 040805-02.*

#### ARTICLE 8. - RESTRICTIONS ON USE OF UTILITY SERVICE.

##### § 15-9-121 - REMETERING AND RESALE OF SERVICE.

- (A) A customer shall comply with the regulations adopted by the Texas Public Utility Commission and the Texas Commission on Environmental Quality if the customer resells utility services.
- (B) A customer may not remeter or resell utility service provided by the City except as authorized by the City.
- (C) A retail customer may not remeter or resell utility service provided by the City at a higher price than the price charged to the customer by the City.
- (D) After notice, the City may disconnect utility service to a customer who is remetering or reselling utility service in violation of this section.
- (E) Subsections (B) and (C) do not apply to the remetering or resale of electric service for the sole purpose of providing retail electric-vehicle charging service at the point of remetering or resale.

*Source: 2003 Code Section 15-9-36; 1992 Code Section 18-4-055; Ord. 040805-02; Ord. No. 20181018-002, Pt. 1, 10-29-18.*

##### § 15-9-122 - UNAUTHORIZED USE OF UTILITY SERVICES PROHIBITED.

- (A) A person, including a City employee, may not alter, benefit from, or permit the alteration of utility equipment, utility services, utility records, or utility charges, except as authorized under this chapter.
- (B) The City may:
  - (1) investigate suspected violations of utility regulations;
  - (2) correct unsafe conditions caused by a violation;
  - (3) collect undercharged utility costs and related fees and charges; and
  - (4) if necessary, seek legal remedies.
- (C) This chapter is cumulative of other regulation and enforcement proceedings relating to utility service diversion, unlawful use of service, and damage to City equipment.

*Source: 2003 Code Section 15-9-40; 1992 Code Section 18-4-059; Ord. 040805-02.*

##### § 15-9-123 - UNAUTHORIZED SERVICE TO ADJACENT PROPERTY PROHIBITED.

- (A) Except as provided in Subsection (B), a customer may not extend or connect the customer's installation to a utility line to obtain service for property adjacent to a metered service address through the authorized meter even if the adjacent property is owned, controlled, or occupied by the customer.



- (B) A customer who owns adjacent properties may extend or connect the customer's installation across or under adjacent property lines if the installation complies with the requirements of Title 25 ( *Land Development Code* ) for unified developments and applicable utility design criteria.
- (C) If the City determines that a customer has extended unauthorized service to an adjacent property, the City may disconnect service to the customer 24 hours after the City has given the customer notice of the violation. The City may not reconnect service until it has determined that the unauthorized connection has been removed.

*Source: 2003 Code Section 15-9-37; 1992 Code Section 18-4-056; Ord. 040805-02.*

#### ARTICLE 9. - INVOICE AND PAYMENT REQUIREMENTS.

##### § 15-9-131 - DETERMINATION OF BILLING CYCLES.

The City shall provide a utility invoice to a utility customer at a regular monthly interval or at a different interval as determined necessary by the City.

*Source: 2003 Code Section 15-9-111; 1992 Code Section 18-4-175; Ord. 040805-02.*

##### § 15-9-132 - ELECTRIC, WATER, AND WASTEWATER INFORMATION REQUIRED ON UTILITY INVOICE.

- (A) This section applies to a charge for electric, water, or wastewater service.
- (B) The City shall include the following information on a utility customer's invoice:
  - (1) the date and meter reading at the beginning and at the end of the billing cycle;
  - (2) the number and kind of units metered, including gallons of water, or wastewater or kilowatt hours or kilowatts of electricity;
  - (3) the applicable rate classification;
  - (4) separate charges for electric service and fuel, if described separately in the rate ordinance;
  - (5) the total amount due for electricity and tax, water, wastewater, or other services, plus the amount of late payment penalty that may be assessed;
  - (6) the invoice payment due date; and
  - (7) if an invoice includes an estimate, a statement that part or all of the invoice is estimated.
- (C) The City shall present the required information in a format that permits a customer to compute the customer's invoice by applying the applicable rate schedule.

*Source: 2003 Code Section 15-9-113; 1992 Code Section 18-4-177; Ord. 040805-02.*

##### § 15-9-133 - METERED UTILITY SERVICE.

- (A) The City shall separately meter and calculate the charge for a customer's electric and water service, except services that are invoiced under Sections 15-9-134 ( *Meter Totalization* ) or 15-9-136 ( *Calculation of Wastewater Billing* ).
- (B) A utility may use a daily automated reading from an automated utility meter if a customer requests:
  - (1) utility service be turned on or off;
  - (2) the meter be re-read;
  - (3) service for which a meter reading is required; or

- (4) other action requiring a meter reading.

*Source: 2003 Code Section 15-9-112(A); 1992 Code Section 18-4-176(A); Ord. 040805-02.*

§ 15-9-134 - METER TOTALIZATION.

- (A) In this section, "meter totalization" means a billing function that combines and invoices simultaneous readings from eligible electric meters as if the readings were generated by a single meter.
- (B) The director of the Electric Utility may allow or require meter totalization of a customer's meters only if:
- (1) each meter receives service at the same voltage;
  - (2) the rate schedules under which the meters receive service have substantially identical provisions for determining billed demand; and
  - (3) the director determines that:
    - (a) the meters serve a single building, the customer is the sole occupant of the entire building, and the building was served by more than one electric meter before the customer's occupancy;
    - (b) the customer receives a special utility service, including dual feed, that requires more than one electric meter; or
    - (c) because of special engineering considerations, the Electric Utility requires the customer to have more than one electric meter for a building or group of buildings to which the Electric Utility would normally provide service through only one meter.
- (C) A single building under Subsection (B) does not include an attached parking garage or structure connected to the building by a walkway, atrium, or other space that is not a characteristic commercial area.
- (D) The director of the Electric Utility shall have sole discretion in making the determination that a structure is a single building under Subsection (B) or if a customer meets the requirements of Subsection (B).
- (E) The director may not include a meter that primarily serves equipment located on the exterior of a building in a meter totalization.
- (F) For each invoice utilizing meter totalization, the electric utility shall add together the kilowatt hour and demand readings from each eligible meter so that:
- (1) the total kilowatt hours consumed through the meters are invoiced as if they were consumed through a single meter;
  - (2) the total billing demand is calculated at the fifteen-minute interval of greatest combined use; and
  - (3) the power factor adjustment is calculated using the total billing demand and interval of greatest combined use determined under Subsection (F)(2).

*Source: 2003 Code Sections 15-9-3(19) and 15-9-217; 1992 Code Sections 18-4-003 and 18-4-306; Ord. 040805-02; Ord. 20060727-006; Ord. No. 20151015-002, Pt. 1, 10-26-15.*

§ 15-9-135 - MULTIFAMILY UTILITY SERVICE RATE.

The water utility may charge the multi-family retail water and wastewater service rates to a primarily residential use building or facility that is served by a master water meter and has two or more residential units:

- (1) including a duplex, triplex, fourplex, apartment complex, townhouse, condominium, or loft; and
- (2) excluding a hotel, motel, nursing home, convalescent home, health center, retirement complex, dormitory, or other similar commercial use.

*Source: Ord. 040805-02; Ord. 20130620-002.*

§ 15-9-136 - CALCULATION OF WASTEWATER BILLING.

- (A) The City shall calculate the wastewater invoice for a customer's service address by:
  - (1) multiplying the volume of wastewater discharged from the service address by the wastewater rate for the applicable customer class; and
  - (2) adding the applicable monthly customer account charge, if any, and other applicable fees and charges.
- (B) Except as provided by Subsections (C) and (D), the director of the Water Utility shall assess the volume of wastewater discharged from the customer's service address at the lower of:
  - (1) the customer's wastewater average as determined by separate ordinance; or
  - (2) the monthly water consumption at the service address.
- (C) If a customer is approved for evaporative loss adjustments under Article 14 ( *Wastewater Billing Adjustments for Evaporative Cooling Towers* ), the City shall assess the volume of wastewater discharged from the customer's service address as prescribed by that article.
- (D) If a customer has installed a wastewater flow metering system approved under Article 15 ( *Metered Wastewater Billing* ), the City shall assess the volume of wastewater discharged from the customer's service address as prescribed by that article.

*Source: 2003 Code Sections 15-9-112(B), (C), (D), and (E); 1992 Code Sections 18-4-176(B), (C), (D), and (E); Ord. 040805-02.*

§ 15-9-137 - PAYMENT REQUIREMENTS AND LATE PAYMENT PENALTY.

- (A) A customer shall pay each invoice for utility service on or before the payment due date. A customer's failure to receive an invoice does not modify the customer's duty to pay for utility services.
- (B) The City shall apply a customer's payments sequentially based on the earliest outstanding payment due date.
- (C) Except as otherwise limited by contract, if customer care does not receive full payment by the payment due date on an invoice, a five percent late payment penalty shall be added to the invoiced electric, water, reclaimed water, and wastewater charges.
- (D) A late payment penalty under this section shall be assessed during the next billing cycle and be included in the next invoice for utility services.
- (E) A customer receiving a rate discount under the customer assistance program shall be entitled, upon request, to a waiver of a late payment charge if the customer has not received a waiver of a late payment penalty within the preceding 12 billing cycles.

*Source: 2003 Code Section 15-9-114; 1992 Code Section 18-4-178; Ord. 040805-02; Ord. No. 20160829-004, Pt. 4, 9-9-16; Ord. No. 20180412-005, Pt. 7, 4-23-18.*

§ 15-9-138 - DELINQUENCY.

- (A) A customer's utility account is delinquent if customer care has not received payment in full of the customer's utility invoice on or before the invoice due date.
- (B) If a customer's utility account is delinquent, the City may disconnect service to the customer's service address as prescribed by Article 7 ( *Termination of Service* ).

*Source: 2003 Code Section 15-9-117; 1992 Code Section 18-4-181; Ord. 040805-02.*

§ 15-9-139 - RETURNED PAYMENT FEE.

- (A) The City may assess a returned payment fee each time a customer's check, credit card payment, or electronic funds transfer is returned unpaid for a reason other than a verified vendor error.
- (B) The City shall charge the amount of the returned payment and the returned payment charge to the customer's account.
- (C) A customer must pay a returned payment fee assessed under this section as prescribed in Article 9 ( *Invoice and Payment Requirements* ).

*Source: 2003 Code Section 15-9-119; 1992 Code Section 18-4-183; Ord. 040805-02.*

§ 15-9-140 - BILLING ADJUSTMENTS.

- (A) Subject to subsection (B), the City shall adjust a customer's account and issue a corrected bill if it determines that it has overbilled or underbilled the customer for utility service because of:
  - (1) a meter's failure to meet the accuracy standards of the American National Standards Institute or the American Water Works Association, as applicable;
  - (2) the application of an incorrect rate to the customer's account;
  - (3) an erroneous meter reading or the reading of a meter other than that through which the customer actually received service; or
  - (4) the failure of the City to include the utility service in the customer's account.
- (B) No billing adjustment shall be made, and no backbill or refund shall be issued, with respect to utility service provided:
  - (1) more than four years before the date the error or inaccuracy is discovered if the error or inaccuracy caused the customer to be overbilled;
  - (2) more than twelve months before the date the error or inaccuracy is discovered if the error or inaccuracy caused the customer to be underbilled, or, in the case of a residential customer, more than six months before the date the error or inaccuracy is discovered;
  - (3) to any customer other the customer currently receiving service at the service address to which the adjustment pertains; or
  - (4) under an account that has become an inactive account and for which a final bill was issued more than 90 days before the error or inaccuracy was discovered.
- (C) The time limitations in subsection (B) shall not apply if the City determines that it has failed to accurately meter or otherwise properly bill for utility service because of utility service diversion. The customer shall be liable for all diverted utility service regardless of when the diversion occurred and

regardless of whether the customer is shown to have committed, aided, allowed, or been aware of the diversion. The City is not required to extend any deferred payment arrangements in cases of utility service diversion.

- (D) For an adjustment due to an inaccurate meter, the City may estimate the customer's utility consumption using prior consumption history, comparisons to similarly situated customers under similar weather conditions, readings from a replacement meter, or such other methods and information that it reasonably deems appropriate. In the case of the application of an incorrect rate, the City shall base the adjustment on the correct rate.
- (E) In event of an adjustment for water utility service, wastewater charges will be adjusted for the same period.
- (F) If a customer is liable for a balance under an inactive account, the City may transfer that balance to any of the customer's active accounts. The time limitations in subsection (B) shall not apply to a transfer made under this subsection.

*Source: 2003 Code Sections 15-9-3(1) and 15-9-115; 1992 Code Sections 18-4-003 and 18-4-179; Ord. 040805-02; Ord. 20060727-006; Ord. 20090305-003.*

§ 15-9-141 - ADJUSTMENT OF EXCESS WATER BILL IF LEAKS ARE REPAIRED.

- (A) A single-family residential customer who receives a water bill showing metered consumption that exceeds the customer's expected volume at that service address for up to two consecutive billing periods may apply for a bill adjustment under this section if:
  - (1) the director determines the volume exceeding the customer's expected volume was due to water leaks at the service address that were not within the customer's control;
  - (2) the customer exercised due diligence in repairing the leaks; and
  - (3) the customer has not received any billing adjustment under this section within the preceding 12 months.
- (B) Within 90 days of having the leaks repaired, the customer must submit documentation in a form acceptable to the director that all water leaks on the customer's property that contributed to the excess consumption have been repaired.
- (C) A customer is not eligible for a bill adjustment under this section if the director determines that the customer has violated any provision of, or rule adopted under, Chapter 6-4 of this Code ( *Water Conservation* ) within the 90 days before repairing the leak
- (D) For the purposes of this section, the director will determine a customer's expected volume (EV) for a given billing period by using one of the following methods:
  - (1) Metered volume used at the service address for the same month in the previous year;
  - (2) Average metered volume used at the service address for the same month over multiple years;
  - (3) Average metered volume used at the service address for similar seasonal months in prior years;
  - (4) Metered volume used at the service address for subsequent similar months; or
  - (5) Average metered volume used at the service address for current seasonal months.
- (E) If the director determines that the customer qualifies for a bill adjustment pursuant to this section, the director will recalculate the bills for up to two consecutive billing periods and charge the customer for the expected volume.

- (F) If by using the adjusted total volume for a bill adjustment under this section the customer's corresponding wastewater volume would be lower than the volume originally billed to the customer, the director may adjust the corresponding wastewater charges.
- (G) If a customer receives a bill adjustment under this section, the director may consider the adjusted total volume used in that adjustment to determine the customer's wastewater average for the applicable cycle during which the adjustment was received.
- (H) A customer who applies for and receives an adjustment pursuant to this section may not request an administrative hearing under Chapter 15, Article 12 ( *Administrative Review and Hearing* ).
- (I) A customer who receives a bill adjustment under this section may not apply for an adjustment under Section 15-9-142 ( *Adjustment of High-Volume Water Bill* ) for the same billing period.
- (J) A customer seeking a bill adjustment pursuant to this section who fails to meet any filing request, hearing, or appeal deadline; appearance, or other requirement outlined either in this section or in Chapter 15-9, Article 12 ( *Administrative Review and Hearing* ) waives the customer's right to any further review, hearing or appeal in the City's administrative review and hearing process.

Source: 20160519-003, Pt. 2, 5-19-16; Ord. No. 20180524-006, Pt. 5, 6-4-18.

#### § 15-9-142 - ADJUSTMENT OF HIGH-VOLUME WATER BILL.

- (A) A single-family residential customer whose bill shows consumption at the service address for up to two consecutive billing cycles that is at least three times the expected volume may apply to the director for an adjustment to the bill under this section if:
  - (1) the customer files the request for an adjustment no later than 90 days after the customer's bill date; and
  - (2) the customer has not received an adjustment under this section within the preceding 24 months. The customer must have at least four months of uninterrupted water billing history, in addition to the disputed period, at the service address for which the application is filed.
- (B) For the purposes of this section, the director will determine a customer's expected volume (EV) for a given billing period by using one of the following methods:
  - (1) Metered volume used at the service address in the same month in the previous year;
  - (2) Average metered volume used at the service address in similar seasonal months in prior years;
  - (3) Metered volume used at the service address for the same month in the prior two years; or
  - (4) Average metered volume used at the service address for current seasonal months.
- (C) To apply for a bill adjustment under this section, the customer must use a form approved by the director that includes a statement that the application is a governmental record subject to criminal prosecution for false statements under Chapter 37 of the Texas Penal Code.
- (D) Upon receiving an application, the director of the utility will investigate the cause for excessive volume of consumption, which investigation may include, but is not limited to:
  - (1) inspection of the customer's water meter for indication of leaks and accuracy testing;
  - (2) review of the customer's billing record including historical usage of the service address;
  - (3) review of meter reads to determine if any estimated reads affected the customer's bill;
  - (4) audit of the customer's irrigation system settings;
  - (5) review of any new construction conducted at the service address; and
  - (6) inspection of any new water consuming appliances installed in the past twelve months.

- (E) If the initial investigation reveals a billing or meter error, the director shall proceed in accordance with Section 15-9-140 ( *Billing Adjustments* ).
- (F) A customer is not eligible for a bill adjustment under this section if the director determines that:
  - (1) the customer has violated any provision of, or rule adopted under, Chapter 6-4 of this Code ( *Water Conservation* ) within 90 days before the start of the disputed period;
  - (2) the cause for any amount of the customer's excess consumption was a visible water leak, dripping faucet, broken sprinkler head, pool crack, or malfunctioning pool auto-filler; or
  - (3) voluntary, customer-elected water intensive uses could be a cause for the excess metered consumption.
- (G) If the director determines that the customer qualifies for a bill adjustment under this section, the director will recalculate the bills for up to two consecutive billing periods and charge the customer for the expected volume.
- (H) If by using the adjusted total volume for a bill adjustment under this section the customer's corresponding wastewater volume would be lower than the volume originally billed to the customer, the director may adjust the corresponding wastewater charges.
- (I) If a customer receives a bill adjustment under this section, the director may consider the adjusted total volume used in that adjustment to determine the customer's wastewater average for the applicable cycle during which the adjustment was received.
- (J) A customer who applies for and receives an adjustment pursuant to this section may not request an administrative hearing under Chapter 15, Article 12 ( *Administrative Review and Hearing* ) for the same billing period.
- (K) A customer who receives a bill adjustment under this section may not apply for an adjustment under Section 15-9-141 ( *Adjustment of Excessive Water Bill if Leaks are Repaired* ) for the same billing period.
- (L) A customer seeking a bill adjustment pursuant to this section who fails to meet any filing request, hearing, or appeal deadline; appearance; or other requirement outlined either in this section or in Chapter 15-9, Article 12 ( *Administrative Review and Hearing* ) waives the customer's right to any further review, hearing or appeal in the City's administrative review and hearing process.

Source: 20160519-003, Pt. 2, 5-19-16; Ord. No. 20171109-045, Pt. 1, 11-20-17; Ord. No. 20180524-006, Pt. 6, 6-4-18.

§ 15-9-143 - CUSTOMER'S RIGHT TO DISPUTE AN INVOICE.

A customer may dispute the customer's utility invoice as provided in Article 12 ( *Administrative Review and Hearing* ).

Source: 2003 Code Section 15-9-116; 1992 Code Section 18-4-180; Ord. 040805-02.

§ 15-9-144 - DEFERRED PAYMENT AGREEMENT.

- (A) The City shall adopt uniform guidelines for collections and deferred payment agreements.
- (B) The City may agree to allow a customer to make deferred payments on a utility service account. A deferred payment agreement shall allow a residential customer to make reasonable payments toward past due balances according to guidelines approved by the City Council.
- (C) A customer with a past-due balance on an active account may apply to the City for a deferred payment agreement.

- (D) A deferred payment agreement with a residential customer who participates in or qualifies for the City's customer assistance program shall not require a monthly payment that exceeds 5% of the U.S. Department of Health and Human Services poverty guideline for a single person household. The 5% maximum applies even if a qualified customer is denied access to the program because of a lack of funding.
- (E) The utility shall renegotiate a deferred payment agreement if the customer can demonstrate a bona fide need for payment relief arising during the term of the agreement, such as:
  - (1) a serious illness or injury suffered by the customer or a member of the customer's household;
  - (2) loss of employment or deportation;
  - (3) economic loss due to natural disaster;
  - (4) domestic violence against the customer; or
  - (5) a commitment by an independent program to assist the customer with payment that requires terms other than those in the deferred payment agreement.
- (F) The deferred payment terms and conditions set forth in this section are minimum standards to protect residential customers. This section does not prohibit the utility from providing different repayment terms if the customer consents to those terms.

*Source: 2003 Code Sections 15-9-131 and 15-9-132; 1992 Code Sections 18-4-200 and 18-4-201; Ord. 040805-02; Ord. 20131205-007; Ord. No. 20150623-001, Pt. 1, 7-4-15.*

#### § 15-9-145 - CHARGES FOR UTILITY SERVICE.

As prescribed by Section 1502.057 ( *Charges for Service* ) of the Texas Government Code, the City shall equally and uniformly apply the rates it charges for utility service, and may not allow free utility service except to facilities operated by the City.

*Source: 2003 Code Section 15-9-2; 1992 Code Section 18-4-002; Ord. 040805-02.*

### ARTICLE 10. - CITY'S INSTALLATION AND METERING.

#### § 15-9-151 - INSTALLATION AND MAINTENANCE.

- (A) The City shall maintain utility lines and equipment on the City's side of the point of delivery.
- (B) The City is not required to install or maintain a line or equipment on the customer's side of the point of delivery, except:
  - (1) a utility meter; or
  - (2) as required in this chapter or a service contract.
- (C) A person may not connect a City electric utility service connection to a customer's service terminal unless the person is authorized by the City.

*Source: 2003 Code Sections 15-9-211(A) and (C); 1992 Code Sections 18-4-300(A) and (C); Ord. 040805-02; Ord. No. 20180524-006, Pt. 7, 6-4-18.*

#### § 15-9-152 - DESIGN AND INSTALLATION GUIDELINES.

- (A) The directors of the Electric Utility and the Water Utility shall adopt design and installation guidelines related to a customer's installation and the City's service connection.



- (B) A person authorized to install a customer's installation or the City electric utility equipment or facilities shall comply with the City's "Utilities Criteria Manual."
- (C) A person authorized to install a customer's installation or the City's water utility equipment or facilities shall comply with the City's Utilities Criteria Manual, standards, and specifications.

*Source: 2003 Code Sections 15-9-211(A) and (B); 1992 Code Sections 18-4-300(A) and (B); Ord. 040805-02; Ord. No. 20180524-006, Pt. 8, 6-4-18.*

#### § 15-9-153 - METER INSTALLATION AND REMOVAL.

- (A) The City may not install a utility meter until the customer has paid the appropriate fees.
- (B) A customer shall allow the City to install a utility meter in a location acceptable to the City and at no cost to the City. The owner shall maintain the meter location to allow the City to easily read and service the meter.
- (C) The City shall install:
  - (1) an electric meter as prescribed by the American National Standard Institute C. 12 "Standard Code for Electricity Metering"; and
  - (2) a water meter as prescribed by the standards of the American Water Works Association.
- (D) The City may remove a utility meter or other equipment if there is:
  - (1) utility service diversion, unlawful use of service, or damage to City utility equipment;
  - (2) an unsafe or hazardous condition; or
  - (3) a repeat violation of this chapter.
- (E) The City is not required to reinstall a meter or other equipment until the customer pays applicable fees and obtains necessary permits.

*Source: 2003 Code Section 15-9-213; 1992 Code Section 18-4-302; Ord. 040805-02.*

#### § 15-9-154 - PRIMA FACIE EVIDENCE OF CONSUMPTION.

The reading registered on a City utility meter is prima facie evidence of the amount of service provided to a customer.

*Source: 2003 Code Section 15-9-214; 1992 Code Section 18-4-303; Ord. 040805-02.*

#### § 15-9-155 - METER TESTS.

- (A) The City may periodically test its utility meters on a sample basis and maintain registration accuracy as prescribed by established industry standards. The City shall test its water meters based on American Water Works Association guidelines, and shall remove water meters from service that do not meet the guidelines.
- (B) At the request of a customer, the City shall perform a meter accuracy test of the customer's utility meter.
- (C) The City may require a customer to pay the cost of a meter accuracy test if:
  - (1) the City performed a meter accuracy test at the service address during the preceding 36 months; and

- (2) the current meter accuracy test indicates that the meter does not over-register in excess of established industry standards.

*Source: 2003 Code Section 15-9-215; 1992 Code Section 18-4-304; Ord. 040805-02; Ord. 20060727-006.*

§ 15-9-156 - CUSTOMER'S DUTY OF CARE.

- (A) The customer shall protect the City's utility equipment located on the customer's property. A customer may not allow an unauthorized person to inspect or service the City's utility equipment.
- (B) If the negligent or unauthorized action of a customer or a person authorized by the customer causes the loss of or damage to City property, the customer shall pay the cost of replacement or repair of the property.

*Source: 2003 Code Section 15-9-212; 1992 Code Section 18-4-301; Ord. 040805-02.*

§ 15-9-157 - SERVICE CONNECTIONS TO CERTAIN LOTS.

At the request of the owner of a single-family residential lot, the City shall install a water or wastewater service connection to the lot if:

- (1) the lot is to be used for construction of a single-family home for which an impact fee exemption has been approved under Section 25-9-347 ( *Exemptions For Certain Affordable Housing* );
- (2) the applicant has a tap permit for the lot;
- (3) the lot is:
  - (a) the result of the resubdivision of one lot into not more than four lots for which the construction of a street, utility main, manhole, or hydrant is not required; and
  - (b) zoned SF-1, SF-2, or SF-3;
- (4) the resubdivision is not in conflict with a neighborhood plan adopted by the city council; and
- (5) the owner of the lot provides to the City an agreement, a restrictive covenant, a deed of trust, a promissory note, or other documents that are (i) required by Section 25-9-347 ( *Exemption For Certain Affordable Housing* ) and (ii) determined to be necessary by the city attorney to establish an enforceable obligation by the applicant to repay the City its cost to install the water or wastewater service connection in the event any residential unit on the lot ceases to meet the requirements of Section 25-9-347 ( *Exemption For Certain Affordable Housing* ) and applicable guidelines.

*Source: Ord. 20100225-018; Ord. No. 20141120-006, Pt. 1, 12-1-14.*

§ 15-9-158 - DEVELOPMENT COMPLIANCE.

- (A) The City may, at its expense, extend a water or wastewater line to serve a legal tract in the full purpose municipal boundaries of the City if funds are available to pay the cost of installing the line.
- (B) A line installed under Subsection (A) must be 8 inches or less in diameter.
- (C) The person requesting utility service is responsible for installing water or wastewater line needed to serve the tract in excess of the line installed by the City under Subsection (A).

*Source: Ord. 20100225-018; Ord. No. 20180524-006, Pt. 9, 6-4-18.*

ARTICLE 11. - CUSTOMER'S INSTALLATION.

§ 15-9-171 - RESTRICTIONS ON CUSTOMER'S INSTALLATION.

- (A) A customer's installation:
- (1) shall comply with Chapter 25-12 ( *Technical Codes* ); and
  - (2) shall not interfere with the City's utility service to the customer or to another person.
- (B) A customer's electric installation:
- (1) shall use equipment guaranteed to operate at the highest practicable power factor;
  - (2) is subject to a penalty if the power factor is below the amount authorized by ordinance or tariff; and
  - (3) if three phase service is supplied by the City, the customer shall
    - (a) control the customer's use to maintain the load at the point of delivery at a reasonable electrical balance between the phases; and
    - (b) install protective equipment to protect the customer's three phase equipment from single phasing.
- (C) A customer's water installation shall:
- (1) comply with Chapter 15-1 ( *Cross-Connection Regulation* );
  - (2) include an approved pressure reducing valve if the pressure in the City's water line exceeds 80 pounds per square inch as prescribed by Article 6 ( *Uniform Plumbing Code* ) of Chapter 25-12 ( *Technical Codes* );
  - (3) be protected by the customer against damage resulting from a service interruption or irregularity or air entrapment; and
  - (4) include an operable approved cut-off valve at the point of delivery.
- (D) A customer's wastewater installation shall include backwater protection equipment if the customer's plumbing fixtures are lower than the castings to the City's wastewater mains.

*Source: 2003 Code Section 15-9-191; 1992 Code Section 18-4-275; Ord. 040805-02.*

§ 15-9-172 - CHANGES TO CUSTOMER INSTALLATION.

- (A) A customer planning to make a material change to or increase the customer's installation shall notify the City and obtain approval before altering the customer's installation.
- (B) The City may not approve a material change to or increase in a customer's installation if the change or increase exceeds the limited capacity of the City's service connection, transformer, meter, or other equipment or facility supplying the customer.
- (C) As promptly as possible after receipt of a customer's notice under this section, the City shall send the customer:
- (1) written approval or rejection of the proposed change or increase; or
  - (2) notice that the change or increase can only be provided with utility service under certain conditions, including a description of the conditions.

*Source: 2003 Code Section 15-9-192; 1992 Code Section 18-4-276; Ord. 040805-02.*

§ 15-9-173 - RELOCATION OF A CITY DISTRIBUTION OR COLLECTION FACILITY.

- (A) If the City relocates a distribution or collection facility, each affected customer shall move and reconnect the customer's connection to the new facility not later than the 120<sup>th</sup> day after the City sends written notice to the customer.
- (B) Except as provided in Subsection (C), a customer is responsible for the cost of reconnection.
- (C) The director of the Water Utility or the Electric Utility may use City funds to reconnect a residential customer line to a relocated facility if the director determines that the reconnection promotes the efficient operation of the utility or enhances utility service.
- (D) If a director decides to use City funds to relocate a residential customer line, the property owner will be notified not later than the 30th day before the start of construction work.
- (E) The City is not responsible for the operation or maintenance of a customer line reconnected to a City facility under this section or for other customer lines located on private property.
- (F) The City may disconnect a customer's utility service if the customer fails to comply with this section.

*Source: 2003 Code Section 15-9-196; 1992 Code Section 18-4-280; Ord. 040805-02; Ord. No. 20180524-006, Pt. 10, 6-4-18.*

§ 15-9-174 - INSPECTION BY THE CITY.

- (A) The City may inspect a customer's installation at any time to determine if the installation complies with the Code.
- (B) If the City determines that the customer's installation is not in good operating condition or does not comply with the Code, a utility may disconnect or refuse to provide utility service to a customer.
- (C) The City may test a customer's wastewater installation to determine if there is infiltration, including:
  - (1) potable or non-potable water from dripping or leaking plumbing, a pipe, valve, or fixture; or
  - (2) seep water, rain water, or storm water entering a private sewer lateral line through a crack, pipe joint, opening, or other defect in the lateral line.

*Source: 2003 Code Sections 15-9-3(15) and 15-9-193; 1992 Code Sections 18-4-003 and 18-4-277; Ord. 040805-02.*

§ 15-9-175 - EMERGENCY REPAIR BY THE CITY.

- (A) If a licensed plumber cannot restore a customer's service and a hardship or public danger exists, a customer may request that the City make emergency repairs to the customer's water, reclaimed water, or wastewater installations.
- (B) If the City agrees to make emergency repairs, the City shall only perform the repairs necessary to restore service. An emergency repair under this section does not create a warranty, liability, or responsibility for the City to perform additional work.
- (C) A customer shall reimburse the City for the cost of emergency repairs including administrative costs and related charges.

*Source: 2003 Code Section 15-9-194; 1992 Code Section 18-4-278; Ord. 040805-02.*

§ 15-9-176 - WATER SERVICE CUT-OFF FEE FOR CUSTOMER REPAIRS.

- (A) If a customer cannot cut off the customer's water service at the main service valve, the City shall respond to a request from the customer to cut off the water service as an emergency response.
- (B) A customer shall pay the City a fee for the emergency water service cut off.

*Source: 2003 Code Section 15-9-195; 1992 Code Section 18-4-279; Ord. 040805-02.*

#### ARTICLE 12. - ADMINISTRATIVE REVIEW AND HEARING.

##### § 15-9-191 - ADMINISTRATIVE REVIEW.

- (A) Except as provided in Subsections (B), (C), and (D), before requesting an administrative hearing, a person who disputes an action, policy, decision, or invoice relating to utility service must contact the director of the utility providing the service no later than the 90th day after the date of the notice of violation or the date the customer knew or should have known about the subject of the dispute.
- (B) Before requesting an administrative hearing, a customer who disputes an action, policy, decision, or application related to the drainage fee or the transportation user fee shall request an administrative review from the director of the Watershed Protection Department or the Public Works Department, respectively. These administrative reviews are authorized by Chapters 14-10 ( *Transportation User Fee* ) and 15-2 ( *Drainage Utility* ) of the Code. If requested by a customer, the department director shall provide a customer with a copy of the department's Appeals Rules and Procedures.
- (C) A customer who disputes an action, policy, or decision by a utility related to compliance with Title 25 ( *Land Development Code* ) or Title 30 ( *Austin/Travis County Subdivision Regulations* ) of the Code shall follow the procedures prescribed in the applicable title.
- (D) A customer who disputes an action, policy, or decision related to compliance with Chapter 6-4 ( *Water Conservation* ) of the Code shall follow the procedures prescribed in Article 3 of that chapter. A customer who disputes an action, policy, or decision related to compliance with Chapter 15-5 ( *On-Site Sewage Facilities* ) of the Code shall follow the procedures prescribed in that chapter. A customer who disputes an action, policy, or decision related to compliance with Chapter 15-11 ( *Private Lateral Sewer Lines* ) of the Code shall follow the procedures prescribed in that chapter.
- (E) The director of a utility shall attempt to resolve the customer's dispute. If the director of a utility cannot resolve the dispute through an administrative review, the director shall:
  - (1) communicate the administrative review decision to the customer including the reason for the dispute and if applicable, the disputed amount; and
  - (2) if applicable, inform the customer that the customer has a right to request an administrative hearing and provide the customer instructions how to request an administrative hearing.
- (F) If a customer is informed of his right to a hearing, the customer must request that hearing not later than 30 days after the date of the notice.

*Source: 2003 Code Sections 15-9-51(A), (B), (D), and (E); 1992 Code Sections 18-4-075(A), (B), (D), and (E); Ord. 040805-02; Ord. 20130620-002.*

##### § 15-9-192 - RESTRICTION ON ADMINISTRATIVE HEARING.

A customer may not request an administrative hearing if:

- (1) the utility did not conduct an administrative review;
- (2) the customer did not timely request an administrative hearing;

- (3) criminal charges are pursued for the occurrence of utility service diversion, unlawful use of service, damage to City utility equipment, unauthorized sale of utility service or other violation of law; or
- (4) the customer is disputing:
  - (a) the terms or denial of a deferred payment agreement;
  - (b) the customer's financial inability to pay for utility services provided by the City;
  - (c) the rate schedule;
  - (d) unexplained high utility consumption if a meter has been tested and is determined to be accurate or under-registering in accordance with the American Water Works Association standards or the American National Standard Institute standard;
  - (e) denial or discontinuance of utility service based on a danger to public health or safety;
  - (f) a matter subject to a court decision;
  - (g) the application or amount of a credit security deposit; or
  - (h) a decision by the City regarding a claim for property damage or personal injury.

*Source: 2003 Code Section 15-9-51(C); 1992 Code Section 18-4-075(C); Ord. 040805-02; Ord. 20060727-006; Ord. 20130620-002.*

#### § 15-9-193 - ADMINISTRATIVE HEARING.

- (A) A hearing under this article shall be held by a hearings officer appointed by the city manager. A hearings officer may not be an employee of a utility.
- (B) A customer who disagrees with an administrative review decision by the director of a utility may request an administrative hearing. The customer shall request the administrative hearing in writing no later than the 30th day after the director of a utility informed the customer of the right to request a hearing in accordance with Subsection (E) of Section 15-9-191 ( *Administrative Review* ). The customer requesting the hearing shall have the burden of proof to prove the City's position is in error.
- (C) Not later than the tenth day before the date of an administrative hearing, the director of a utility shall provide the customer with notice of the time date and location of the hearing either in person, by telephone, by confirmed facsimile transmission, by electronic mail, or by mail to the customer's last known address.
- (D) Except as provided in Subsection (E), if the customer fails to appear at an administrative hearing, the hearings officer may enter a default decision against the customer.
- (E) The City and the customer may agree to waive appearance at an administrative hearing and submit the dispute to the hearings officer in writing.
- (F) The customer may appear in person and may be represented by counsel. If a customer is represented by counsel, the customer must notify the City at least two business days before the hearing. If the City does not receive notice under this subsection, the City may reschedule the administrative hearing.
- (G) The customer may make one request to reschedule an administrative hearing for a period not to exceed 30 days from the date of the original hearing before the City reinstates utility service termination procedures. The City may agree to the date and time of a hearing rescheduled under this subsection to a date later than 30 days after the date of the original hearing. If a customer makes a second request to reschedule an administrative hearing, the City may terminate the customer's utility service.

- (H) If the City does not agree to a customer's second or later request to reschedule, the City shall not reschedule the administrative hearing and the hearings officer shall issue a decision on the merits.
- (I) The hearings officer may deliver an oral decision at the close of a hearing and shall deliver a written decision not later than:
  - (1) the 10th day after the close of the hearing; or
  - (2) if the hearings officer requests additional information from the parties, a date agreed to by the parties.

*Source: 2003 Code Section 15-9-52(A)-(D), (F), and (G); 1992 Code Section 18-4-076(A)-(D), (F), and (G); Ord. 040805-02; Ord. 20060727-006; Ord. 20130620-002; Ord. No. 20150625-021, Pt. 16, 10-1-15.*

#### § 15-9-194 - RESULTS OF HEARINGS.

- (A) If a hearings officer rules against a customer, the hearings officer's decision shall include:
  - (1) the actions to be taken by the customer to continue utility service; and
  - (2) a deadline for performance by the customer that is consistent with the deferred payment agreement policies of the utility and the requirements of this chapter.
- (B) If a hearings officer rules completely or partly in favor of a customer, the hearings officer's decision shall include:
  - (1) the actions to be taken by the City and the customer to continue or reconnect utility service; and
  - (2) deadlines for performance by the City and the customer that are consistent with the deferred payment agreement policies of the utility and the requirements of this chapter.
- (C) A hearings officer shall not base the officer's decision on a judicial decision from a case to which the City was not a party.

*Source: 2003 Code Section 15-9-53; 1992 Code Section 18-4-077; Ord. 040805-02; Ord. 20130620-002.*

#### § 15-9-195 - CONTINUITY OF SERVICE DURING APPEAL.

- (A) Before a hearing under this article, the City shall continue to provide a customer with utility service, unless:
  - (1) the service was disconnected before the customer requested a hearing;
  - (2) the customer fails to pay an invoice for utility services provided after a hearing was requested;
  - (3) the customer's service is transferred; or
  - (4) termination is required to protect public health and safety.
- (B) If a customer's utility service is disconnected before the customer requested a hearing, the City shall reconnect utility service after the customer pays all amounts owed for utility service less the amount disputed in the requested hearing.
- (C) The City shall not continue or reconnect utility service if the connection:
  - (1) allows utility service diversion;
  - (2) creates a dangerous condition;

- (3) allows an unlawful use of service;
- (4) allows unauthorized remetering, sub-metering, or resale of utility service; or
- (5) violates Title 25 ( *Land Development* ) of the Code or a City ordinance relating to the utility service.

*Source: 2003 Code Section 15-9-54; 1992 Code Section 18-4-078; Ord. 040805-02; Ord. 20130620-002.*

#### ARTICLE 13. - OFFENSES AND PENALTY.

##### § 15-9-201 - OFFENSE.

A person commits an offense if the person:

- (1) commits or assists in the commission of a violation of this chapter;
- (2) is the owner, occupant, lessee, or manager of property or facilities that are the source of a violation of this chapter; or
- (3) obstructs or delays access by a City employee or agent to a customer's property or facilities.

*Source: Ord. 040805-02.*

##### § 15-9-202 - PENALTY.

- (A) A violation of this chapter is a Class C misdemeanor for each day or portion of a day the violation continues. An offense under this chapter is punishable by a fine not to exceed:
  - (1) \$500, except as provided in Subsection (2); or
  - (2) \$2,000 if the offense is a violation of regulation relating to fire safety, zoning, or public health and sanitation.
- (B) Proof of a culpable mental state is not required for conviction of an offense under this chapter.

*Source: Ord. 040805-02.*

#### ARTICLE 14. - WASTEWATER BILLING ADJUSTMENT FOR EVAPORATIVE COOLING TOWERS.

##### § 15-9-241 - EVAPORATIVE LOSS ADJUSTMENT FOR EVAPORATIVE COOLING TOWERS.

- (A) In this section, "director" means the director of the Water Utility.
- (B) A retail customer of the Water Utility who takes water from the City's public water system for operation of one or more evaporative cooling towers may receive an adjustment in the calculation of the monthly wastewater billing for the amount of evaporated water not returned to the City's wastewater system (Evaporative Loss Adjustment) provided that all of the following conditions are met:
  - (1) Written application required. For each customer utility account for which the customer desires to receive the evaporative loss adjustment, the customer must make written application to the director and receive written approval from the director in accordance with this article. The customer application for approval to receive the evaporative loss adjustment shall be made on a form provided by the director for this purpose.



- (2) Application and processing fee. The application shall be accompanied by the customer's payment to the Water Utility of a non-refundable processing fee for handling, analysis and processing of the application and appurtenant materials for the premises housing the subject cooling tower installation. Payment of a fee under this section does not excuse the payment of fees required by other city codes and ordinances for permits, inspections, or other approvals necessary for lawful installation of facilities required by this chapter.
- (3) Submeter installation by customer required. An applicant desiring to receive the evaporative loss adjustment must install, at the customer's sole expense, for each cooling tower or set of cooling towers, submetering equipment of a size, type, design, number, location and configuration approved by the director to measure accurately both the amount of water that is taken into the cooling tower or set of towers (commonly referred to as a "makeup meter," referred to in this section as the "intake meter") and to measure the amount of water that is discharged from the cooling tower(s) into the City's wastewater system (commonly referred to as a "blowdown meter," here referred to as the "discharge meter").
- (4) Authority to require electronic readout, radio or computer controlled data transmittal equipment. In addition to intake and discharge submeters conforming to this section, a customer desiring approval to receive the evaporative loss adjustment shall install, at the customer's sole expense, the readout equipment or data transmittal equipment of a size, type, design, number, location and configuration as the director may determine to be necessary for the safe, accurate and efficient reading of the intake and discharge meters required to be installed by the customer.
- (5) Special conditions. The director may prescribe special conditions for approval of the evaporative loss adjustment that the director determine are necessary because of particular circumstances relating to the nature of the cooling tower installation or other operations conducted on the subject premises including, without limitation, special conditions concerning the number, size, design, location, configuration or security of intake and discharge meters, installation of readout and data transmittal equipment, reconfiguration of plumbing servicing the subject premises or cooling tower installation, access to submetering, readout and data transmittal facilities, conditions for proper recording and reporting of water consumption and discharge to the sewer system, submeter read date(s), elimination or metering of bypass plumbing, securing or sealing of bypass plumbing, meter reading and billing protocols, meter maintenance protocols, safety of applicant personnel, City personnel and third persons installation of backflow prevention devices or other measures for protection of the potable water supply and other special conditions that the director determines are necessary to the safe, proper and efficient installation, operation and maintenance of the submetered installation and the proper documentation, reporting, calculation and administration of wastewater billings for the subject premises. The evaporative loss adjustment shall be granted only in accordance with the general conditions stated in this article and the special conditions prescribed by the director. The director may reject an application or revoke approval for receipt of the evaporative loss adjustment for failure to comply with the special conditions prescribed and the adjustment shall not be granted for any portion of the billing cycle in which the customer has failed to comply with the special condition(s).
- (6) Information required. The customer application for approval of the evaporative loss adjustment shall:
  - (a) describe the processes or operations conducted on the subject premises;
  - (b) describe the subject cooling tower installation, its location and the location of primary city water meters;
  - (c) describe the size, type, design, number and location of backflow prevention devices existing or proposed to be installed on the subject premises;
  - (d) describe the size, type, design, number, location and configuration of intake and discharge meters and appurtenances proposed to be installed;

- (e) describe the readout and data transmittal equipment and appurtenances proposed to be installed by the applicant;
  - (f) demonstrate the feasibility of submetering the cooling tower installation in accordance with all requirements of this section, other applicable city codes and ordinances and sound engineering, utility and billing practices;
  - (g) be accompanied by four copies of the following plumbing diagrams:
    - (i) water diagram plan view of the proposed installation;
    - (ii) water diagram elevation view of the proposed installation;
    - (iii) drainage diagram plan view of the proposed installation; and
    - (iv) drainage diagram elevation view of the proposed installation;
  - (h) where the director determines the same to be necessary, the applicant shall prepare and submit for review and approval by the director plans and specifications for installation of readout or data transmittal equipment required by the director to be installed; and
  - (i) provide other and further information as the director shall determine to be necessary for proper review and consideration of the application.
- (7) Review by director; grounds for rejection; proceedings upon rejection. The director shall review and may reject an application that the director determines is false, inaccurate, incomplete, fails to demonstrate the feasibility of submetering the cooling tower installation in accordance with this article, other applicable City codes and ordinances and sound engineering, utility and billing practices, or otherwise fails to conform to this article. If the director rejects the application, the director shall notify the applicant in writing of the rejection of the application and the reasons for rejection. If the application is rejected, the applicant may, at its option, submit a revised application conforming to this article for review and approval without payment of another application and processing fee provided that the revised application is received by the director within 90 days of the initial rejection by the director. The director may extend the time for resubmittal of the application upon written request by the applicant demonstrating that good cause exists for the extension.
- (8) Access for site review. If the director determines that a site review of the cooling tower installation is necessary for proper consideration of the application, the applicant shall provide the director access to the subject cooling tower installation.
- (9) Submeter installations previously installed and approved under written agreements with the city. In the event that the customer had installed submetering equipment pursuant to a written agreement with the City executed prior to the effective date of this article, the customer may continue to receive the evaporative loss adjustment in accordance with the terms of the written agreement previously entered into for a period not to exceed two years from the effective date of this article. On or before the expiration of the two year period, the director shall give written notice of the termination of the written agreements including the effective date for termination of the written agreement. In order to receive the evaporative loss adjustment after the effective date for termination of the prior written agreement, the customer shall apply for approval to receive the evaporative loss adjustment in accordance with this article.
- (10) Documentary requirements for reapplications or renewals under this article, applications by customers whose previous agreement is terminated, or applications in process prior to effective date of this article. Where a customer had requested approval for receipt of the evaporative loss adjustment prior to the effective date of this article but no written agreement was executed, or where an application is submitted by a customer who has received notice of the termination of a prior written agreement for receipt of the evaporative loss adjustment, or in the case of reapplications or renewal applications under this article, the director may modify or waive the documentary submittal requirements set forth above in a manner the director shall determine to be just and equitable so long as:

- (a) the director determines that information describing the cooling tower installation, submeter facilities and appurtenances sufficient for processing the application has been obtained from the applicant;
  - (b) the director has conducted a site inspection of the submeter facilities previously installed;
  - (c) the applicant has paid all applicable fees for processing the application; and
  - (d) the applicant complies with all other requirements of this article for receipt of the evaporative loss adjustment.
- (11) Compliance with plumbing, electrical, cross-connection, other ordinances. The applicant shall obtain all permits, inspections, and approvals and otherwise comply with the terms of the city's Plumbing Code, Electrical Code, Chapter 15-1 ( *Cross Connection Regulations* ), Industrial Waste Ordinance and other ordinances applicable to the installation of the intake and discharge meters, readout and data transmittal equipment or the discharge from the cooling tower installation.
- (12) Unmetered bypass piping to be sealed. Any piping constituting or capable of being utilized as an unmetered bypass of the discharge meter installed (the unmetered bypass piping or unmetered bypass) must be sealed in a manner specified by the director and the seal so affixed thereon shall not be broken except following written or telephonic notice to the director indicating the intent of the customer to utilize the unmetered bypass piping and providing an estimate of the time for completion of meter maintenance or other activity requiring utilization of the unmetered bypass piping.
- (13) Calibration and testing of intake and discharge meters and appurtenances required prior to final approval of evaporative loss adjustment. Prior to final approval by the director, the customer shall retain a qualified independent meter calibration and testing firm approval by the director to calibrate and test the intake and discharge meters, and readout or data transmittal equipment if the installation of same is required by the director, to ensure the proper calibration and performance in accordance with American Water Works Association standards for meter accuracy. The written results evidencing proper calibration and performance of the equipment shall be forwarded to the director as a condition for final approval to receive the evaporative loss adjustment.
- (14) Written notification by director of completion of requirements and final approval for receipt of evaporative loss adjustment. The director shall notify the applicant in writing of the completion of all requirements for final approval for application of the evaporative loss adjustment to wastewater billings for the subject cooling tower installation.
- (15) Approval for five year term; reapplication to receive evaporative loss adjustment. Approval to receive the evaporative loss adjustment shall be valid for a period of five years following which the applicant must reapply under the then existing conditions for application and approval of the evaporative loss adjustment. If the customer fails to reapply for approval to receive the evaporative loss adjustment on or before the expiration of the prior approval, wastewater billings to the premises will be based on metered water consumption until a new wastewater average is established for the premises or until the customer reapplies and is again granted approval to receive the evaporative loss adjustment.
- (16) Adjustment effective first complete billing period following final approval of submeter installation. Application of the evaporative loss adjustment to customer billings shall commence with the first complete billing cycle following inspection, testing and final approval of the submetered installation and the director's issuance of a letter to the customer acknowledging that all requirements for approval of the evaporative loss adjustment have been completed and accepted.
- (17) Annual calibration and testing of submeter installation required. In order to continue receipt of the evaporative loss adjustment for each calendar year in the five year period following final approval by the director, the customer must have the intake and discharge meters calibrated and tested for accuracy at least annually and forward written evidence of the completion of

same to the director on or before the expiration of one calendar year from the date of the previous calibration and testing.

- (18) Operation and maintenance in accordance with manufacturer's specifications. The applicant shall, at all times, operate and maintain the intake and discharge meters, readout and data transmittal equipment in accordance with the manufacturer's specifications for same and in accordance with American Water Works Association standards for meter accuracy. A submeter not meeting the above standards for accuracy must be repaired or replaced and recalibrated to conform to the American Water Works Association standards for accuracy. In the event that a submeter stops registering or otherwise becomes inaccurate, the evaporative loss adjustment shall be adjusted back to the beginning of the inaccuracy. If the beginning date of the inaccuracy cannot be determined, the adjustment period will be one-half the time from the last submeter test date.
- (19) Submetered installation subject to inspection and testing by the City. The intake and discharge meters, readout and read data transmittal equipment installed by the customer shall be subject to inspection and testing by the director at any time. The customer shall ensure access for the purpose of the inspection and testing without delay at all times.
- (20) Monthly customer submeter reading and transmittal of submeter reading data to director. In order to receive the evaporative loss adjustment for each monthly billing cycle, the customer approved to receive the evaporative loss adjustment must read correctly the intake and discharge meters on the same day that the city meter readers read the city water meters for the subject premises (the city meter read date) and the customer shall transmit the submeter reading data to the director by telephone, telefax, by radio or computer controlled data transmittal equipment, or other means approved by the director, before the close of business on the city meter read date. The director shall notify the customer in writing of the approved city meter read date on which the intake and discharge meters must be read and reported to the director.
- (21) Written certification of meter reading required. Following an unsigned transmittal of the readings of the intake and discharge meters by the customer under the Subparagraph (20), an authorized representative of the customer shall forward written verification of the meter readings to the director on a form provided by the director. The written verification of the intake and discharge meter readings shall be signed and dated and forwarded to the director within three business days following the City meter read date.
- (22) No evaporative loss adjustment or use of winter average method for monthly billing cycles in which customer fails to transmit submeter read data on city meter read date. The evaporative loss adjustment shall not be granted for any monthly billing cycle in which the customer has failed to read the intake and discharge meters and transmit the submeter readings to the director before the close of business on the city meter read date. In addition, in the event of the failure by the customer to report or transmit the required submeter readings on the city meter read date, the customer's wastewater bill for the monthly billing cycle in question shall be determined on the basis of the actual water consumption for the subject premises for the billing cycle in question.
- (23) Calculation of wastewater bill for premises for which the evaporative loss adjustment has been approved. The following rules shall apply to the calculation of the wastewater bill for premises for which the evaporative loss adjustment has been approved:
  - (a) The amount of evaporative loss shall be determined for each monthly billing cycle by the readings of the intake and discharge meter(s) reported to the director in accordance with this article unless the director determines that the meter readings are false, inaccurate or otherwise unreliable in which case the evaporative loss adjustment shall not be granted for the subject billing period.
  - (b) Nothing in this section shall be construed to permit or require the retroactive application of this article or the adjustment or recalculation of the wastewater bill of a customer for any

monthly billing cycle or portion occurring prior to final approval by the director of the customer's application for receipt of the evaporative loss adjustment.

- (c) The amount of evaporative loss determined by readings of the intake and discharge meters shall not be subtracted from the winter average water consumption in the calculation of the wastewater bill for the customer premises for which the evaporative loss adjustment has been approved.
- (d) Subject to any special billing conditions or protocol approved by the director, and subject to this article, for customers having a City water meter used to service the building (including the cooling towers) and an irrigation system, the wastewater bill for the premises for which the evaporative loss adjustment has been approved shall be calculated as follows:
  - (i) For each year following approval of the customer application for receipt of the evaporative loss adjustment, a revised wastewater average for the customer premises housing the approved cooling tower installation (Revised Wastewater Average) shall be established which shall be the average of the differences between the readings of the City water meter and the readings of the customer's intake meter for the months of December, January, and February.
  - (ii) Once the revised wastewater average for the customer premises is established in the above manner, the wastewater volume for the ensuing months will be the revised wastewater average so established or the actual water consumption determined by the readings of the City water meter(s) for each billing cycle, whichever is less, plus the volume of cooling tower blowdown determined by the discharge meter reading(s) for each monthly billing cycle.
  - (iii) The volume of wastewater derived in accordance with (ii) above shall then be multiplied by the wastewater rate for the applicable customer class and then adding the monthly customer account charge established by the city council to derive the wastewater bill for the customer premises.
  - (iv) A revised wastewater average for the customer premises shall be established as set forth above in the winter months for each year of the five year term that the approval for the evaporative loss adjustment is in effect.
  - (v) For any year in which a revised wastewater average for the customer premises cannot be derived as set forth above due to the timing of the application or approval of the evaporative loss adjustment, the wastewater volume will be based on the actual water consumption for customer premises determined by the reading of the city water meter for each monthly billing cycle less the volume of cooling tower makeup water determined by the intake meter in the monthly billing cycle plus the volume of cooling tower blowdown water discharged to the city's wastewater system determined by the discharge meter reading for the monthly billing cycle.
- (e) Notwithstanding the above, and subject to any special conditions or billing protocol approved by the director, wastewater billings for those utility customers having one or more city water meters to service the building (including the cooling towers) and one or more separate city water meters used solely to service an irrigation system shall not be based on the standard wastewater average method or the revised wastewater average calculation described in Subparagraph (d) but shall be calculated as follows:
  - (i) for each billing period following approval of the customer application for receipt of the evaporative loss adjustment, the difference between the intake meter reading and the discharge meter reading shall be subtracted from the actual water consumption for the building (including the cooling towers) determined by the readings of the city meters servicing the building (and cooling towers) for each monthly billing cycle; and
  - (ii) the volume of wastewater derived in accordance with Subdivision (i) shall be multiplied by the wastewater rate for the applicable customer class and adding the

customer account charge established by the city council to derive the wastewater bill for the building utility account.

- (f) Notwithstanding the above, and subject to any special billing conditions or protocol approved by the director, for customer premises that have one or more separate city water meters that service both an irrigation system as well as one or more cooling towers (but not the building proper), or for customer premises having one or more separate city water meters used solely to service the cooling tower(s) (but not the building proper), the wastewater bill for the utility account(s) servicing the cooling tower(s) shall be calculated by multiplying the wastewater volume determined by the discharge meter reading for each monthly billing period by the rate for the applicable customer class and adding the customer account charge established by the city council to derive the wastewater bill for the utility account.
- (24) Flow metered installations not eligible. Customer premises whose total wastewater discharge to the City's wastewater system (meaning the discharge from all buildings, cooling towers and other installations on the site) is monitored by one or more wastewater flow meters whose installation has been separately approved by the director are not eligible to receive the evaporative loss adjustment.
- (25) Contracts authorized for non-standard situations. For users of evaporative cooling towers whose particular circumstances do not meet the literal requirements of this article but in which the director reasonably determines that the grant of evaporative loss adjustment is just and equitable and capable of being implemented and administered in accordance with generally accepted metering, billing and engineering practices, the director may enter into written agreements approved by the city attorney setting forth terms and conditions for approval and application of the evaporative loss adjustment to non-standard situations. A written agreement shall reflect the substantive requirements of this article as closely as possible and the existence of an agreement shall not exempt the customer from the obligation to comply with Section 15-9-242 ( *Offenses* ) nor limit the applicability of the sanctions set forth in Section 15-9-243 ( *Revocation of Adjustment* ).

*Source: 1992 Code Section 18-4-350; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-242 - OFFENSES.

- (A) A person commits an offense if the person:
  - (1) makes or transmits to the director a false report of the reading of an intake or discharge meter for a cooling tower installation approved to receive the evaporative loss adjustment;
  - (2) tampers with an intake or discharge meter, readout device, read data transmittal equipment, or attached plumbing or electrical connections in a manner that causes inaccurate or false readings or reports of the water taken into or discharged from a cooling tower installation authorized to receive the evaporative loss adjustment;
  - (3) installs a water tap downstream of an intake meter installed for the purpose of receiving the evaporative loss adjustment without securing the prior written approval of the director; or
  - (4) uses an unmetered bypass of a discharge meter without providing written or telephonic notice to the director prior to using the unmetered bypass.
- (B) An offense under this section is a Class C misdemeanor punishable by a fine of up to \$2000.

*Source: 1992 Code Section 18-4-351; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-243 - REVOCATION OF ADJUSTMENT.

- (A) Approval for receipt of the evaporative loss adjustment shall be revoked and the customer shall not receive the evaporative loss adjustment for any billing period:
- (1) affected by customer tampering with the intake or discharge meter or readout or read data transmittal equipment;
  - (2) in which a false report of the intake or discharge meter reading is made;
  - (3) during which a water tap was installed downstream of the intake meter without the prior written approval of the director; or
  - (4) in which the customer has utilized an unmetered bypass of the discharge meter without prior written or telephonic notice to the director.
- (B) For the billing period in which an act described in Subsection (A) occurs, the customer shall be billed for wastewater service with the volume of wastewater being determined by the monthly readings of the City water meters whose readings include the cooling tower installation (i.e. the wastewater volume shall be equal to the actual water consumption for the City water meters servicing the cooling towers).
- (C) In addition to the filing of criminal charges, revocation of the evaporative loss adjustment for the billing cycle affected, and other sanctions available at law or in equity, the director may revoke approval for future application of the evaporative loss adjustment to subsequent wastewater billings of a customer that has made a false report of the reading of the intake or discharge meter, tampered with the intake or discharge meter, readout device, or data transmittal equipment installed, installed a water tap downstream of the intake meter or utilized an unmetered bypass of the discharge meter without notice to the director. If the director revokes approval for application of the evaporative loss adjustment to future wastewater billings, future wastewater billings will be based on the standard wastewater average. If sufficient winter month consumption history is not available to calculate the standard wastewater average, then wastewater billings will be based on actual water consumption determined by the monthly readings of the City water meter readings whose readings include the cooling tower installation until sufficient winter month water consumption data is available to calculate the standard wastewater average.
- (D) Filing of criminal charges or a conviction is not a precondition for revocation of the evaporative loss adjustment if the director has reasonable cause to believe the customer has engaged in conduct prohibited by this article.

*Source: 1992 Code Section 18-4-352; Ord. 031204-14; Ord. 031211-11.*

## ARTICLE 15. - METERED WASTEWATER BILLING.

### Division 1. - General Provisions.

#### § 15-9-251 - DEFINITIONS.

In this article:

- (1) DIRECTOR means the director of the Water Utility.
- (2) WASTEWATER means all liquids and waterborne waste, drainage water, and sewage, whether treated or untreated, from residential dwellings, commercial buildings, or industrial or manufacturing facilities and institutions.
- (3) WASTEWATER METER means a wastewater flow meter or other device approved by the director for the measurement of the total volume of wastewater discharged by a customer.
- (4) WASTEWATER-ONLY CUSTOMER means a retail customer that receives retail wastewater service from the City but does not receive water service from the City.

*Source: 1992 Code Section 18-4-371; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-252 - REQUIREMENTS FOR APPROVAL OF METERED WASTEWATER BILLING.

- (A) To receive metered wastewater billing, a customer must meet the requirements of this section.
- (B) To be eligible for metered wastewater billing, a customer must be a commercial or industrial customer receiving wastewater service as a direct retail customer of the City of Austin Water and Wastewater Utility that:
  - (1) discharges to the City pretreated wastewater under a wastewater discharge permit issued under Chapter 15-10 ( *Wastewater Regulations* ) at an average daily flow rate of not less than 100 gallons per minute at a proposed meter location approved by the director;
  - (2) discharges wastewater to the City through pressurized permanent wastewater facilities; or
  - (3) is a wastewater-only customer.
- (C) A customer seeking metered wastewater billing must:
  - (1) submit a written application as prescribed by Section 15-9-261 (Application);
  - (2) pay the application fee prescribed by ordinance; and
  - (3) install the equipment required under this article.
- (D) The application fee required under this section is non-refundable.

*Source: 1992 Code Section 18-4-372; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-253 - INSTALLATION OF REQUIRED EQUIPMENT.

A customer who installs equipment under this article must also install all appurtenant items and infrastructure necessary for the proper functioning of the equipment.

*Source: 1992 Code Section 18-4-373; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-254 - TRANSFER OF PREMISES.

- (A) Not later than the 30th day before the date the ownership, occupancy, or management of a service address approved for metered wastewater billing is transferred, the new owner, occupant, or manager shall notify the director in writing of:
  - (1) the proposed transfer; and
  - (2) any material changes in equipment, facilities, operations, or processes that may affect wastewater metering, including changes in the quantity of discharge, flow rates, or other characteristics of the discharge.
- (B) The director may revoke or deny approval for metered wastewater billing at a service address if the new owner, occupant, or manager fails to notify the director as required under this section.

*Source: 1992 Code Section 18-4-374; Ord. 031204-14; Ord. 031211-11.*

Division 2. - Application for Metered Billing.

§ 15-9-261 - APPLICATION.



An application for metered wastewater billing must include:

- (1) the name, mailing address, and phone number of the applicant, and the location of the service address for which metered wastewater billing is sought;
- (2) a description of the applicant's service address and the location of all water meters and wastewater points of connection to the City, including meters for measuring discharges to the City other than wastewater;
- (3) a description of the processes or operations conducted at the applicant's service address;
- (4) a description of the chemical composition of the wastewater or other effluent discharged from the applicant's service address, and the anticipated average daily volume and rate of flow in gallons per minute calculated on the basis of a 30-day average;
- (5) a description of the size, type, design, number, and the proposed location and configuration of the proposed wastewater meter;
- (6) a description of the proposed data logging equipment, and telemetry equipment and its proposed location;
- (7) a description of the proposed meter reading and reporting procedures;
- (8) unless determined by the director to be inapplicable, three copies of a plumbing diagram detailing the:
  - (a) water system plan and profile, including the proposed location of any water meters to be employed for calculating wastewater billings;
  - (b) wastewater system plan and profile, including the proposed location of the wastewater meter, data logging equipment, and telemetry equipment;
  - (c) drainage system plan and profile; and
  - (d) utility plot plan;
- (9) a proposal sealed by a registered professional engineer demonstrating the feasibility of wastewater metering at the applicant's service address for wastewater billing in compliance with the City Code, other applicable City ordinances, and sound engineering, utility, and billing practices; and
- (10) other information that the director determines is necessary for consideration of the application.

*Source: 1992 Code Section 18-4-381; Ord. 031204-14; Ord. 031211-11.*

#### § 15-9-262 - WASTEWATER METERS PREVIOUSLY INSTALLED.

- (A) If a customer has installed wastewater metering equipment under a written agreement with the City executed before the effective date of this article, the customer may continue to receive metered wastewater billings the agreement for not more than two years after the effective date of this article.
- (B) The director shall give the customer written notice of the expiration date of the agreement at least 30 days before the date on which the agreement expires.
- (C) To receive metered wastewater billing after the termination of the agreement, the customer must comply with Section 15-9-252 ( *Requirements for Approval of Metered Wastewater Billing* ).

*Source: 1992 Code Section 18-4-382; Ord. 031204-14; Ord. 031211-11.*

#### § 15-9-263 - WAIVER OF DOCUMENTARY REQUIREMENTS.

The director may modify or waive a requirement under Section 15-9-261 ( *Application* ) if:

- (1) the director determines that the applicant has already submitted sufficient information describing the proposed or existing wastewater meter installation;
- (2) there have been no changes in piping, structures, processes, or operations at the applicant's service address that alter wastewater discharge since the applicant's previous application was filed;
- (3) the director has conducted an on-site inspection of the metering facilities previously installed; and
- (4) the applicant has paid all applicable fees for processing the application.

*Source: 1992 Code Section 18-4-383; Ord. 031204-14; Ord. 031211-11.*

#### § 15-9-264 - REVIEW OF APPLICATION.

- (A) The director shall review the application.
- (B) The director shall approve the application if the director determines that:
  - (1) the applicant has paid the application fee prescribed by ordinance;
  - (2) it is feasible to meter wastewater discharge at the customer service address in accordance with the requirements of this article and sound engineering, utility, and billing practices; and
  - (3) the application complies with the requirements of this article.
- (C) The director shall deny the application if the director determines that:
  - (1) the applicant has not paid the application fee prescribed by ordinance;
  - (2) it is not feasible to meter wastewater discharge at the customer service address in accordance with the requirements of this article and sound engineering, utility, and billing practices;
  - (3) the application fails to comply with the requirements of this article; or
  - (4) the application contains information that is false, inaccurate, or incomplete.
- (D) If the director denies the application, the director shall notify the applicant in writing of the denial and the reasons for the denial.

*Source: 1992 Code Section 18-4-384; Ord. 031204-14; Ord. 031211-11.*

#### § 15-9-265 - ACCESS FOR SITE REVIEW.

If the director determines that a site review of the applicant's premises is necessary for proper consideration of the application, the applicant shall provide the director access to the premises for this purpose.

*Source: 1992 Code Section 18-4-385; Ord. 031204-14; Ord. 031211-11.*

#### § 15-9-266 - SPECIAL CONDITIONS.

- (A) The director may prescribe conditions for an approval of metered wastewater billing that the director determines are necessary to address circumstances, operations, or conditions at the customer service address of the applicant, including:
  - (1) special conditions concerning the number, design, location, configuration, or security of the wastewater meter to be used at the service address;

- (2) documentation of the effluent content, volume, rate of flow, or source of wastewater discharge from the service address;
  - (3) reconfiguration of plumbing, meter installation, or testing;
  - (4) access to the meter, data logging equipment, or telemetry equipment;
  - (5) meter reading and billing protocols;
  - (6) installation, securing, sealing, or elimination of bypass piping;
  - (7) maintenance and calibration protocols;
  - (8) safety of City employees or other persons; and
  - (9) other special conditions that the director determines to be necessary for the safe, proper, or efficient administration of metered wastewater billing for the service address.
- (B) The director shall deny an application for metered wastewater billing if an applicant or customer fails to comply with special conditions prescribed by the director.

*Source: 1992 Code Section 18-4-386; Ord. 031204-14; Ord. 031211-11.*

#### § 15-9-267 - REVISED APPLICATION.

- (A) Except as provided by Subsection (B), a customer may revise and resubmit an application if the director has denied the customer's previous application.
- (B) If the director denies an application under Section 15-9-264(C)(2) ( *Review of Application* ), the director's decision is final and the customer may not resubmit an application for the service address.
- (C) An applicant who submits a revised application to the director not later than the 90th day after the date of a denial may not be charged an additional application and processing fee. The director may extend the time for submission of a revised application without requiring an application and processing fee if the applicant submits to the director a written request demonstrating that good cause exists for the extension.

*Source: 1992 Code Section 18-4-387; Ord. 031204-14; Ord. 031211-11.*

#### Division 3. - Metering Equipment.

#### § 15-9-271 - APPROVAL OF PLANS AND SPECIFICATIONS REQUIRED.

- (A) Before installing a wastewater meter, the applicant must submit to the director three copies of the plans and specifications for the installation of the wastewater meter, data logging equipment, telemetry equipment, or other equipment required under this article.
- (B) The plans and specifications for the wastewater meter, data logging equipment, telemetry equipment, or other equipment required under this article must be prepared and sealed by a registered professional engineer and must conform with this article.

*Source: 1992 Code Section 18-4-391; Ord. 031204-14; Ord. 031211-11.*

#### § 15-9-272 - INSTALLATION OF WASTEWATER METER REQUIRED.

- (A) An applicant seeking approval for metered wastewater billings must install, at the applicant's expense, a wastewater meter of a size, type, design, number, location, and configuration approved

by the director to measure the total amount of wastewater discharged to the City from the applicant's service address.

- (B) Unless otherwise approved by the director in writing, the applicant must install a wastewater meter at each point of connection at the applicant's service address where wastewater is discharged to the City. The meter must be readily accessible for inspection and maintenance.

*Source: 1992 Code Section 18-4-392; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-273 - INSTALLATION OF DATA LOGGING EQUIPMENT, AND TELEMETRY EQUIPMENT REQUIRED.

- (A) In addition to a wastewater meter, an applicant seeking approval for metered wastewater billings must install, at the applicant's sole expense:
  - (1) a data logger with both a resettable and non-resettable totalizer; and
  - (2) telemetry equipment of a size, type, design, number, location, and configuration the director determines is necessary for the safe, accurate, and efficient reading of the wastewater meter.
- (B) The applicant must install the data logging and telemetry equipment above ground level in a weatherproof housing at a location at the service address that approved by the director and readily accessible.

*Source: 1992 Code Section 18-4-393; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-274 - COMPLIANCE WITH APPLICABLE CITY CODES.

A customer shall comply with all applicable City codes and ordinances when installing and operating a wastewater meter, data logging equipment, telemetry equipment, or other equipment required under this article.

*Source: 1992 Code Section 18-4-394; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-275 - DEDICATION OF METERING FACILITIES.

- (A) On the request of the director, the customer shall dedicate to the City the wastewater meter or data logging, telemetry, or other equipment required under this article. The customer may not charge the City for the meter or equipment.
- (B) Unless otherwise agreed with the customer in writing, the City shall arrange and pay for monthly electric and telephone service for equipment dedicated to the City.

*Source: 1992 Code Section 18-4-395; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-276 - EASEMENTS DEDICATED TO THE CITY.

- (A) If a customer dedicates equipment to the City under this article, the customer shall provide to the City, at the customer's expense, easements determined by the City to be necessary for the safe and lawful presence of the equipment and for the construction, operation, maintenance, upgrade, repair, or removal of the equipment by the City.
- (B) The customer shall submit the easements to the director for review. The director must approve the easements before the easements are recorded in the county real property records.

*Source: 1992 Code Section 18-4-396; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-277 - CALIBRATION AND TESTING OF EQUIPMENT.

A person required to calibrate and test equipment under this article shall perform the calibration and testing in accordance with specifications set by:

- (1) the manufacturer of the equipment;
- (2) the National Institute of Standards and Testing;
- (3) the American Water Works Association; or
- (4) another source approved by the director.

*Source: 1992 Code Section 18-4-397; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-278 - INITIAL CALIBRATION AND TESTING OF EQUIPMENT.

- (A) Before an application may be approved, the applicant must have the wastewater meter, data logging equipment, and telemetry equipment calibrated and tested by a qualified independent meter calibration and testing firm approved by the director to ensure proper calibration and performance of the equipment.
- (B) The applicant shall notify the director in writing not less than 10 days before the calibration and testing required under Subsection (A). The director may be present during the calibration and testing.
- (C) The applicant shall provide the results of the initial testing and calibration to the director in writing not later than 30 days after the date of the testing and calibration on a form provided by the director.

*Source: 1992 Code Section 18-4-398; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-279 - GRANT OR DENIAL OF APPROVAL FOR METERED BILLING.

- (A) If the director determines that the wastewater meter, data logging equipment, and telemetry equipment have been properly calibrated and tested and can accurately and reliably measure wastewater discharge from the customer's service address, the director shall grant approval for metered wastewater billing and provide the customer with written notice of the approval.
- (B) If the director determines that the wastewater meter, data logging equipment, and telemetry equipment have not been properly calibrated and tested and has not been shown to be able to accurately and reliably measure wastewater discharge from the customer's service address, the director shall deny approval for metered wastewater billing and provide the customer with written notice of the denial and the reasons for the denial.
- (C) If the customer does not dedicate the wastewater meter, data logging equipment, and telemetry equipment to the City, an approval for metered wastewater billing expires five years after the date the approval is granted.
- (D) If the customer dedicates the wastewater meter, data logging equipment, and telemetry equipment to the City, an approval for metered wastewater billing is valid until revoked.

*Source: 1992 Code Section 18-4-399; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-280 - RENEWAL APPLICATION.

A customer may submit an application for renewal not later than the 30th day before the date an approval under this article expires.

*Source: 1992 Code Section 18-4-400; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-281 - ANNUAL CALIBRATION AND TESTING OF DEDICATED EQUIPMENT.

- (A) The director shall calibrate and test a wastewater meter, data logging equipment, and telemetry equipment dedicated to the City for accuracy at least one time every 12 months. The director shall report the results of the calibration and testing to the customer in writing.
- (B) The director shall notify the customer in writing not later than the 10th day before the date of the annual calibration and testing. The customer may be present during the calibration and testing required under Subsection (A).
- (C) If the customer requests an additional test of a dedicated meter or equipment within a 12-month period, the director shall test the meter or equipment. If the director determines that the meter or equipment is operating within its proper calibration range, the director shall charge the cost of the additional test to the customer. If the director determines that the meter or equipment is operating outside its proper calibration range, the director shall calibrate the meter or equipment, and may not charge the customer for the additional testing and calibration.

*Source: 1992 Code Section 18-4-401; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-282 - ANNUAL CALIBRATION AND TESTING OF EQUIPMENT NOT DEDICATED TO THE CITY.

- (A) The customer shall have a meter and equipment that is not dedicated to the City calibrated and tested for accuracy at least one time every 12 months. The customer shall provide the director with the results of the testing and calibration on a form provided by the director. The customer shall provide the results of the testing and calibration to the director in writing not later than 30 days after the date of the testing and calibration.
- (B) The customer shall notify the director in writing not later than the 10th day before the date of the annual calibration and testing. The director may be present during calibration and testing.
- (C) If a customer fails to timely provide the director in writing the results of a test as required under Subsection (A), the director shall bill the customer for wastewater service based on the customer's actual water usage or the rated capacity of the wastewater meter for the customer service address, whichever is greater. The director shall bill the customer under this subsection for the period beginning on the 31st day after the date of the testing until the date the customer provides the director with the results of the test.
- (D) A customer may not receive a billing adjustment for a period the customer was billed under Subsection (C).
- (E) All calibrations shall be performed to the same standard required for the initial calibration.

*Source: 1992 Code Section 18-4-402; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-283 - METERING EQUIPMENT IS SUBJECT TO INSPECTION AND TESTING BY THE CITY.

The customer shall keep the wastewater meter, data logging equipment, and telemetry equipment available for inspection and testing by the director at all times. The customer shall allow the director access to the equipment, without delay, for the purpose of inspection and testing.

*Source: 1992 Code Section 18-4-403; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-284 - REPORT OF CHANGES IN PROCESSES OR OPERATIONS.

A customer shall provide a written report to the director not later than 90 days before the date of the start of a change in the customer's processes or operations that may affect:

- (1) the metering of water or wastewater at the customer's service address, or
- (2) the chemical composition, volume, or rate of wastewater discharge from the customer's service address.

*Source: 1992 Code Section 18-4-404; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-285 - OPERATION AND MAINTENANCE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

- (A) The director shall operate and maintain a dedicated wastewater meter, data logging equipment, or telemetry equipment in accordance with the manufacturer's specifications.
- (B) The customer shall operate and maintain in accordance with the manufacturer's specifications a wastewater meter, data logging equipment, or telemetry equipment installed at the customer's service address and not dedicated to the City.

*Source: 1992 Code Section 18-4-405; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-286 - USE OF BYPASS PIPING RESTRICTED.

- (A) A customer may not install or use piping to bypass a wastewater meter without the approval of the director.
- (B) If approved by the director, a customer installing piping configured to allow for bypass of the wastewater meter shall install, at the customer's expense:
  - (1) a valve on the bypass piping with a lock and seal or other means of security of a size, type, design, and location approved by the director; and
  - (2) a sensing device and appurtenant equipment that will detect, record, and provide notice to the City of the customer's use of the bypass piping.
- (C) A customer may not use bypass piping for wastewater discharge unless the customer:
  - (1) notifies the director by telephone not later than one city business day before the customer begins to use the bypass piping for scheduled maintenance activities, or not later than the next city business day after the customer begins to use the bypass piping in an emergency;
  - (2) notifies the director by telephone not later than the next city business day after the customer stops use of the bypass piping; and
  - (3) sends the director a letter not later than seven days after the customer stops use of the bypass piping stating:
    - (a) the date and time that the use of the bypass piping started and finished; and
    - (b) the customer's estimate of the volume of wastewater that flowed through the bypass piping and a statement of how the estimate was calculated.
- (D) The director may calculate the wastewater bill for bypassed flows on the basis of historical billing data if the director determines that the historical data is a more accurate estimate of the wastewater volume during a customer's use of bypass piping than the customer's estimate submitted under Subsection (D).

*Source: 1992 Code Section 18-4-406; Ord. 031204-14; Ord. 031211-11.*

Division 4. - Billing.

§ 15-9-291 - METERED BILLING EFFECTIVE AFTER APPROVAL.

- (A) The director shall begin billing a customer for wastewater service based on readings from an approved wastewater meter in the first complete billing cycle after the date the director approves metered billing.
- (B) The director may not permit or require the retroactive application of this article or the adjustment or recalculation of a customer's wastewater bill for any billing cycle occurring before the director's written approval of the customer's application.
- (C) The director may not use metered wastewater billing for a billing cycle in which the customer fails to comply with special conditions imposed under Section 15-9-266 ( *Special Conditions* ).

*Source: 1992 Code Section 18-4-411; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-292 - DETERMINING WASTEWATER VOLUME.

- (A) Except as otherwise provided in this section, the director shall use the reading on the wastewater meter to determine the volume of wastewater discharged from a customer's service address during a billing period.
- (B) If the director determines that the reading on the wastewater meter is inaccurate or otherwise unreliable through no fault of the customer, the director shall estimate the volume of wastewater discharged from the customer's service address during the billing period based on the best available historical data for the customer's service address.
- (C) If the director determines that a customer, other than a wastewater-only customer, has tampered with the wastewater meter at the customer's service address, made a false report or transmittal of a meter reading, or used bypass piping in violation of this article, the director shall assess the volume of wastewater discharged from the customer's service address during the billing period based on the greater of:
  - (1) the amount of water consumption at the service address; or
  - (2) the maximum rated capacity of the wastewater meter.
- (D) If the director determines that a wastewater-only customer has tampered with the wastewater meter at the customer's service address, made a false report or transmittal of a meter reading, or has used bypass piping in violation of this article, the director shall assess the volume of wastewater discharged from the customer's service address during the billing period based on the maximum rated capacity of the wastewater meter.

*Source: 1992 Code Section 18-4-412; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-293 - TIME PERIOD FOR BILLING ADJUSTMENTS.

- (A) If the director is able to determine the date on which a customer's wastewater meter became inaccurate or unreliable, the director shall adjust the customer's wastewater billings back from that date.
- (B) If the director cannot determine the date on which a customer's wastewater meter became inaccurate or unreliable, the director shall adjust the customer's wastewater billings for one-half the period of time elapsed between the date the meter was last tested and the date the director determined that the meter was inaccurate or unreliable.



*Source: 1992 Code Section 18-4-413; Ord. 031204-14; Ord. 031211-11.*

Division 5. - Enforcement.

§ 15-9-301 - OFFENSES.

- (A) A person may not knowingly tamper with a water meter, a wastewater meter, data logging equipment, telemetry equipment, or plumbing or electrical connections affixed to the equipment to cause inaccurate or false readings or reports of the amount of:
  - (1) wastewater discharged; or
  - (2) water consumed.
- (B) A person may not discharge wastewater or other effluent from the customer's service address to the City through unmetered bypass piping unless the person provides notice to the director as required by Section 15-9-286 ( *Use of Bypass Piping Restricted* ).
- (C) A person may not knowingly make or cause a false report to be made to the City of a reading of a wastewater meter installed for metered billing.
- (D) A person commits a separate offense each day that the person performs an act prohibited by this article or fails to perform an act required by this article.
- (E) An offense under this section is a Class C misdemeanor punishable by a fine of up to \$2000.

*Source: 1992 Code Section 18-4-421; Ord. 031204-14; Ord. 031211-11.*

§ 15-9-302 - REVOCATION OF APPROVAL FOR METERED WASTEWATER BILLING.

- (A) The director may revoke a customer's approval for metered wastewater billing if the customer:
  - (1) tampers with the wastewater meter, data logging equipment, or telemetry equipment;
  - (2) uses bypass piping in a manner prohibited by this article;
  - (3) falsely reports or transmits a reading; or
  - (4) fails to comply with a special condition prescribed under Section 15-9-266 ( *Special Conditions* ).
- (B) The director shall revoke a customer's approval for metered wastewater billing if the customer becomes ineligible under Section 15-9-252(B) ( *Requirements for Approval of Metered Wastewater Billing* ).
- (C) The director may revoke a customer's approval for metered wastewater billing if the wastewater meter, data logging equipment, or telemetry equipment at the customer's service address does not consistently and accurately monitor wastewater discharge from the service address.

*Source: 1992 Code Section 18-4-422; Ord. 031204-14; Ord. 031211-11.*

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule VI-3 Customer Complaint Records

Witness: David Anders

Austin Water had no customer complaint records for the wholesale customers related to this case.

**Austin Water**

Docket No. 49189

Test Year Ending 9/30/2018

Schedule VI-4 Water Conservation

Witness: David Anders

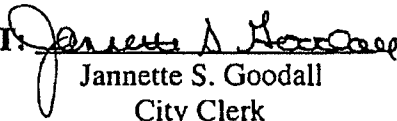
See VI-4 for the 2014 Water Conservation Plan adopted by City Council. The Water Conservation plan is updated every 5 years according to TCEQ requirements under Title 30 Texas Administrative Code §288.30 or more frequently as needed to reflect changes in water conservation policy. Wholesale customers are provided any updates of the City's water conservation ordinance(s). The next revision of the plan is expected not later than May 1, 2019.

**RESOLUTION NO. 20140417-004**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

Council repeals Resolution Nos. 20090924-007 and 20120802-010, and adopts the City of Austin Utility Profile & Water Conservation Plan for Municipal and Wholesale Water Use as shown in Exhibit A. This plan is a requirement of the Texas Commission on Environmental Quality.

**ADOPTED:** April 17, 2014

**ATTEST:**   
Jannette S. Goodall  
City Clerk