



## Filing Receipt

**Received - 2022-02-03 01:06:06 PM**

**Control Number - 53075**

**ItemNumber - 158**

# WATER UTILITY TARIFF FOR

Copano Cove Water Company, Inc.  
(Utility Name)

434 Copano Ridge Road  
(Business Address)

Rockport, Texas 78382  
(City, State, Zip Code)

(361) 729-0407  
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

12016

This tariff is effective in the following county:

Aransas

This tariff is effective in the following cities or unincorporated towns:

None

This tariff is effective in the following subdivisions and public water systems:

Copano Cove Subdivision (PWS ID #0040003), Copano Ridge Subdivision (PWS ID #0040029), Campsite Subdivision, Saltlake and Janecek Subdivisions

## TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE .....	2
SECTION 2.0 -- SERVICE RULES .....	3
SECTION 3.0 -- EXTENSION POLICY .....	8
SECTION 4.0 -- DROUGHT CONTINGENCY PLAN .....	10

APPENDIX A -- SAMPLE SERVICE AGREEMENT

APPENDIX B -- APPLICATION FOR SERVICE

SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallonge Charge</u>
5/8"	\$ <u>15.71</u> (Includes 0 gallons)	\$ <u>4.44</u> per 1000 gallons
3/4"	\$ <u>28.58</u>	
1"	\$ <u>47.63</u>	
1 1/2 "	\$ <u>95.25</u>	
2"	\$ <u>152.40</u>	
3"	\$ <u>285.75</u>	

The following rates are effective **February 1, 2003**:

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallonge Charge</u>
5/8"	\$ <u>19.05</u> (Includes 0 gallons)	\$ <u>4.44</u> per 1000 gallons
3/4"	\$ <u>28.58</u>	
1"	\$ <u>47.63</u>	
1 1/2 "	\$ <u>95.25</u>	
2"	\$ <u>152.40</u>	
3"	\$ <u>285.75</u>	

FORM OF PAYMENT: The utility will accept the following form(s) of payment:

Cash X, Check X, Money Order X, Credit Card \_\_\_\_\_, Other (specify) \_\_\_\_\_

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT ..... 1.0%  
 TCEQ RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL.

Section 1.02 - Miscellaneous Fees

TAP FEE ..... \$450.00  
 TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Unique costs) ..... Actual Cost  
 FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

TAP FEE (Large meter) ..... Actual Cost  
 TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE INSTALLED.

RATES LISTED ARE EFFECTIVE ONLY  
 IF THIS PAGE HAS TCEQ APPROVAL STAMP

TEXAS COMM. ON ENVIRONMENTAL QUALITY

33723R CCN 12016 JUL 23 '02

APPROVED TARIFF BY [Signature]

SECTION 1.0 -- RATE SCHEDULE (Continued)

METER RELOCATION FEE ..... Actual Relocation Cost, Not to Exceed Tap Fee  
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAT AN EXISTING METER BE RELOCATED.

METER TEST FEE ..... \$25.00  
THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

RECONNECTION FEE  
THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non payment of bill (Maximum \$25.00) ..... \$25.00
- b) Customer's request that service be disconnected ..... \$15.00

TRANSFER FEE ..... \$10.00  
THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL) ..... \$5.00  
TCEQ RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE ..... \$20.00  
RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50) ..... \$50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT ..... 1/6TH OF ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE ..... NA  
WHEN AUTHORIZED IN WRITING BY TCEQ AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [30 TAC 291.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:  
REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

RATES LISTED ARE EFFECTIVE ONLY  
IF THIS PAGE HAS TCEQ APPROVAL STAMP

TCEQ OFFICE ON ENVIRONMENTAL QUALITY

33723N CCM 12016 JUL 23 '02

APPROVED TARIFF BY *[Signature]*

Section 1.03 - Purchased Water Adjustment Clause

The Copano Cove Water Company Inc.'s current rate structure is based on the present rates charged to the Copano Cove Water Company, Inc. by the City of Rockport for treated water. If the water rate is changed by the City of Rockport, the components of the Copano Cove Water Company's rate structure shall change in the following manner:

$$\text{New Rate} = A \times (\text{number of gallons billed to each customer}) + B$$

A = (the effective increase or decrease per 1,000 gallons from the City of Rockport) + (the existing gallonage rate\*)

B = (the increase applicable to the minimum bill) + (the existing minimum bill)

\* = The existing gallonage rate shall be no more than 39 cents per thousand gallons in excess of the City of Rockport's average gallonage charge.

In the event of such a change, notice will be provided to customers and the Texas Natural Resource Conservation Commission prior to the effective date of the change, in accordance with the Texas Natural Resource Conservation Commission's rules, Chapter 291.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

7504 R CCN 12016 JAN 22 '87

APPROVED TARIFF BY Am/ JLS

SECTION 2.0 - SERVICE RULES AND REGULATIONS

Section 2.01 - Texas Natural Resource Conservation Commission Rules

The utility will have the most current Texas Natural Resource Conservation Commission Rules, Chapter 291, Water Rates, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.02 - Application for and Provision of Water Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff) and will be signed by the applicant before water service is provided by the utility. A separate application or contract will be made for each service location.

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers may be required to install a customer owned cut-off valve on the customer's side of the meter or connection.

Section 2.03 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the TNRCC Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant a complaint may be filed with the Commission.

Section 2.04 - Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 of this tariff. The utility will keep records of the deposit and credit interest in accordance with TNRCC Rules.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

7504 R CCM 12016 JAN 22'87

APPROVED TARIFF BY *[Signature]*

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.04 - Customer Deposits (cont.)

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any customer who has paid 18 consecutive billings without being delinquent.

Section 2.05 - Meter Requirements, Readings, and Testing

All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers. One meter is required for each residential, commercial or industrial facility in accordance with the TNRCC Rules.

Service meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum \$25 for a residential customer. Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

7504 R CCN 12016 JAN 22 '87

APPROVED TARIFF BY *Jim JLS*

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.06 - Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next work day after the due date.

A late penalty of either \$2.00 or 5.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide all information required by the TNRCC Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a telephone number (or numbers) which may be reached by a local call by customers. At the utility's option, a toll-free telephone number or the equivalent may be provided.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

Section 2.07 - Service Disconnection

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the TNRCC Rules.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

7504 R CCN 12016 JAN 22 '87

APPROVED TARIFF BY *Am LJS*



SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.07 - Service Disconnection (cont.)

Utility service may also be disconnected without notice for reasons as described in the TNRCC Rules.

Utility personnel must be available to collect payments and to reconnect service on the day of and the day after any disconnection of service unless service was disconnected at the customer's request or due to a hazardous condition.

Section 2.08 - Reconnection of Service

Service will be reconnected within 24 hours after the past due bill and any other outstanding charges are paid or correction of the conditions which caused service to be disconnected.

Section 2.09 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

**Prorated Bills** - If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.10 - Quality of Service

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the TNRCC Rules or in the Texas Natural Resource Conservation Commission's "Rules and Regulations for Public Water Systems."

Section 2.11 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

7504 R CCN 12016 JAN 22 '87

APPROVED TARIFF BY *Sm/JS*

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.11 - Customer Complaints and Disputes (cont.)

of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through the Texas Natural Resource Conservation Commission complaint process. Pending resolution of a complaint, the commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

SECTION 2.20 - SPECIFIC UTILITY SERVICE RULES AND REGULATIONS

This section contains specific utility service rules in addition to the rules previously listed under Section 2.0. It must be reviewed and approved by the Commission and in compliance with TNRCC Rules to be effective.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

7504 R CCN 12016 JAN 22 '87

APPROVED TARIFF BY Jim JLS

SECTION 3.0 - EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

LINE EXTENSION AND CONSTRUCTION CHARGES. No contribution in aid of construction may be required of any customer except as provided for in this approved extension policy.

The customer will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

The utility will bear the full cost of any oversizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

COST UTILITIES SHALL BEAR. Within its certificate area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision. However, if the residential customer requesting service purchased the property after the developer was notified of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Developers may be required to provide contributions in aid of construction in amounts to furnish the system with all facilities necessary to comply with the Texas Natural Resource Conservation Commission's "Rules and Regulations for Public Water Systems."

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
7504 R CCN 12016 JAN 22 '87  
APPROVED TARIFF BY Jim JLS

SECTION 3.20 - SPECIFIC UTILITY EXTENSION POLICY

This section contains the utility's specific extension policy which complies with the requirements already stated under Section 3.01. It must be reviewed and approved by the Commission and in compliance with TNRCC Rules to be effective.

Residential customers not covered under Section 3.01 will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the full cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Developers will be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with Texas Natural Resource Conservation Commission minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or Texas Natural Resource Conservation Commission minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION  
7504 R CCN 12016 JAN 22 '87  
APPROVED TARIFF BY *Jm JLS*

SECTION 4.0 -- DROUGHT CONTINGENCY PLAN  
(Utility must attach copy of TCEQ approved Drought Contingency Plan)

RECEIVED

NOV 17 2005

WATER RIGHTS PERMITTING

DROUGHT CONTINGENCY PLAN

COPANO COVE WATER SYSTEM (CCWS)

434 Copano Ridge Road  
ROCKPORT, TEXAS 78382

PWS ID # 0040003

CCN # 12016

June 11, 2001

RECEIVED

JUN 15 2001

SURFACE WATER USES  
TNRCC

Section I: Declaration of Policy, Purpose, and Intent

In cases of extreme drought, periods of abnormally high usage, system contamination, or extended reduction in ability to supply water due to equipment failure, temporary restrictions may be instituted to limit non-essential water usage. The purpose of the Drought Contingency Plan is to encourage customer conservation in order to maintain supply, storage, or pressure or to comply with the requirements of a court, government agency or other authority.

Water restriction is not a legitimate alternative when the water system does not meet the Texas Natural Resource Conservation Commission's capacity requirements under normal conditions, nor when the utility fails to take all immediate and necessary steps to replace or repair malfunctioning equipment.

I Winifred Smith, being the responsible official for CCWS., request a minor tariff amendment to include the enclosed Drought Contingency Plan.

Winifred G. Smith  
(Signature)

June 11, 2001  
(Date)

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12016 MAY 24 '07

APPROVED TARIFF BY SP/SP

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

CCN 12016 SEP 19 '01

APPROVED TARIFF BY SM/IKB

**DROUGHT CONTINGENCY PLAN  
FOR THE  
COPANO COVE WATER SYSTEM (CCWS)  
June 11, 2001**

**Section I: Declaration of Policy, Purpose, and Intent**

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the Utilities Investment Company hereby adopts the following regulations and restrictions on the delivery and consumption of water.

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

**Section II: Public Involvement**

*GOAL: Reduction 10%*

Opportunity for the public to provide input into the preparation of the Plan was provided by CCWS by means of direct contact with utility customers.

**Section III: Public Education**

*GOAL: Reduction 20%*

CCWS will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of letters to the customers, notices on utility bills, or other similar measures as appropriate.

**Section IV: Coordination with Regional Water Planning Groups**

*GOAL: Reduction 30%*

The service area of CCWS is located within the Coastal Bend (Region N) Regional Planning Group and CCWS has provided a copy of this Plan to the Region N Planning Group.

**Section V: Authorization**

CCWS or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The CCWS or his/her designee shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12015 MAY 24 '07

APPROVED TARIFF BY SP/SP

**Section VI: Application**

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

**Section VII: Definitions**

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

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

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

Customer: any person, company, or organization using water supplied by CCWS.

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

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

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

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12010 MAY 24 '07

APPROVED TARIFF BY SP/SP



- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

### **Section VIII: Criteria for Initiation and Termination of Drought Response Stages**

CCWS or his/her designee shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions warrant initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on known system capacity limits. CCWS will adopt measures for each stag of the Plan as warranted by the triggers. The stages will not necessarily be adopted in consecutive order. Public notification shall be provided in accordance with Section IX hereof.

CCWS shall comply with all voluntary and/or mandatory supply management measures, described as follows, at its own facilities, which are supplied by this water system.

### **Section VIII**

#### **2.2.3.A. Condition I - Water Shortage Possibility**

Upon implementation by the Copano Cove Water System Manager, customers of the water system of the Copano Cove Water System are requested through news media announcements and utility bill inserts to voluntarily conserve and limit their use of water and shall comply with the following mandatory restrictions on the use of water for irrigation of vegetation and all municipal operations are placed on mandatory conservation.

Water used for irrigation of vegetation may be used only on such day or days of each week, other than between the hours of 10:00 a.m. and 6:00 p.m., based on street numbers, as may be designated by the Copano Cove Water System Manager. However, any person may raise as a defense to prosecution for violation of this section the fact that the use of water for the following purposes (if such defense has not been disallowed by motion of the Copano Cove Water System upon recommendation of the Copano Cove Water System Manager):

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12.11.15 MAY 24 '07

APPROVED TARIFF BY SP/SP

2.2.3.A.1. The water was used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment and maintenance of flower gardens, vegetable gardens, fruit gardens, trees, and shrubs, or plants in containers, and applied using:

2.2.3.A.1.(i) A hand held hose equipped with a positive shut off nozzle,

2.2.3.A.1.(ii) A drip irrigation system equipped with an automatic shutoff device.

2.2.3.A.1.(iii) A soaker hose, which does not spray water into the air, equipped with an automatic shutoff device.

2.2.3.A.1.(iv) A root feeder equipped with an automatic shutoff device.

2.2.3.A.1.(v) A hand held bucket or watering can.

2.2.3.A.2. The water was used at any hour for irrigation, at the minimum rate necessary, for the establishment and maintenance of commercial nursery stock and applied using:

2.2.3.A.2.(i) A hand held hose equipped with a positive shut off nozzle, 2.2.3.A.2.(ii) A sprinkler system.

2.2.3.A.2.(iii) A drip irrigation system equipped with an automatic shutoff device.

2.2.3.A.2.(iv) A soaker hose, which does not spray water into the air, equipped with an automatic shutoff device.

2.2.3.A.2.(v) A root feeder equipped with an automatic shutoff device.

2.2.3.A.2.(vi) A hand held bucket or watering can.

2.2.3.A.3. The water was used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for the establishment of newly planted lawns and plant materials within thirty (30) days of planting. Water used for this purpose may be applied by any means.

2.2.3.A.4. Wastewater treatment plant effluent, graywater, well water (which is not mixed with any water from the Copano Cove Water System's water supply), or other water not obtained from the Copano Cove Water System water system was used, may be used at any hour if a permit is obtained from the Copano Cove Water System Manager and a sign is posted stating that the water used for irrigation is wastewater effluent, graywater, water from a permitted private well, or water that was not obtained from the Copano Cove Water System's water supply.

2.2.3.A.5. The water was used, other than during the hours between 10:00 a.m. and 6:00 p.m., for irrigation, at the minimum rate necessary, for maintenance, of golf course greens and tee boxes.

2.2.3.A.6. The water was used at any hour for short periods of time for testing related to the installation, maintenance, and repair of sprinkler systems.

2.2.3.A.7. The water was used for irrigation of vegetation on a large parcel of land or unique botanical institutions in conformance with a special watering plan, specifically approved for that parcel by an official designated by the Copano Cove Water System Manager. The official approving any special watering plan shall ensure that the plan achieves similar water conservation goals to the mandatory conservation measures applicable to the other customers under this section. In the event the premises have no number, application shall be made to the Copano Cove Water System building official for the assignment of a number to such premises and such premises shall thereafter bear the number so assigned. Such day or days may be changed by further directive of the Copano Cove Water System Manager. In the event any

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12115 MAY 24 17

APPROVED TARIFF BY

SP/SP

premises do not have a number at the time of the occurrence of any violation under this plan, the premises shall be in the category of premises with street numbers ending in zero. No person or customer shall cause or permit water to run or waste in any gutter or otherwise.

### **2.2.3.B. Condition II - Water Shortage Watch**

Upon implementation by the Copano Cove Water System Manager, and publication of notice, the following restrictions shall apply to all persons and the withdrawal of water from the system (potable water) for the following purposes or uses is hereby prohibited. The Copano Cove Water System Manager, in the exercise of his discretion based upon guidelines established by the Director of Public Utilities, may implement any or all of those elements of Condition II as are deemed necessary at any particular time. All elements of Condition I shall remain in effect in Condition II.

2.2.3.B.1. The sprinkling or watering of vegetation is prohibited; provided, however, the Copano Cove Water System Manager may authorize watering of vegetation as follows:

2.2.3.B.1.(i) The watering of trees; shrubbery; annual, biennial or perennial plants; vines; gardens; vegetables and flowers with potable water may be permitted, at the minimum rate necessary for the maintenance of plants, through the means of a hand held hose equipped with a positive shutoff nozzle, a drip irrigation system, a root feeder equipped with an automatic shutoff device, a soaker hose, which does not spray water into the air and is equipped with an automatic shutoff device, a hand held bucket or watering can, or a sprinkler system which is either attended throughout its use or is equipped with automatic shutoff. When authorized, such watering shall be done only on even number days for premises with an even number street address, and on odd number days for premises with an odd number street address or without a numbered address. When such watering is authorized during the Daylight Savings Time period of the year, it shall be permitted only between the hours of 6 a.m. and 9 a.m. and between the hours of 6 p.m. and 9 p.m.

2.2.3.B.1.(ii) The watering of lawns with potable water may be permitted once every other week on the watering days designated by the Copano Cove Water System Manager, based on the street number, except between the hours of 10:00 a.m. and 6:00 p.m., through the means of a hand held hose equipped with a positive shutoff nozzle, a drip irrigation system, a hand held bucket or watering can, or a sprinkler system which is either attended throughout its use or is equipped with an automatic shutoff.

2.2.3.B.1.(iii) Commercial nurseries shall be excepted from the prohibition of this subparagraph and shall be permitted to water nursery stock with potable water, at the minimum rate necessary to establish and maintain commercial nursery stock, by means of a hand held hose equipped with a positive shutoff nozzle, a drip irrigation system, a root feeder equipped with an automatic shutoff device, a soaker hose, which does not spray water into the air and is equipped with an automatic shutoff device, a hand held bucket or watering can, or a sprinkler system which is attended throughout its use, is equipped with an automatic shutoff or recaptures and recirculates irrigation water.

2.2.3.B.1.(iv) The watering of new lawns and plant materials with potable water at the minimum rate necessary for the establishment of the newly planted vegetation, may be permitted within 30 days of planting, at any other time other than between the hours of 10:00 a.m. and 6:00 p.m., by

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12413 MAY 24 '07

APPROVED TARIFF BY SP/SP

any means. However, only the newly planted areas may be watered at times not authorized under subdivisions (i) and (ii) of this subsection.

2.2.3.B.1.(v) The allowing of water to run off yards or plants into gutters or streets shall be deemed a waste of water and is prohibited.

2.2.3.B.2 The washing with potable water of automobiles, trucks, trailers, boats, airplanes and any other type of mobile equipment is prohibited, except that individuals and filling stations may wash cars or boats if they use a bucket, pail, or other receptacles not larger than of 5 gallon capacity; however, an individual or filling station, before or after such washing, shall be permitted to rinse the car or boat off with a hose using only a reasonable amount of water in so doing. Commercial or automatic car wash establishment shall use minimum practical water settings.

2.2.3.B.3. The washing of building exteriors and interiors, trailers, trailer houses and railroad cars with potable water is prohibited, except by a professional power washing contractor or that in the interest of public health the Director of Public Health may permit limited use of the water as the case may be, including the use of water for the removal of graffiti.

2.2.3.B.4. The permitting or maintaining of defective plumbing in a home, business establishment or any location where water is used on the premises. The permitting of the wasting of any water by reason of defective plumbing as hereinabove mentioned shall include the existence of out-of-repair water closets, underground leaks, defective faucets and taps. The permitting of water to flow constantly through a tap, hydrant, valve or otherwise by any user of water connected to the Copano Cove Water System system, shall be considered as a wasting of water and prohibited by this plan.

2.2.3.B.5. The use of fire hydrants for any purpose other than firefighting is prohibited; except that the Copano Cove Water System Manager may permit the use of metered fire hydrant water by the Copano Cove Water System or by commercial operators using jet rodding equipment to clear and clean sanitary and storm sewers.

2.2.3.B.6. The use of potable water in ornamental fountains or in artificial waterfalls is prohibited where the water is not reused or recirculated in any manner.

2.2.3.B.7. The use of potable water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced area, or building or structure, except by a professional power washing contractor, is prohibited.

2.2.3.B.8. The use of potable water for dust control is prohibited 2.2.3.B.9. The use of potable water by a golf course to irrigate any portion of its grounds is prohibited, except those areas designated as tees and greens may be watered between the hours of 6 a.m. and 10 a.m. on Mondays, Wednesdays, Fridays, and Sundays.

2.2.3.B.10. Any use of water for the purposes or in a manner prohibited in this plan shall be deemed to be a waste of water and any person violating any of the provisions of this plan and any person in whose name a water meter connection is registered in the Copano Cove Water System, which water connection serves premises upon which a violation occurs, and proof that the particular premises have a water meter connection registered in the name of the defendant

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12010 MAY 24 '07

APPROVED TAP.F.F BY SP/SP

named in the complaint, shall constitute in evidence a prima facie presumption that the person in whom such water connection was registered was the person who permitted or caused the act of waste charged to occur on the premises.

2.2.3.B.11. Concurrently with the implementation of Condition II, the Copano Cove Water System shall appoint an Allocation and Review Committee, as hereinafter provided, for the purpose of reviewing water conservation policies and establishing exemptions. See Section 2.2.4.

**2.2.3.C. Condition III - Water Shortage Warning**

Upon implementation by the Copano Cove Water System Manager and publication of notice, the following restrictions shall apply to all persons. The Copano Cove Water System Manager, in the exercise of his discretion based upon guidelines established by the Director of Public Utilities, may implement any or all of those elements of Condition III as are deemed necessary at any particular time. All elements of Condition II shall remain in effect in Condition III.

2.2.3.C.1. New service connections to the Copano Cove Water System are prohibited where some other source independent of the Copano Cove Water System is existing and in use at the time this element of condition III is implemented.

2.2.3.C.2 A mandatory limit of normal water use by customers without use penalty, in amounts as determined by the Copano Cove Water System Manager in accordance with guidelines established by the Copano Cove Water System.

2.2.3.C.3. In connection with the enforcement of subsection 2, the Copano Cove Water System shall establish a maximum limit beyond which water service will be terminated.

2.2.3.C.4. The use of water to serve a customer in a restaurant, unless requested by the customer, is prohibited.

2.2.3.C.5. The use of potable water (water obtained from the Copano Cove Water System) for scenic and recreational ponds and lakes is prohibited.

2.2.3.C.6. The use of potable water to put new agricultural land into production is prohibited.

**2.2.3. D. Condition IV - EMERGENCY Water Shortage Conditions**

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 5 of this Plan when CTWC or his/her designee, determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss of capability to provide water service; or
2. Natural or man-made contamination of the water supplies source(s).

Requirements for termination

Stage 4 of the Plan may be rescinded immediately upon correction and approval by CTWC.

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12010 MAY 24 107

APPROVED TARIFF BY SP/SP

Customers shall be notified of the implementation of the emergency conditions by public service announcements on local media such as radio and television.

## **Section X:**

### **2.2.5 Violations, Penalty and Enforcement**

1. First violation - The customer will be notified by written notice of their specific violation.
  2. Second violation - After written notice the utility may install a flow restricting device in the line to limit the amount of water which will pass through the meter in a 24 hour period. The utility may charge the customer for the actual cost of installing and removing the flow restricting device, not to exceed \$50.00.
  3. Subsequent violations - The utility may discontinue service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility will apply for restoration of service.
- (a) No person shall knowingly or intentionally allow the use of water from the CCWS for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan by the drought response stage in effect at the time pursuant to action taken by CCWS or his/her designee, in accordance with provisions of this Plan.
- (b) Any person, including a person classified as a water customer of the CCWS, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

## **Section XI: Variances**

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

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CON 12515 MAY 24 '07

APPROVED TARIFF BY SPSP

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

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

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

Variances granted by CCWS shall be subject to the following conditions, unless waived or modified by the CCWS or his/her designee:

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

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

TEXAS COMM. ON ENVIRONMENTAL QUALITY

CCN 12010 MAY 24 '07

APPROVED TARIFF BY SP/SP