



## Filing Receipt

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**Control Number - 53075**

**ItemNumber - 37**

SEWER UTILITY TARIFF

FOR

Blue Hole Management, Ltd.  
3001 Lake Austin Boulevard, Suite 305  
Austin, Texas 78703  
512/478-2545

This tariff is effective in the following counties:

Hays

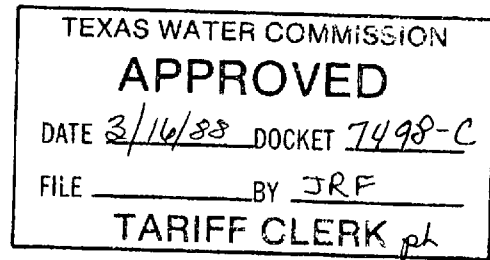
and the following cities, unincorporated towns, or villages (if any):

and the following subdivisions or systems:

Blue Hole Development

under the sewer CCN number: 20702

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SECTION 1.0 - RATE SCHEDULE

Section 1.01 - - Rates

Domestic Wastewater-

If BOD is less than or equal to 200-mg/l, Rate = \$6.40/1000-gallons per day, when metered or based on average water consumption for the previous December, January, and February.

Restaurant Wastewater-

If BOD is greater than 200-mg/l, Rate = \$10.60/1000-gallons per day. In addition, a surcharge factor of 2.0 times the the calculated billing will be used for restaurant establishments in connection with BOD level.

Section 1.02 Miscellaneous Fees

Tap Fee.....\$ 500.00

Tap fee is limited to the average of the Utility's actual costs for materials and labor for standard residential connections.

Reconnection Fee.....\$ 150.00

The reconnection fee will be charged before service can be restored to a customer who has been disconnected at (a) the customer's request. (b) reasons listed under Section 2.0 of this tariff, or (c) reasons listed in the Commission's Substantive Rules.

Late Charge.....\$ 1.00 or 5.0%

A one-time penalty of \$1.00 or 5.0% whichever is larger may be made on delinquent bills. The penalty on delinquent bills may not be applied to any balance to which the penalty was applied in a previous billing.

Returned Check Charge.....\$ 15.00

Customer Deposit (Maximum \$50.00).....\$ 50.00

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SECTION 1.0 - RATE SCHEDULE (CONTINUED)

1.03 Definitions

Biochemical Oxygen Demand (BOD) - A measurement of the strength of the wastewater, the amount of oxygen utilized in the biochemical oxidation of the organic matter in the wastewater, determined by standard laboratory procedure in 5-days at 20-degrees C, expressed in milligrams per liter (mg/l).

Customer - The person receiving the sewage collection, treatment and disposal service from the Utility under the terms of this contract.

Customer's System - The Customer's sewage collection system, including all sinks, toilets, drains, sewer pipe, meters, manholes, valves, etc. located on the customers side of the customer's property line, or point of connection to the Utility's sewer line.

Daily Average Flow - The total metered flow for a calendar month divided by the number of days in the month.

Daily Maximum Flow - The greatest total metered flow for any calendar day during a calendar month.

Fiscal Year - The 12-month period beginning January 1 of each year.

Garbage - Solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Grease - Fats, waxes, oils and other similar non-volatile materials in the wastewater, which are extracted by hexan from an acidified sample using the Soxhlet Method.

Industrial Waste - The liquid and wastewater carried from industrial processes, as distinct from sanitary sewage.

Infiltration - The water that leaks into a sewer system through cracks in the pipe, bad joints, leaky manholes, etc.

Maintenance and Operation Expenses - All costs of repairs, replacement, maintenance and operation of the Customer's or the Utility's sewer system, treatment plant or pump stations. These costs include the supervision, engineering, accounting, auditing, payments for the use of contracted facilities, legal expenses, and any other supplies, services and equipment necessary for the proper operation and maintenance of the Customer's or the Utility's system and/or facilities. Such term shall ~~not include depreciation.~~

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SECTION 1.0 - RATE SCHEDULE (CONTINUED)

1.03 Definitions (Continued)

Meter - Any device used to measure sewage flow.

Month - Calendar month.

pH - The common logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Properly Shredded Garbage - Garbage that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2" in the maximum dimension.

Utility - Blue Hole Wastewater System

Utility's System - The provider's sewage collection system, lift stations, treatment plant, disposal facility, including all land and appurtenances thereto.

TWC - Texas Water Commission.

Sanitary Sewage - The liquid and water carried wastes discharged from the sanitary conveniences of dwellings and other buildings.

Sewage - Sanitary sewage and industrial waste, together with such infiltration water as may be present.

Total Suspended Solids (TSS) - Solids that either float on the surface or in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter (mg/l).

Treatment Costs - The cost of treating and disposing of sewage under this contract including maintenance and operation expenses.

24-hour Composite Sample - Samples collected no closer together than 2-hours in 12-individual equal portions.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS

The utility adopts as its service rules the applicable Substantive Rules of the Texas Water Commission. A copy of the Commission's Substantive Rules shall be maintained in the utility's business office, and shall be available for inspection along with this tariff. A copy of the Commission's Substantive Rules is included herein as Appendix B.

Section 2.01 - - Application for Service

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

Section 2.02 - - Sewer Installation

After the applicant has met all the requirements, conditions and regulations for service, the utility will install a service connection and/or take all necessary actions to initiate service. The Utility shall serve each qualified applicant for service within its certified area as rapidly as is practical after accepting a completed application. The Utility shall provide service in a timely manner on a non-discriminatory basis.

Service requests not involving line extensions, construction or new facilities shall be filled no later than fourteen (14) working days after a completed application has been accepted. If construction is required which cannot be completed within thirty (30) days, the Utility shall provide written explanation of the construction required and an expected date of service. Service shall be provided within thirty (30) days of the expected date, but no later than 180-days after a completed application was accepted. Failure to provide service within this time frame shall constitute refusal to serve.

Section 2.03 - - Refusal of Service

The utility may decline to serve an applicant until such applicant has complied with both state and municipal regulations, the approved rules and regulations of the utility on file with the Commission and for the following reasons:

1. If the applicant's installation or equipment is known to be inadequate or of such character that satisfactory service cannot be given.
2. If the Applicant is indebted to any utility for the same kind of service as that applied for, provided, however, that in the event the indebtedness of the applicant is in dispute, the applicant shall be served upon complying with the deposit requirement of the utility.
3. For refusal to make a deposit, if applicant is required to make a deposit by the utility.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Section 2.03 - - Refusal of Service (Continued)

In the event that the utility shall refuse to serve an applicant, the utility must inform the applicant of the basis of its refusal. The utility is also required to inform the applicant that it may file a complaint with the Commission.

Section 2.04 - - Customer Deposits

If the residential applicant cannot establish credit to the satisfaction of the Utility, the applicant may be required to pay a deposit that does not exceed \$50.00 for sewer utility service.

The Utility must keep a record of each deposit, issue a receipt for it, and pay annual interest at a rate set each calendar year by the Commission. The Utility shall maintain all funds received as customer deposits in a separate, federally insured, interest bearing account and shall use such funds only for the purpose of payment of unpaid bills guaranteed by such deposits, payment of interest to depositors and refund of deposits to depositors.

The utility must automatically refund the deposit plus accrued interest:

1. If service is not connected.
2. After disconnection of service if the deposit or portion of the deposit exceeds any unpaid bills.
3. To any residential customer who has paid service bills for 12 consecutive months without being disconnected for nonpayment and without more than two occasions on which a bill was delinquent. The refund need not be made if payment on the current bill is delinquent.

Non-residential applicants, if unable to establish satisfactory credit, may be required to make a deposit not to exceed one-sixth (1/6) of the estimated annual billing.

Section 2.05 - - Meter Requirements, Readings and Testing

It is not a requirement that the Utility use meters to measure the quantity of sewage disposed of by individual customers. When a sewer utility is operated in conjunction with a water utility which serves the same customers, the charge for sewage disposal service may be based on the consumption of water as registered on the customer's water meter.

One connection is required for each residential, commercial or industrial facility. An apartment building or a trailer or mobile home park may be considered to be a single commercial facility.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Section 2.06 - - Billing

Bills from the Utility shall be rendered monthly unless otherwise authorized by the Commission. Payment is considered late if not received at the Utility's office of postal address within sixteen (16) days of the billing date. The postmark on the envelope of the bill or the recorded date of mailing by the utility, if there is no postmark on the envelope, shall constitute proof of the date of issuance.

A one-time penalty of \$1.00 or 5.0%, whichever is larger, may be made on delinquent bills. However, no such penalty may be collected unless a record of the date of mailing is made at the time of the mailing and maintained at the principal office of the Utility.

Each bill shall show the following information (if applicable):

1. The date and reading of the meter at the beginning and the end of the period for which the bill is rendered.
2. The number and kind of units metered.
3. The applicable rate schedule, title or code.
4. The total amount due for water service, if applicable, and, separately stated the total amount due for sewer service.
5. The due date of the bill.
6. The date by which customers must pay the bill in order to avoid addition of a penalty.
7. The total amount due as penalty for nonpayment within a designated period.
8. A distinct marking to identify an estimated bill.
9. Any conversions from meter reading units to billing units from recording or other devices, or any other factors used in determining the bill.
10. The gallonage used in determining the sewer usage.

The information required in Items 1-10 above shall be arranged to allow the customer to readily compute his bill with a copy of the Utility's rate schedule which shall be provided by the Utility at the request of the customer. APR 22 1988  
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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Section 2.06 - - Billing (Continued)

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

Section 2.07 - - Service Disconnection

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 has been given.

Proper notice shall consist of a separate mailing or hand delivery at least ten (10) days prior to a stated date of disconnection, with the words "termination notice" or similar language prominently displayed on the notice. The notice must also list the past due balance.

Utility service may be disconnected after proper notice for any of the following reasons:

- 1. Failure to pay a delinquent account or to comply with a deferred payment agreement.
- 2. Willful violation of a utility's usage rule when that violation interferes with another customer's service.
- 3. Failure to comply with valid deposit or guarantee arrangements.

Service may only be disconnected without notice:

- 1. When a known dangerous condition exists, for as long as the condition exists.
- 2. When service is established through meter bypassing, an unauthorized connection or unauthorized reconnection.
- 3. In instances of tampering with the utility company's equipment.

A utility may not disconnect any customer for failure to pay for merchandise or service unrelated to utility service, even if the utility provides that merchandise or those services. A utility may not disconnect any customer for a previous occupant's failure to pay amounts owed to the Utility.

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SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONTINUED)

Section 2.07 - - Service Disconnection (Continued)

UTILITY PERSONNEL MUST BE AVAILABLE TO MAKE COLLECTIONS AND TO RECONNECT SERVICES ON THE DAY OF AND THE DAY AFTER ANY DISCONNECTION OF SERVICE UNLESS SERVICE WAS DISCONNECTED AT THE CUSTOMER'S REQUEST OR BECAUSE OF A HAZARDOUS CONDITION.

Section 2.08 - - Service Interruptions

The Utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, each utility shall keep a complete record of all interruptions, both emergency and scheduled.

The Commission shall be notified in writing of any service interruptions affecting the entire system or any major division of the system lasting for more than four (4) hours. The notice shall also state the cause of such interruptions.

Section 2.09 - - Termination of Utility Service

No utility may abandon any customer or any portion of its service area without prior written notice to affected customers and neighboring utilities and prior Commission approval.

Secton 2.10 - - Quality of Service

Each sewer utility shall maintain and operate a treatment facility of adequate size and properly equipped to treat sewage and discharge the effluent at the quality required by its permit issued by the Texas Water Commission.

Additional capacity shall be provided to meet the reasonable local demand characteristics of the service area.

The application of Commission rules shall not relieve the utility from complying with the requirements of the laws and regulations of the State, local Department of Health, local ordinances and all other regulatory agencies having jurisdiction over such matters.

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SECTION 2.20 SPECIFIC UTILITY SERVICE RULES AND REGULATIONS

This section contains specific utility service rules in addition to the standard rules previously listed under Section 2.0. It must be reviewed and approved by the Texas Water Commission to be effective.

2.21 Metering for Commercial Establishments

All commercial establishments which have the potential of using more than 3,000-gallons of water per day shall be required to install a flow metering facility and including the necessary metering and recording devices necessary to accurately determine the flow discharged from the establishment, at the customer's cost. The flow metering station shall be designed by a professional engineer, under the guidelines of the "Design Criteria for Sewerage Systems" by the Texas Department of Health.

2.22 Multiple Connections

Under normal conditions, all discharge wastewater from a single facility shall enter the Utility's sewer system at a single point. Where multiple service points are required, each connection point shall be subject to being metered at the customer's expense.

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SECTION 3.0 - - EXTENSION POLICY

Section 3.01

Contributions in aid of construction shall not be required of individual residential customers for transmission, pumping, treatment or disposal of sewage.

The Utility will bear the cost of the first 200-feet of any collection line necessary to extend service to an individual residential customer. The Utility shall bear the full cost of any oversizing of collection lines to serve any additional customers in the immediate area. If the specific utility extension policy stated in Section 3.20 of this tariff requires, residential customers may be required to pay for additional collection lines beyond the first 200-feet.

The extension policy may not be applied to requests for service where the utility already has a line in place, even though the line may be overloaded.

Individual residential customers who place a unique or non-standard service demand on the system may be charged the actual costs of any additional collection or pumping facilities required over and above the standard requirements.

If specifically stated in Section 3.20 of this tariff, developers may be required to provide contributions in aid of construction in amounts to furnish the system with facilities compliant with Texas Water Commission minimum design criteria for transmission, pumping, treatment, or disposal of sewage.

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SECTION 3.20 - - SPECIFIC UTILITY EXTENSION POLICY

This section contains a specific utility extension policy in addition to the standard policy stated under Section 3.0. It must be reviewed and approved by the Texas Water Commission to be effective.

Section 3.21 - - Standard Extension Requirements

The Utility adopts as its extension policy the applicable Substantive Rules of the Texas Water Commission.

Section 3.22 - - Specific Utility Extension Policy

When an individual residential applicant requires an extension of a main line beyond 200-feet, the charge to that applicant shall be the actual cost of such extension in excess of 200-feet, plus the applicable tap fee.

When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge based upon the capacities of production, transmission, storage, pumping and treatment facilities which must be committed to such extension.

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions-in-aid of construction for the actual costs of any additional facilities required to maintain compliance with the Texas Department of Health minimum design criteria for wastewater collection, pumping, storage or treatment.

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Section 3.23 - - Multiple Points of Service

When additional taps installed for a customer, strictly for the convenience of the Utility so as to avoid additional collection costs, the customer will be billed for only a single tap. The cost of installation of additional taps, if installed for the convenience of the Utility, so as to avoid additional collection line costs, will be borne by the Utility. If the taps are installed at the request of, and for the convenience of the customer, the associated costs will be borne by the customer.

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APPENDIX A

Blue Hole Management, Ltd.  
3001 Lake Austin Boulevard, Suite 305  
Austin, Texas 78703  
512/478-2545

APPLCIATION FOR WASTEWATER SERVICE

Date: \_\_\_\_\_ Name of Applicant: \_\_\_\_\_

Sevice Address: \_\_\_\_\_

Billing Address: Street/Box: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Check Applicable Items:

\_\_\_ Residential \_\_\_ Commercial \_\_\_ Owner \_\_\_ Tenant \_\_\_ Age Over 65

Desired Water Meter Size: \_\_\_ Standard \_\_\_ Other (State Size: \_\_\_\_\_)

If Commercial Applicant, describe operations, special requirements, etc.

I hereby apply for the above described service from BLUE HOLE MANAGEMENT, LTD. I agree to abide by all service rules and regulations of the Utility as contained in the Utility's applicable tariff and the Substantive Rules of the Texas Water Commission, copies of which are available for inspection at the Utility's business office.

Signed: \_\_\_\_\_

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