

RULES AND REGULATIONS NO. 1

RULES AND REGULATIONS  
GOVERNING THE FURNISHING AND CONTROL  
OF WATER AND/OR SEWER SERVICES  
WITHIN THE CORPORATE LIMITS OF THE  
CITY OF EL PASO BY  
THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118M, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952; AS AMENDED, NOW, THEREFORE BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING RULES FOR THE FURNISHING AND CONTROL OF WATER AND/OR SEWER SERVICE WITHIN THE CITY OF EL PASO ARE HEREBY ESTABLISHED AND SHALL SUPERSEDE THE RULES AND REGULATIONS PREVIOUSLY ADOPTED FOR WATER AND/OR SEWER SERVICES WITHIN THE CORPORATE LIMITS OF THE CITY OF EL PASO. (KNOWN AS RULES AND REGULATIONS NO. 1).

THAT PUBLIC SERVICE BOARD RULES AND REGULATIONS NO. 1 GOVERNING THE FURNISHING OF WATER AND/OR SEWER SERVICE ARE HEREBY AMENDED BY ADOPTION OF NEW RULES AND REGULATIONS NO. 1, WHICH SUPERSEDE AND REPLACE THE EXISTING RULES AND REGULATIONS NO. 1, AND WHICH SHALL READ AS FOLLOWS:

SECTION I      GENERAL

A.      TABLE OF CONTENTS

The following headings or captions are adopted as the Table of Contents for Public Service Board Rules and Regulations No. 1.

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B. DEFINITIONS

Backflow:

The flow of water or other liquids, mixtures or substances into the distributing pipes of a potable supply of water from any sources other than its intended source.

Backflow Prevention Assembly(ies):

An assembly that has been manufactured in full compliance with the American Water Works Association (“AWWA”) Standards C510 and C511 and is listed by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California. Approved assemblies shall include an air gap, a reduced pressure assembly, a reduced pressure principle detector assembly, a double check assembly, and a pressure vacuum breaker, each of which is designed for a specific application, and any of which serve to protect the public water supply from contamination originating at the Customer’s premises.

Back Siphonage:

Back Siphonage is the condition where negative pressure in a potable water pipe induces Backflow through a Cross Connection.

Certified Backflow Prevention Technician:

A person who is certified by TCEQ to test, repair, and maintain Backflow Prevention Assemblies within

the jurisdictional limits of the City of El Paso after having successfully completed a training course on cross connection control and Backflow prevention approved by the Texas Natural Resources Conservation Commission.

Charges:

As applied herein, the fees charged for services by the Utility not included in the monthly minimum charge and commodity usage charges.

Corporate Limits (City Limits):

The boundary line denoting the extent of land included within the legally incorporated limits of the City of El Paso, El Paso County, Texas.

Cross Connection(s):

Any connection or arrangement, physical or otherwise, between a potable water supply or device, through which it may be possible for non-potable, used, unclean, polluted or contaminated water or other substances, to enter into any part of such potable water system under any condition, including reduced or negative pressure.

Cross-Connection Control Program and Associated Fees:

An EPWU managed program whereby Backflow Prevention Assemblies are tested upon installation and at least annually thereafter. The fees associated with this program are called out and described in Rule and Regulations No.7.

Cross-Connection Control Program Manager:

A person designated by El Paso Water Utilities to administer and enforce the Cross-Connection Control Program.

Customer Responsibilities:

Those implementing actions and procedures under the Cross Connection Control Program for which the Customer is responsible and for which the Customer must either initiate action or cooperate fully with the EPWU in its fulfillment of that program.

Customer(s):

An individual water and/or sewer user or users who are included in the Utility's billing files.

Dedicated Right(s)-of Way:

The land (real estate) which has been dedicated, accepted and filed with the City of El Paso and/or the County of El Paso to be held in the public domain for use as a public right-of-way for access.

EPWater:

See definition of Utility below.

EPWU:

See definition of Utility below.

Fort Bliss Military Reservation:

Shall mean all lands held by the Federal Government for their use at Fort Bliss, Biggs Field, White Sands Missile Range or testing grounds.

Line Extension(s):

The water and/or sewer line which is required to be connected to the existing water/sewer system to provide Water Service and/or Sewer Service to a property, including piping installed in a Dedicated Right-of-Way which is contiguous or non-contiguous to a property.

Off-Site Facilities:

The water and/or sewer facilities required to provide service to a property, not including the water and/or sewer main located in the public Dedicated Rights-of-Way immediately contiguous to the property line of the property. Off-Site Facilities may include pipes, valves, reservoirs, pump stations or lift stations. In the content of these Rules and Regulations No. 1, Off-Site Facilities do not include wells, water treatment plants, wastewater treatment plants, administrative facilities, laboratories or master plan facilities.

Panhandle Lot(s):

A lot, because of inherent limitation, lacking frontage except for access provided by way of a narrow projection of the lot to the street.

Properties:

An occupied or vacant parcel of land (real estate) platted and filed on the City/County Tax Rolls.

PSB:

Public Service Board. The Board of Trustees created by Ordinance 752, which is the governing body of and has the complete management and control of the EPWU (Utility).

Sewer Service:

A property is deemed to have Sewer Service available if a qualifying sewer collector line is in place in the public right-of-way, PSB or utility easements adjacent and contiguous to the property.

Sewer Service Lateral(s) - Customer:

The pipes, fittings and appurtenances within the property connected to the Sewer Service Lateral – EPWU or to the Utility's sewer collector lines located within PSB or utility easements. This Lateral allows the Customer's Wastewater (sewage) to drain (or be pumped, if necessary) from the Sewer Service Lateral – Customer into the Sewer Service Lateral – EPWU or into the Utility's Wastewater collection and treatment (sewer) system.

Sewer Service Lateral(s) - EPWU:

The pipes, fittings and appurtenances connected to the Utility's sewer collector line and extending within the public Dedicated Rights-of-Way up to the clean out or property line. This lateral allows the Customer's Wastewater (sewage) from the Sewer Service Lateral-Customer to drain (or be pumped, if necessary) into the Utility's Wastewater collection and treatment (sewer) system.

Sewer Service Tap:

The connection point at which the Sewer Service Lateral – Customer or Sewer Service Lateral - EPWU connects to the public main line.

Subdivision(s):

Subdivision(s) shall be defined as provided in Chapter 1904.020 of the El Paso Municipal Code.

Utility:

EPWU, EPWater or El Paso Water Utilities, as used herein means El Paso Water Utilities, the City of El Paso's publicly owned water and sewer agency located in and serving the people of El Paso County, Texas.

Wastewater (Sewage):

Water which has been used for domestic, commercial or industrial purposes and has acquired contaminants which must be removed by wastewater treatment processes prior to the return to or reuse of treated wastewater in the environment.

Water Meter(s):

The mechanical device, including appurtenances which totalizes the volume of water flowing through a water service connection.

Water Right(s) (Surface, Underground):

The legal right in accordance with Texas statutes to divert, use or consume water flowing to, over, or under a property. A Water Right is a real property right that may be apportioned to the land where the water is used and includes irrigation rights.

Water Service:

A property is deemed to have water service available if a qualifying water main is in place in the public right-of-way, PSB or utility easement adjacent and contiguous to the property.

Water Service Lateral(s) - Customer:

That point in the Customer's water supply system beyond the sanitary control of the El Paso Water Utilities, generally considered to be the outlet end of the water meter box or the bonnet box (fire lines).

Water Service Lateral(s) - EPWU:

The pipes, fittings, valves, meters and appurtenances which are connected to the water main in the street and extending to, or beyond, the property line of a Customer. The installation of all Water Service Laterals - EPWU will be performed by the Utility or at the direction of the Utility and all such connections shall be inspected by qualified Utility personnel.

C. NEUTRAL GENDER

When the context requires, all nouns and pronouns in the masculine gender shall also include the feminine gender.

SECTION II CONDITIONS OF SERVICE

A. GENERAL

1. Purpose

In recognition of the fact that the water and wastewater system of El Paso Water Utilities is owned by the citizens of El Paso and is operated for the benefit of these citizens as a publicly-owned utility; that the rates and Charges to each Customer should be related to the benefits received and to the cost of service; that the furnishing of new and/or enlarged Water Service Laterals-EPWU and/or Sewer Service Laterals-EPWU imposes an excessive cost on the operating revenue of EPWU; and the fact that these expenses, if added to the Water Service and/or Sewer Service rates, as such, would increase the cost of service to the existing users out of proportion to any benefits they would receive; therefore, in order to provide a reasonable division of these additional expenses between the existing Customers and the new Customers, these Rules and Regulations No. 1 for new services within the Corporate Limits of the City of El Paso are adopted. (See Rules and Regulations No. 11 for service outside the Corporate Limits of the City of El Paso.)

2. Water Rights

The PSB, through the Utility, and in accordance with these Rules and Regulations No. 11, assumes the responsibility of providing water to properties in its service area while simultaneously seeking to protect and conserve the water supply of the City of El Paso. To further such protection and conservation goals, Water Service will only be provided to properties where the underground and surface Water Rights are either owned solely by the current owner of the property or are owned by the PSB. Water Service will not be provided to a property if the underground and/or surface Water Rights have been sold or transferred to a third party other than the PSB. Water Service will be discontinued in the event a property's underground and/or surface Water Rights are sold or transferred to a third party other than the PSB. Further, Water Service will not be provided to a property, or will be discontinued, if the PSB determines that underground and/or surface Water Rights are used in a manner that does not promote protection and conservation of the water supply.

3. Cost Allocation

As a part of this regulation, the Utility may require, on any Line Extensions or additions to its system which require expenditures of operating revenue that are not justified on the basis of the anticipated revenue or which are speculative in nature and primarily beneficial to a certain party or parties, sufficient Charges or deposits of whatever nature the Utility may deem necessary and which may be legally assessed to assure that the costs are assumed by the apparently benefitted parties and not by the general water users of the City of El Paso.

4. Service Requirements

It is the intent of these Rules and Regulations No. 1 that Water Service and Sewer Service be provided only to property that is within the Corporate Limits of the City of El Paso or within the Fort Bliss Military Reservation except as permitted and limited by Rules and Regulations No. 11. For the purpose of this Rules and Regulations No.1, property shall be considered as being within the Corporate Limits or the City of El Paso and eligible for Water Service and/or Sewer Service if it is located and improved in such a manner that all of the following conditions are satisfied:

- a. The property is totally or partially within the Corporate Limits of the City of El Paso.
- b. A portion of the property abuts on a Dedicated Right-of-Way that is within the Corporate Limits of the City of El Paso and said Dedicated Right-of-Way provides vehicular access to the property.
- c. The main building or buildings to be served with Water Service and/or Sewer Service are located in such a manner that all or part of such buildings are within the Corporate Limits of the City of El Paso and are included on the tax rolls of the City of El Paso or will be upon completion of construction of such buildings.
- d. The condition of the property must comply with the City of El Paso Subdivision Ordinance, as it now reads or may be amended, and all applicable local, state and federal laws.
- e. Panhandle Lots shall not be eligible for Water Service and/or Sewer Service unless they meet the following criteria:
  - \* The maximum length of the panhandle shall be one hundred fifty feet.
  - \* The minimum width of the panhandle shall be seventeen feet to serve one dwelling unit. In case of joint use by a maximum of four dwelling units the minimum width of each panhandle shall be seven and a half feet and the minimum cumulative width of all the panhandle shall be thirty feet.
  - \* All Panhandle Lot developments shall be properly subdivided in accordance with the subdivision regulations of the City of El Paso.
  - \* Water Service and/or Sewer Service shall be provided at the property line adjacent to the public Dedicated Right-of-Way. Extension of service to each dwelling unit shall be the responsibility of the Customer. The Line Extensions of water and sewer mains through the panhandle easement shall not be permitted.

B. PROPERTY DESCRIPTION

The owner of the property or other person desiring Water Service and/or Sewer Service from the Utility water and sewer system shall provide the Utility with a complete legal description of all property on which buildings and/or other improvements are proposed to be located that require Water Service and/or Sewer Service. This property description shall become a part of the application for service and shall be used in calculating the Charges as provided in Rules and Regulations No. 7. No Water Service and/or Sewer Service shall be extended to any property other than that which was identified by the owner or applicant for service at the time such service was initially provided. Extending Water Service and/or Sewer Service directly or indirectly to property other than that originally identified in the application for service is a violation of these rules and regulations and shall be cause for discontinuance of service in accordance with Section IX. No Water service and/or Sewer Service shall extend through property owned or intended to be sold and consequently owned by different individuals or entities prior to connecting to an EPWU water and/or sanitary sewer main; unless previously discussed and approved by the EPWU.

### SECTION III SEVERABILITY CLAUSE

These Rules and Regulations are part of the other Rules and Regulations of the PSB and persons accepting service agree to comply with the appropriate provisions and conditions of all of the Rules and Regulations. If any provision, paragraph, section, subsection, sentence, clause or phrase of these Rules and Regulations No. 1 or the application of same to any person or set of circumstances is for any reason invalidated by any court of competent jurisdiction, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of these Rules and Regulations No. 1. The remaining provisions, paragraphs, words or sections shall not be affected and shall continue in full force and effect.

### SECTION IV RIGHT OF APPEAL

The Customer may appeal in writing any ruling or action of the Utility or its agents to the PSB in accordance with the procedures established in Rules and Regulations No. 8. Any Customer who does not appeal such a ruling or action in accordance with these procedures within 60 days of the date of the issuance of the ruling or action shall waive any right to contest such action or ruling. The PSB, at its own discretion, may affirm, modify, limit or condition the ruling of the Utility or may defer final decision on the appeal to allow the person to seek a variance if available, in accordance with Rules and Regulations No. 8.

### SECTION V PROTECTION OF WATER SUPPLY

#### A. CUSTOMER RESPONSIBILITIES

The Customer is responsible for preventing contaminants or pollutants originating on the Customer's premises from entering the public water supply as well as the Customer's water system. The Customer's responsibility begins at each Water Service Lateral-Customer and extends throughout the entire length of the water system within the premises. Premises is defined as any and all areas on a Customer's property that is served, or has the potential to be served, by the Utility.

The Customer is responsible for the expenses incurred for the proper installation, relocation, repair, testing and maintenance of approved Backflow Prevention Assemblies in accordance with the EPWU's Cross-Connection Control Manual of Procedures. The Customer shall be responsible for the initial and annual testing of such assemblies, coordination and cooperation with the Utility's Cross-Connection Control Program Manager, and for retention of records. Records of Backflow prevention equipment tests, inspections, and repairs shall be retained for three years.

Backflow Prevention Assemblies shall be protected from freezing and vandalism by a method acceptable to the Utility's Cross-Connection Control Program Manager. Design of such enclosures, their installation and maintenance shall comply with OSHA 29 CFR, Part 1910.146 "Confined Spaces"; shall provide for adequate drainage from testing, flushing or relief valve discharges; and, shall be maintained so that assemblies are safely and readily accessible for testing, maintenance and repairs.

The Customer shall be responsible for the cost of the Backflow Prevention Assembly, thermal expansion device, freeze protection, initial and annual testing, maintenance and record keeping.

The failure of the Customer to install such a Backflow Prevention Assembly after notice by the Utility shall be a basis for discontinuance of service.

#### B. CONFORMING WITH CODES

Each Customer shall comply with this Rules and Regulations No. 1, the City of El Paso Plumbing Code and the regulations of the Texas State Department of Health, the rules and regulations of the TCEQ, and all other applicable laws. Each Customer shall permit inspection at any reasonable hour by the City Plumbing Inspector, the City of El Paso representative, County of El Paso representative, the Cross-Connection Control Program Manager, a Water Conservation Enforcement Officer or Technician, Pretreatment Inspectors or any official employee or representative of the Utility. The purpose of this inspection is to determine whether physical facilities exist on the premises of the user that are a hazard or may create a hazard to the health, safety or welfare of the citizens of El Paso through possible contamination of the water supply by Cross Connections, Back Siphonage, excessive leaks or other means or which constitute a threat to the water supply or other conditions or activities prohibited by the mandatory water conservation ordinance of the City of El Paso, Chapter 15.13 of the El Paso Municipal Code.

The horizontal separation between a Water Service line and a sanitary Sewer Service line between the property line to the water or sanitary sewer main shall be 5 feet of undisturbed or compacted earth or as outlined in the City of El Paso's Plumbing Code. Water and/or sanitary service lines are not allowed to be constructed within and parallel to the public Dedicated Right-of-Way or easement; only perpendicular extensions to the public Dedicated Right-of-Way or easement of Water Service and/or Sewer Service are allowed.

C. EQUIPMENT

An air gap or reduced pressure Backflow Prevention Assembly shall be approved for all installations. In addition, a reduced pressure principle detector assembly shall be approved for fire lines; a pressure vacuum breaker shall be approved for irrigation systems; and a double check assembly shall be approved for special applications by the Cross-Connection Control Program Manager.

All air gaps, reduced pressure Backflow Prevention Assemblies, reduced pressure principle detector assemblies, pressure vacuum breaker, and double check assemblies shall be constructed within the Dedicated Right-of-Way or outside the public Dedicated Right-of-Way perpendicular to the public water main, adjacent and as close to the Water Meter, fire line and/or stand pipe as possible so that a clear line of sight can be established between the public water main, Water Meter, fire line and/or stand pipe and the Backflow Prevention Assembly, unless approved by EPWater's Cross-Connection Control Manager.

D. PROTECTION OF THE WATER SUPPLY

In each instance listed below the Customer will aid the system in protecting other users by either accepting delivery of water through an acceptable and approved air gap device or through an acceptable Backflow Prevention Assembly:

1. Premises having their own well or any water supply not furnished by EPWater;
2. Premises that are partially or totally outside the State of Texas;
3. Premises including sewage treatment and/or sewage pumping;
4. Premises where bulk chemicals, hazardous chemicals, extremely toxic substances and/or radioactive materials are manufactured, processed, used or stored, also including any school, university or college facility with a chemistry, medical, or biology laboratory;
5. Premises with any process listed in 40 C.F.R. § 403 such as electroplating, metal finishing, metal molding and casting;
6. Premises where medical and/or dental surgical procedures are or could potentially be performed, including but not limited to, all hospitals, medical laboratories, rehabilitation hospitals, cancer treatment facilities, clinics, dentist offices, nursing homes, veterinary offices or clinics, or facilities where animals are groomed;
7. Premises where synthetic organic chemicals, oils, gases or other substances of petroleum origin are produced, processed, developed, refined, stored in bulk and/or transmitted via pipeline or truck;
8. Car washes;
9. Premises where food is processed, including but not limited to, dairies, milk processing, nut roasting plants, beverage processing, beverage bottling, breweries;
10. Premises where textiles or clothing are industrially or commercially laundered or finished using wet processes or dry cleaning;
11. Premises where ready-mix concrete is prepared, sand and gravel operations;
12. Pharmacies;
13. Radiator shops;
14. Greenhouses;
15. Leased space, including warehouses, malls, and strip shopping centers;
16. Premises where photographic or x-ray film is processed;



17. Premises which are connected to Reclaimed Water Service, as defined in Rules and Regulations No.7;
18. All fire lines and fire protection systems except as noted in Section F;
19. Non-residential yard meters or landscape irrigation systems;
20. Mortuaries, morgues, animal processing and taxidermy facilities;
21. Premises with more than one interconnected connection to the EPWU potable water system, buildings with two stories or more, facilities with complex piping or where inspection is restricted;
22. Temporary service connections, including but not limited to, construction water service points, fire hydrants, truck filling points; and,
23. Premises, in addition to the foregoing, where uncontrolled Cross Connection and/or an actual or potential condition exists that might, directly or indirectly, cause contamination of the public water supply or pose a danger to human health or safety of the environment without an air gap separation between the drinking water supply and the source of potential contamination.

E. HAZARDOUS CONDITIONS

In the event a system hazardous Cross Connection is determined to exist by EPWater personnel, water service to the premises shall be immediately terminated. Service shall be restored when the system hazard has been controlled or eliminated. The Utility reserves the right to install Backflow Prevention Assemblies in emergency situations where there is an imminent threat to the public water supply, and to charge the Customer the costs of such services as part of its monthly billing for service.

In the event no system hazards exist, but potential Cross Connections require containment control, the Utility shall give the Customer written notice to comply. The Customer shall submit a design and a plan for implementation to the Cross-Connection Control Program Manager within **45 Days** of the date of the written notice. The Customer shall have an additional **45 Days** from the date of the Program Manager's approval to have the Backflow Prevention Assembly installed, tested, and inspected. The Utility reserves the right to terminate Water Service to the premises for Customer's failure, refusal or inability to have the Backflow Prevention Assembly installed, tested, and inspected and to continue such termination until compliance has been achieved.

F. FIRE PROTECTION SYSTEMS

Fire protection systems begin at the Water Service Lateral-Customer and include sprinklers, hose connections, hydrants, reservoirs, tanks, standpipes, pumps, distribution pipes, and other appurtenances within a premises that are owned, operated and maintained by the Customer for the purposes of fire suppression. All existing and new fire protection systems shall have an approved Backflow Prevention Assembly at the water service connection except under the following circumstances: *Fire protection systems with no reservoirs, no fire pumper connections, no connections from auxiliary water systems, no antifreeze or other additives, and with all sprinkler drains discharging through an approved air gap, constructed with acceptable potable water piping materials conforming to ANSI/NSF Standard 61 and certified by an organization accredited by ANSI, except as otherwise required by these Rules and Regulations.*

G. CHANGE IN WATER OR BUILDING USE

In cases where a Backflow Prevention Assembly exists, and where the water use or building use has changed such that a Backflow Prevention Assembly is no longer required, the Customer may request an exemption from annual testing.

SECTION VI PROTECTION OF SEWER SYSTEM

NOTE: This Section was repealed and replaced by the adoption of Rules and Regulations No. 9, approved by the PSB on June 13, 1990, as amended.

## SECTION VII CUSTOMER'S RIGHTS AND RESPONSIBILITIES

### A. SERVICE SIZE

The Customer shall determine the size of Water Service Lateral-EPWU and the size and number of Sewer Service Lateral-EPWU he may need, subject to payment of the rates and Charges as provided in Rules and Regulations No. 7, within the limitations of these regulations, provided, however, that a single-family dwelling unit having a gross lot area of 10,000 square feet or less shall not be permitted a Water Service Lateral-EPWU larger than 3/4 inches. Each property or developable unit shall have a separate Water Meter and separate Sewer Service Lateral-EPWU. In no instance shall two Properties owned by different individuals or entities and/or Properties separated by a Dedicated Right-of-Way be served by one Water Meter or by one sewer connection. A single platted lot with single ownership, but having multi-family residential housing may have a single service which shall be the responsibility of the property owner.

### B. EXTENSION AND CONNECTION CHARGES

Once Line Extension Charges have been paid, the right to the allowable service connection shall be vested in the property, whether used or not. However, should a service connection remain inactive for two years or more, the service connection may, at the sole discretion of the Utility, be vacated, locked and/or removed. If the property owner requests the removal of a water connection a \$350 fee each plus other applicable Charges as described in Rules and Regulations No. 7 will be due from the property owner. Re-installation shall require a new application and new service connection charge which shall be paid as stipulated in Rules and Regulations No. 7. This is applicable for services removed by the Utility or at the request of the Customer.

### C. CUSTOMER FURNISHED EQUIPMENT

1. The Customer shall be responsible for the furnishing, cost, and installation of the Water Service Laterals-Customer (domestic, irrigation/yard and stand pipe) from the meter into the property and for the furnishing and installation of a fire line service from the bonnet box located in the parkway, sidewalk or easement to the building, for the furnishing and installation of the approved Backflow Prevention Assembly (with meter for fire lines) and protective enclosures required for domestic, irrigation/yard, fire lines and stand pipes, for all equipment for the control and utilization of these services located past the meter or bonnet box, and within the property and for maintaining such lines and equipment in good, serviceable, and safe condition.
2. The Customer shall be responsible for the furnishing, cost, and installation of new or relocating public fire hydrants.
3. The Customer shall be responsible for the furnishing, cost, and installation of the Sewer Service Lateral-EPWU and Sewer Service Lateral-Customer from the tap at the sewer main or manhole into the property and within the property, and to include all equipment for the control and utilization of these services and for maintaining, repairing and equipment such Sewer Service Laterals-Customer in good, serviceable, and safe condition. Sewer Service Taps shall be installed or inspected by qualified Utility personnel.
4. The Customer shall be responsible for the furnishing, cost, and installation of new sewer manholes if required for Sewer Service.
5. The Customer shall not extend water or sewer lines to furnish such service to properties other than that on which Charges provided herein Rules and Regulation No. 7 have been paid.

### D. WATER SERVICE CONDITIONS

The Customer agrees to accept such conditions of water pressure or service as may from time to time exist and to hold the Utility, the City of El Paso and/or its PSB harmless on account of damage caused by low or high pressure, fluctuations of pressure or interruptions or curtailment of service. Where the static water pressure at the meter exceeds 80 pounds per square inch, the Customer should, for his own protection and at his own expense, install a pressure regulator, strainer and relief valve, to be set for pressure as desired by the Customer.

### E. SEWER SERVICE CONDITIONS

The Customer shall agree to accept the elevation and location of all sewers as laid by the Utility and will, where

necessary, install and operate on his own premises and at his own expense, all necessary sewage lifting equipment or backup protective devices. Customers having drain or fixture outlets into the house connections which are at an elevation that is lower than the top of the nearest downstream sanitary sewer manhole shall protect their premises from possible backup of sewage by the installation of Backflow or other devices to prevent sewage backing up and flowing out of such outlets. Such Customers agree to accept responsibility for any damages caused by a sewage backup where the Customer has failed to install devices to prevent such sewage backing up and agrees to hold the City of El Paso, the Utility and/or the PSB harmless for any damage caused by such a sewage backup.

In areas where vacuum sewer lines are installed, service valve boxes are required for service. As a condition of service, the service boxes may be required to be located on the Customer's premises in an area determined by the Utility to be accessible at all times for inspection, testing and maintenance. One service box may serve two or more Properties. The service box may be set on the property line between adjoining served Properties or on any of the served Properties. The Customer shall maintain the surrounding property in a manner that protects the service box from damage and assures that it is clearly visible. The Customer shall immediately report any defect or damage he/she observes in the service box to the Utility. Application by the Customer for service shall be deemed as permission for the Utility to set the service box on his/her property. No rent or other charge shall be assessed or imposed by the Customer on the PSB or the Utility for placing the service box, service lines or other equipment upon the Customer's premises.

F. WATER METER LOCATION

When a location for the Water Meter box outside the property line is not practical, the Water Meter box shall be located on the Customer's premises near the point where the service pipe crosses the property line and/or easement and where the meter will be accessible at all times for inspection, testing and reading and the Customer shall maintain the surrounding property in a manner that protects the meter from damage and assures that it is clearly visible. The Customer shall immediately report any defect he/she observes in the meter to the Utility. Application by the Customer for service shall be deemed as permission for the Utility to set the meter box on his/her property, if necessary. No rent or other charge shall be assessed or imposed by the Customer on the PSB or Utility for placing the meter box, service pipe or other equipment upon the Customer's premises.

G. CUSTOMER FACILITIES

The Utility does not assume the responsibility of inspecting any part of the Customer's installation of water or sewer facilities. The Customer shall be solely responsible for the costs of installing and maintaining any such facilities. The Utility has the right to inspect all Backflow Prevention Assemblies at the costs described in Rules and Regulations No. 7.

H. DAMAGE TO CUSTOMER

The City of El Paso and/or EPWU shall not be responsible for any loss or damage caused by the improper installation, condition or use of the Customer's equipment or by any negligence or wrongful act of the Customer or his agents, employees or licensees.

I. DAMAGE TO UTILITY

Any damage to equipment belonging to the Utility caused by the negligence or wrongful act of the Customer or his agent, employee or licensee shall be paid by the Customer upon presentation of a bill therefore. Non-payment of such Charges shall be grounds for disconnection of service.

J. SERVICE SIZE GUIDE

As a guide in the selection of the size service, the Customer may consider that a service connection will deliver the following amount when discharging to atmosphere at the Customer side of the meter:

Meter Size	Gallons Per Minute Demand
5/8 X 3/4"	15
1"	37
1 1/2"	75

2"	120
3"	240
4"	375
6"	750
8"	1400
10"	2000

This amount should be adjusted downward with an adequate allowance made by the Customer for pressure drop caused by the Customers piping system. The Customer understands and agrees that the above table constitutes an estimate of the amount to be delivered and that neither the PSB or the Utility shall be responsible for any failure to deliver the estimated capacity shown on the above table.

SECTION VIII DESIGN AND OWNERSHIP OF FACILITIES

A. OPERATIONS, MAINTENANCE AND OWNERSHIP

The Utility shall design, operate and maintain all of its water and sewer facilities with due regard to present and future requirements of capacity, system operation and efficiency and anticipated life of such improvements. Ownership and/or title to all such facilities shall remain in the El Paso Water Utilities, City of El Paso, Texas, acting by and through its PSB upon completion of the construction of such facilities and upon the incorporation of such facilities into the operating system.

B. UTILITY FURNISHED EQUIPMENT

1. The Utility will furnish, install and maintain all meters and all pipes, equipment and materials connecting the Water Meters, fire lines and stand pipes with the main as required by the Water Service Connection Charge as provided in Rules and Regulations No. 7. Responsibility and ownership to all such installations shall remain in the El Paso Water Utilities, City of El Paso, Texas, acting by and through its Public Service Board.
2. The Responsibility and ownership to the Sewer Service Lateral-EPWU within the public Dedicated Rights-of-Way shall remain in the El Paso Water Utilities, City of El Paso, Texas, acting by and through its PSB. The Utility is responsible for the repair of the Sewer Service Lateral-EPWU.
3. When the Utility, the City of El Paso or the County of El Paso is replacing water and sewer mains, installing new public water and sewer mains, or reconstruction or resurfacing of streets, the Utility will furnish and install Water Service Laterals-EPWU and Sewer Service Laterals-EPWU to vacant or undeveloped Properties or parcels. The Water Service Laterals-EPWU and Sewer Service Laterals-EPWU will be installed ahead of pavement. The Customer will be required to use the furnished and installed Water Service Laterals-EPWU and Sewer Service Laterals-EPWU and comply and be responsible for Charges described in Rules & Regulations No. 7 for future development. The Customer will not be provided additional Water Service Laterals-EPWU and Sewer Service Laterals-EPWU to the refence Properties or parcels until 5 years have passed from the installation of the pavement or unless an exception granted by the Utility.

C. RIGHT TO OPERATE

The Utility shall have sole right to connect or disconnect the Customer's service with the water and/or sewer main; to install, remove or reset meters; and to operate water main valves and appurtenances. No person, other than a duly authorized representative of the Utility, shall in any way interfere with or operate any of the facilities of the water and wastewater system.

D. LINE LOCATION

Water Line Extensions shall be located on the north and east sides and sewer Line Extensions on the south and west sides of Dedicated Rights-of-Way, provided, however, the Utility may designate another location, if such locations are unavailable or if in the interest of operation, efficiency, or maintenance of the water and wastewater system. Under no circumstances shall any structure be placed over or around any water or sewer main Line Extension unless prior provision is made for ready and easy access to any and all parts of such Line Extension.

E. FIRE HYDRANTS

Public fire hydrants shall be installed only along opened dedicated public Dedicated Rights-of-Way, PSB or utility easements and/or as approved by the Utility in coordination with the City of El Paso Fire Department.

F. RIGHT-OF-WAY

Before water and/or sewer Line Extensions, being financed in whole or in part by Utility funds, are made in public Dedicated Rights-of-Way shall be legally dedicated and brought to within six (6) inches of the finished grade as approved by the City of El Paso. The Utility will not place meters or services on the outside of the curb line on any existing or newly constructed streets unless the grading on the outside, which is the property side of the curb, is within four (4) inches of finished grade for a distance of ten (10) feet from the property side of the curb.

It is the intent of the Utility to construct sewer mains in public Dedicated Rights-of-Way. Conditions under which water and sewer mains may be allowed in easements are discussed in Rules and Regulations No. 7, Sections II(J) and III(H)

G. CONDITIONAL SERVICES

When service is required to a property within the Corporate Limits of the City of El Paso that is not adjacent to a water main and/or a sewer line from which adequate service can be provided and when, in the opinion of the Utility, it is not feasible to construct a main that would provide adequate service, the Utility may grant permission to the Customer to take conditional service at the nearest existing adequate main. The Customer shall pay the appropriate Charges as provided in Rules and Regulations No. 7, computed as though the main were adjacent to the property. The Customer shall pay all cost of installation and maintenance of a pipeline from the Water Meter and/or sewer connection to this property and shall assume all responsibility and liability therefore as well as the payment of all costs and damages growing out of the installation, operation or failure of this pipeline. Such a connection and pipeline shall be installed and used as a temporary arrangement only. At such time as an adequate main may be installed adjacent to the property and on written demand of the Utility, the Customer will have installed a regular service at his expense, will discontinue the use of the temporary connection and pipeline and will pay the Utility the appropriate Charges for a regular service.

H. RESTRICTED WATER SYSTEM DESIGNS

Pressurized water systems or hydro-pneumatic water systems are not allowed. Private water systems are not allowed.

I. RESTRICTED SEWER SYSTEM DESIGNS

Grinder pump or low-pressure sewer systems are not allowed. Private sewer collection systems are not allowed.

SECTION IX DISCONTINUANCE OF SERVICE

The Utility shall have the right, with notice to the Customer, to discontinue the Water Service and/or Sewer Service and to apply any of the Customer's Water Service Guarantee or Deposit to amounts owed the Utility for non-payment of service Charges; for the excessive waste of water; for failure to comply with the mandatory water conservation ordinance for the City of El Paso; for violation of any provision of Rules and Regulations No. 9 (Pretreatment Regulations) for the violation of any of the City of El Paso's Plumbing Code; for the piping of service along or across streets, alleys, or to the property of others without the prior written consent of the Utility; for using a service without applying for and signing the proper service contract; for supplying service to property other than that which was identified by the owner or applicant for service at the time such service was initially provided; for violation of the provisions relating to service outside of the Corporate Limits of the City of El Paso, Texas as set out in Rules and Regulations No. 11; for furnishing false or erroneous information in any application for service; when any existing Water Service and/or Sewer Service shall become inactive; for the failure to install a mechanical Backflow prevention device when required; or for the violation of any provision of these Rules and Regulations No. 1 or any other lawful rule or regulation of the Utility or the City of El Paso or for any other action which interferes with the water service of other Customers or which creates a danger of contamination to the water system. Provided, however, the Utility shall have the authority to immediately discontinue the Customer's meter or Sewer Service without notice should any violation of these rules and regulations cause an immediate threat to the public health or safety or the environment. Such service shall remain discontinued until all errors are rectified and/or violations have ceased.

## SECTION X SAVINGS

These rules and regulations are a part of the other rules and regulations of the PSB and, save and except as amended hereby, the remaining provisions of the PSB's rules and regulations shall remain in full force and effect.

## SECTION XI EFFECTIVE DATE

These rules and regulations shall be and become effective from and after their adoption hereby and shall remain in effect until amended or changed by the PSB.

PASSED, APPROVED and ADOPTED this 9th day of December, 1992, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTIONS I(B), II(A)(5), II(A)(6), V(A), V(B), V(C), VII(C), VII(G), VII(K), VIII(A), and VIII(B), ADDED or MODIFIED, APPROVED, AND ADOPTED this 11th day of December, 1996.

RULES AND REGULATIONS NO. 1, SECTION VII(C), REVISED, APPROVED, AND ADOPTED this 18th day of December, 1997.

RULES AND REGULATIONS NO. 1, SECTION VII(E), REVISED, APPROVED, AND ADOPTED this 14th day of April, 1999.

RULES AND REGULATIONS NO. 1, SECTIONS I(B), II(A), V, and VII(K), ADDED, DELETED, or MODIFIED, REVISED, APPROVED, AND ADOPTED this 23rd day of January, 2002.

RULES AND REGULATIONS NO. 1, SECTION V(D), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 25<sup>TH</sup> day of January 2006, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION V(A), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 17<sup>TH</sup> day of December 2009, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION VIII (H) and (I), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 8<sup>TH</sup> day of September 2010, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION V (B), (C), (D)22, SECTION VII (B), (C), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 11<sup>TH</sup> day of December 2013, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION V (B), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 10<sup>th</sup> day of December 2014, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION VII (B), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of January, 2019, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION VII (F), ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 8<sup>th</sup> day of January 2020, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 1, SECTION IX, ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 13<sup>th</sup> day of January 2021, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

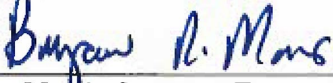
RULES AND REGULATIONS NO. 1, SECTION I (A, B), SECTION II (A, B), SECTION III, SECTION IV, SECTION V (A, B, C, D, E, F,G), SECTION VI, SECTION VII (A, B, C, D, E, F, G, H, I, J), SECTION VIII (A, B, C, D, E, F, G, H, I), SECTION IX, SECTION X, SECTION XI ADDED, MODIFIED, REVISED, APPROVED, AND ADOPTED this 12<sup>th</sup> day of January 2022, by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

**PUBLIC SERVICE BOARD:**



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Kristina Mena, Chair

**ATTEST:**



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Bryan Morris, Secretary-Treasurer

**APPROVED AS TO FORM:**



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Daniel Ortiz, General Counsel