

RULES AND REGULATIONS NO. 11

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

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 WATER AND/OR SEWER SERVICE TO CUSTOMERS WHO RESIDE OUTSIDE THE CORPORATE LIMITS OF EL PASO ARE ESTABLISHED AND SHALL SUPERSEDE RULES AND REGULATIONS PREVIOUSLY ADOPTED BY THE PUBLIC SERVICE BOARD FOR FURNISHING WATER AND/OR SEWER SERVICE TO OUTSIDE OF CITY CUSTOMERS (KNOWN AS RULES AND REGULATIONS NO. 11).

THAT PUBLIC SERVICE BOARD RULES AND REGULATIONS ARE HEREBY AMENDED BY ADOPTING NEW RULES AND REGULATIONS NO. 11 “OUTSIDE CITY SERVICES” WHICH SHALL SUPERSEDE AND REPLACE ALL CURRENT SECTIONS OF THE RULES AND REGULATIONS GOVERNING SERVICE OUTSIDE THE CORPORATE LIMITS OF THE CITY OF EL PASO, WHICH RULES AND REGULATIONS NO. 11 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. 11.

TABLE OF CONTENTS FOR RULES AND REGULATIONS NO. 11

SECTION I. GENERAL	1
A. TABLE OF CONTENTS	1
B. DEFINITIONS	3
C. NEUTRAL GENDER	5
SECTION II CONDITIONS OF SERVICE OUTSIDE OF CITY	5
A. GENERAL	5
1. Purpose	5
2. Water Rights	6
3. Cost Allocation	6
4. Eligibility	6
5. Property Description	7
B. SPECIAL CONSIDERATIONS AND PRIORITIES	7
1. Wholesale Customers	8
2. Eligibility for Extensions	8
3. Availability of Funds	8
4. Compliance With Other Rules	9
5. Monthly Charges	9
6. Water Conservation	9
7. Other Municipal Services	9
8. Rights-of-Way	9

9.	Availability	9
a.	Subdivisions platted up to August 28, 1991	9
b.	Subdivisions Platted after August 28, 1991	10
c.	Esperanza Service Area	11
10.	Water Supply Protection	11
11.	Westside	12
12.	Eastside and Lower Valley	12
SECTION III	SEVERABILITY CLAUSE	12
SECTION IV	RIGHT OF APPEAL	12
SECTION V	PROTECTION OF THE WATER SUPPLY	12
SECTION VI	PROTECTION OF THE SEWER SYSTEM	13
SECTION VII	CUSTOMER'S RIGHTS AND RESPONSIBILITIES	13
A.	SERVICE SIZE	13
B.	EXTENSION AND CONNECTION CHARGES	13
C.	CUSTOMER FURNISHED EQUIPMENT	13
D.	WATER SERVICE CONDITIONS	14
E.	SEWER SERVICE CONDITIONS	14
F.	WATER METER LOCATION	14
G.	CUSTOMER FACILITIES	14
H.	DAMAGE TO CUSTOMER	14
I.	DAMAGE TO UTILITY	14
J.	SERVICE SIZE GUIDE	15
SECTION VIII	DESIGN AND OWNERSHIP OF FACILITIES	15
A.	OPERATIONS, MAINTENANCE AND OWNERSHIP	15
B.	UTILITY FURNISHED EQUIPMENT	15
C.	RIGHT TO OPERATE	16
D.	LINE LOCATIONS	16
E.	FIRE HYDRANTS	16
F.	LIMITATION OF OTHER CITY SERVICES	16
G.	CONDITIONAL SERVICE	16
SECTION IX	DISCONTINUANCE OF SERVICE	16
SECTION X	EXISTING AGREEMENTS	17
SECTION XI	STORMWATER MANAGEMENT	17
A.	SERVICE AREA	17
B.	ANNEXED LAND	17
C.	REGIONAL STORMWATER MASTERPLANNING	17
SECTION XII	SAVINGS	17
SECTION XIII	EFFECTIVE DATE	17

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(ables):

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.

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.

CCN:

Certificate of Convenience and Necessity issued by the Texas Water Commission to a utility or water supply and/or sewer service corporation, as those terms are defined in the Texas Water Code, as a prerequisite to render retail water and/or sewer service directly to the public.

Esperanza Service Area: That area in Hudspeth County, described by CCN No. 12881, that EPWU is obligated to provide service pursuant to the July 30, 2020, Water System Asset Purchase and Transfer Agreement with Esperanza Water Supply Company, Inc.

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.

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.

ETJ:

Extraterritorial Jurisdiction: For purposes of these Rules and Regulations No. 11, the ETJ is the area extending five miles outside of the corporate limits of the City of El Paso within which the City of El Paso has statutory authority for planning and platting.

Friction Loss:

The pressure (or flow generating energy) lost by water flowing in a conduit (pipe) as the result of drag producing disturbances between the moving water molecules and the pipe walls.

Line Extension(s):

The water and/or sewer line which is required to be connected to the existing water/sewer system to provide water/sewer service to a property, including pipe installed in a Dedicated Right-of-Way which is contiguous or noncontiguous to a property.

Outside Of City Service Policies (Policies):

Policies governing extension of water and sewer service outside the corporate limits of the City of El Paso but within El Paso County, Texas or the Esperanza Service Area: A written policy adopted by the Public Service Board by their Resolution on August 28, 1991, as amended by revisions to these Rules and Regulations No. 11.

Outside City Customers:

All Customers of the Utility whose property is outside of the Corporate Limits of the City of El Paso, including any person, municipality, town, village, unit of government, governmental agency, corporation, utility, community, independent school district, water district, water supply and sewer service corporation, Subdivision or other grouping of residences, commercial establishments, institutions and industries or any other entity or combination residing outside the Corporate Limits of the City of El Paso but within El Paso County or Esperanza Service Area who desire water and/or sewer service from the Utility (EPWU).

Panhandle Lots):

A lot, because of inherent limitations, 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) surveyed or platted and filed on the County of El Paso 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 EPWater.

Sanitary Sewage:

Wastewater (sewage) containing or likely to contain fecal material or other potential sources of disease organisms, as opposed to industrial wastewater, food preparation wastewater, etc.

Sewer Service:

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

Sewer Service Lateral(s)- Customer

The pipes, fitting 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 (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 which the Sewer Service Lateral – Customer or Sewer Service Lateral - EPWU connects to the public line.

Subdivision(s):

Subdivision(s) shall be defined as provided in Chapter 19 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.

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 laws 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 included irrigation rights.

Water Service(s):

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

Water Service Lateral - 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 - 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 connections 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 OUTSIDE OF CITY

A. GENERAL

1. Purpose

- a. These Rules and Regulations No. 11 for new services outside the Corporate Limits of the City of El Paso are adopted in recognition of the fact that EPWater is owned by the citizens of El Paso; is operated for the benefit of said citizens as a publicly-owned utility; that the rates and Charges to each Customer should be related to the cost of service and to the benefits received; and, whereas, the furnishing of new and/or enlarged Water Services Laterals-EPWU and/or Sewer Service

Laterals-EPWU connections may impose an excessive cost on the operating revenue of the Utility 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; and, in order to provide a reasonable division of these additional expenses between the existing Customers and the new Outside City Customers, these Rules and Regulations No. 11 for new services outside the Corporate Limits of the City of El Paso are adopted.

- b. A purpose of these Rules and Regulations No. 11 is to extend Water Service and Sewer Service on a planned, equitable basis to County of El Paso residents who are not now served, or who are served on a substandard basis, which condition creates hazards to public health. The policy of the PSB is that service must be based on fiscally sound planning and be consistent with accepted engineering principles for physical expansion of the Utility system. The primary factor in considering areas for Water Service and Sewer Service will be dependent on general location and contiguity with the PSB's existing system.

Service extensions will be limited to properties within Esperanza Service Area or the ETJ and within contiguous service areas in accordance with the Policy adopted by the PSB on August 28, 1991, as amended by these Rules and Regulations No. 11. Approval of Line Extensions will be contingent upon a determination by the Utility's Engineering Department that the available water supply and sewage handling/treatment capacity is adequate to provide any such extended Water Service.

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 which the Utility may deem necessary to assure that the costs are assumed by the apparently benefitted parties and not by the general water users of the City and County of El Paso, Texas.

4. Eligibility

It is the intent of these Rules and Regulations No. 11 to establish the conditions of service to Outside City Customers. The conditions of service for Properties located within the Corporate Limits of the City of El Paso are set forth in Rules and Regulations No. 1, as amended. Properties that are located outside the Corporate Limits of the City of El Paso are eligible for Water Service and/or Sewer Service if they are located and improved in such a manner that the following conditions are satisfied:

- a. The property is totally or partially within Esperanza Service Area or within El Paso County, Texas, and the buildings and all other improvements to be served are included on the tax-rolls of the County of El Paso, Texas.

- b. The property to be served abuts a Dedicated Right-of-Way adequate in dimension for access by maintenance equipment in order for the Utility to extend and maintain service.
- c. All Dedicated Rights-of-Way for utility Line Extension whether inside or outside the Corporate Limits of the City of El Paso shall be free of cost or franchise tax to the Utility so long as the service exists.
- d. Compliance with the City of El Paso's Subdivision Ordinance and other applicable ordinances and state statutes, as they now read or may be amended.
- e. Panhandle Lots shall not be eligible for Water Service and/or Sewer Service unless they meet the following criteria:
 - (1) Residential Uses. The maximum length of the panhandle shall be two hundred (200) feet. The minimum width of the panhandle shall be twelve (12) feet to serve one (1) dwelling unit. A maximum of four (4) dwelling units may jointly use a panhandle, provided that the minimum cumulative width of the panhandle is twenty-four (24) feet. Maintenance of the common driveway, in cases of joint use, shall be ensured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.
 - (2) Non-Residential Uses. The minimum width of the panhandle shall be twenty-five (25) feet. In case of joint use, the minimum cumulative width of the panhandle shall be thirty-five (35) feet. Maintenance of the common driveway, in cases of joint use, shall be assured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.
 - (3) Subdivision Regulations. All Panhandle Lot developments shall be subdivided in accordance with the subdivision regulations of the City of El Paso.
 - (4) Extensions. Water Service and/or Sewer Service shall be provided at the property line adjacent to the public Dedicate Right-of-Way. Line Extensions 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.

5. Property Description

The owner of the property or person desiring Water Service and/or Sewer Service from the Utility water and sewer systems 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 or Sewer Service. This property description shall become a part of the application for service and will 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. Absent written approval by EPWU, no Water Service and/or sanitary Sewer Service shall extend through property owned or intended to be sold to different individuals or entities than those listed on the service application. Providing 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 No. 11 and shall be cause for discontinuance of service in accordance with Section IX.

B. SPECIAL CONSIDERATIONS AND PRIORITIES

Water Service and Sewer Service may be provided to property located within the Esperanza Service Area or property outside of the corporate limits of the City of El Paso, but within the area of ETJ of the City of El Paso in accordance with POLICIES GOVERNING EXTENSION OF WATER AND SEWER SERVICES

OUTSIDE THE CORPORATE LIMITS OF THE CITY OF EL PASO BUT WITHIN EL PASO COUNTY, TEXAS, herein after referred to as Policies adopted by the PSB by their resolution on August 28, 1991, as amended by these Rules and Regulations No. 11. Such service may include either individual household or domestic, commercial, industrial, institutional or wholesale to Customers who purvey water and/or sewer service in accordance with a valid Certificate of Convenience and Necessity (CCN) or who are otherwise lawfully authorized to serve in this area.

1. Wholesale Customers

Water service to wholesale Customers, that is water Customers of EPWU who purvey the water so delivered to retail users, such as households, commercial or industrial users, shall be required to comply with certain conditions as follows:

- a. They must negotiate a contract with EPWU specifying contract time, maximum quantity desired, cost of service and other conditions of service.
- b. They shall comply with all rules and regulations of EPWU for other Customer classes which are applicable.
- c. They shall pay applicable Charges and deposits as stipulated in Rules and Regulations No. 7.
- d. The wholesale water Customer shall be responsible for providing water quality in conformance with Federal Safe Drinking Water Act requirements, and compliance with applicable local, state, and federal laws.
- e. Wholesale sewer service Customers shall be responsible for protection of groundwater through prevention of spills and collection system leaks and shall otherwise comply with all pollution control and other applicable state and federal laws.
- f. Wholesale Customers shall comply with and impose and enforce on their retail Customers the Conservation Regulations of the City of El Paso, and the PSB.

2. Eligibility for Extensions

To be eligible for Line Extension service, outside-city property, other than property located in Esperanza Service Area, may not be located in the ETJ or the Corporate Limits of any municipal corporation other than the City of El Paso, or in the service area covered by a current Certificate of Convenience and Necessity (CCN) held by any other utility or entity, unless the entity or utility consents in writing to service by the PSB. Such consent shall not obligate the PSB to provide service. The Utility may extend service outside of the El Paso ETJ only when the PSB, in their sole judgment, deems such service to be in the interest of public safety, health and welfare.

3. Availability of Funds

- a. Capital funding of service Line Extension outside the Corporate Limits of the City of El Paso must be available in accordance with Rules and Regulations No. 7, including: Line Extension Charges, special deposits for Off-Site Facilities as defined in Rules and Regulations No.1., connection Charges and other applicable Charges and will be paid on contractual obligation in advance to the Utility. Funding sources may be grants from the County of El Paso, State of Texas, the Federal Government or other public or private sources, but in no case will funds from the Utility be used so as to cause an expense to other Customers which would amount to a subsidy without benefits and be inconsistent with the conditions under which the Policies were adopted.

- b. Government grant conditions may require certain exceptions to the fees and Charges in Rules and Regulations No. 7. Such exceptions will be considered provided Utility funds are not used so as to cause an expense to other Customers. Federal, state, and county government grants may be targeted to reduce cost to individual Customers by directly paying all Line Extension costs and connection fees required in Rules and Regulations No. 7 and in such cases, the Utility will not charge the individual connection fees, the amount paid by grants nor in such case, will the Utility pay refunds to the government agency providing the grant.
 - c. In cases where individually-owned single family property Customers outside the Corporate Limits of the City of El Paso do not qualify for financial assistance from federal, state or county agencies, a Promissory Note may be executed as described in Rules and Regulations No. 7 Sections II (O) and Sections III (J).
4. Compliance With Other Rules
Conditions of service to Outside City Customers shall be in strict accordance with Rules and Regulations No. 7 and Rules and Regulations No. 9. Written acknowledgment that the Customer will comply must be provided with application for service.
5. Monthly Charges
Cost of service (monthly service charge) to Outside City Customers shall be in accordance with Rules and Regulations No. 5 and Rules and Regulations No. 6 as these rules and regulations now read or as they may be amended. Written acknowledgment must be provided with application for service.
6. Water Conservation
All water conservation rules and ordinances which are applicable to Customers in the City of El Paso shall be applicable to Outside City Customers and will be strictly enforced.
7. Other Municipal Services
Other City of El Paso municipal services to Outside City Customers will not be provided with the Line Extension of Water Service and/or Sewer Service outside the Corporate Limits of the City of El Paso. Written acknowledgment of the fact that no other services will be provided will be included with the application for Water Service and/or Sewer Service.
8. Rights-of-Way
Line Extension of service to Outside City Customers shall be on Dedicated Rights-of-Way on the condition that El Paso County or other owners or agencies shall grant access at no cost to the Utility and without charging a franchise fee or similar charge for the use of Dedicated Rights-of-Way. It is the intent of the Utility to construct water and sewer mains in public Dedicated Rights-of-Way where possible. Conditions under which water and sewer mains may be allowed in easement are discussed in Rules and Regulations No. 7, Sections II(J) and III(H).
9. Availability
Determination of Water Service and/or Sewer Service availability to Properties located outside the Corporate limits of the City of El Paso shall be made in accordance with the adopted policies and as follows:
- a. Subdivisions platted up to August 28, 1991
Subdivisions platted up to August 28, 1991, will be programmed in accordance with the priority system stipulated in the Policies as amended, and at the discretion of the PSB. Generally, such Subdivisions will have priority over those platted later provided they meet all other conditions of the Policies and Rules and Regulations No. 11.

The purpose of extending service to Outside City Customers by the PSB is to promote the public health, safety and welfare of the community of El Paso County. However, it is the intent of the PSB to maintain the viability of the Utility while serving this purpose. Existing Customers shall not be burdened with rates and costs associated with the expanded field of service. Therefore, a priority system for consideration of applicants such as included in the Policies, as amended, which considers need, funding, health issues and engineering feasibility, or as may be determined by the Texas Water Development Board, will be utilized. It is the intent that the Utility will be expanded contiguously without leapfrogging in accordance with available funding so as to be in the best interests of the rate-payers, existing and future, and of the Utility.

A variance to the priority system may be granted to the public school districts for providing water and wastewater service to individual public schools. This variance may be granted by the PSB to a specific public school when, in the PSB's sole judgment, it deems such service to be in the best interest of public safety, health and welfare.

It is the intent of the Utility to protect and manage the regional water resources with El Paso County, Texas. In as much as sewage generation is greatly impacted by the installation of Water Service, priority consideration for installation of Water Services will be given to applicants with suitable collection, treatment and disposal facilities for increased discharges which may result from installation of Water Services.

b. Subdivisions platted after August 28, 1991

Subdivision platted after August 28, 1991, requesting Water Service and/or Sewer Service shall be considered in accordance with the Policies as amended. Generally, priority for service will be given to Subdivisions platted prior to this date. Subdivisions platted after August 28, 1991 will not be served if it requires leapfrogging over un-serviced areas that have a higher priority. All proposed developments located outside the Corporate Limits of the City of El Paso which were platted after the date of the adoption of the Policies by the PSB on August 28, 1991, must conform to the City of El Paso's subdivision regulations and applicable ordinances and PSB Rules and Regulations in effect at the time application is made for service. Such development must also conform with the PSB's master plans insofar as the approved sizing of such facilities is concerned, including off-site lines and Off-site Facilities for which the developer may be responsible.

A variance to the priority system may be granted to the public school districts for providing Water Service and Sewer Service to individual public schools. This variance may be granted by the PSB to a specific public school when, in the PSB's sole judgment, it deems such service to be in the best interest of public safety, health and welfare.

The Outside City Customer, developer, or its designated agent of Subdivisions platted after August 28, 1991, shall post cash or other security acceptable to the PSB into an escrow fund to EPWU's account which shall be not less than 125% of the estimated increase to the PSB's current Capital Improvement Program attributable to the Line Extension requested. Such additional or expanded facilities must conform to the EPWater master plan or any amendments thereof. Alternatively, the applicant for extended services may elect to construct the facilities on its own account, with its own funds. In this case, the applicant may be considered for refunds based upon the source of funding. In no event is the Utility obligated to provide refunds from its own funds. Before Line Extensions of Water Service are approved

by the Utility the developer must satisfy the Utility that all lots in the specific Subdivision, or other type of development, will contain adequate wastewater disposal facilities.

c. Esperanza Service Area

Water supply is available for the Esperanza Service Area from assets acquired by EPWU pursuant to the July 30, 2020 Water System Asset Purchase and Transfer Agreement with Esperanza Water Supply Company, Inc.

10. Water Supply Protection

Protection of the water supply shall be provided by the following special conditions:

- a. The plumbing in the existing houses must be adequate for the pressures of the EPWU system and must not create a Cross Connection. The applicant for service shall comply with the City of El Paso Plumbing Code before service is provided, and thereafter, as deemed necessary by the Utility to ensure that there is no Cross Connection to the water supply. Mechanical Backflow Prevention Assemblies will be installed by the Customer on all outside-city connections. The failure of the Customer to install such a Backflow Prevention Assemblies shall be a basis for discontinuance of service.
- b. Service will be made only after the City of El Paso and the County of El Paso certify that the property to be served satisfies appropriate plumbing and Sanitary Sewage disposal requirements.
- c. Only one service connection shall be permitted to each residential property that is under one ownership unless the property is platted in accordance with the subdivision regulations of the proper jurisdiction. The size of the residential service connection (meter) shall be $\frac{3}{4}$ inch for lots 1 acre or less in area. Lots greater than 1 acre shall be limited to one gallon per minute rated capacity for each three feet of property that is adjacent to the water line or at the discretion of the Utility. This limitation is required because the water distribution system outside the City of El Paso limits often consist of long dead-end feed lines and potential use by Customers may be greater than the lines can serve. The appropriate Charges shall be paid on all the property that abuts the water line and/or that uses water from the service connection.
- d. Panhandle Lots shall not be eligible for Water Service and/or Sewer Service unless they meet the following criteria:
 - (1) Residential Uses. The maximum length of the panhandle shall be two hundred (200) feet. The minimum width of the panhandle shall be twelve (12) feet to serve one (1) dwelling unit. A maximum of four (4) dwelling units may jointly use a panhandle, provided that the minimum cumulative width of the panhandle is twenty-four (24) feet. Maintenance of the common driveway, in cases of joint use, shall be ensured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.
 - (2) Non-Residential Uses. The minimum width of the panhandle shall be twenty-five (25) feet. In case of joint use, the minimum cumulative width of the panhandle shall be thirty-five (35) feet. Maintenance of the common driveway, incases of joint use, shall be assured by deed restrictions and a note of such deed restrictions shall be placed on the face of the plat.
 - (3) Subdivision Regulations. All Panhandle Lot developments shall be subdivided in accordance with the subdivision regulations of the City of El Paso.

- (4) Extensions. Water Service and/or Sewer Service shall be provided at the property line adjacent to the public Dedicated Right-of-Way. Line Extensions 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.

11. Westside

The areas outside the Corporate Limits of the City of El Paso on the westside, including Canutillo, have received retail service from the PSB since the 1960s. Service has been provided to protect the public health, in recognition that the City of El Paso derives a portion of its water supply from the Mesilla Bolson located with the area, and as a means of protecting both groundwater and surface water from contamination by reducing the number of wells. Wastewater treatment capacity is also available at the Northwest Treatment Plant. In order to protect and preserve the area's water resources, retail Water Service and Sewer Service will be provided within the (ETJ) in this area in accordance with these rules, including prevention of leapfrog development and collection of Charges that fully cover the cost of service. Water Service will not be provided to Properties that do not have a wastewater collection system constructed to the standards contained in these Rules and Regulation, and which is connected to a wastewater treatment plant certificated by the TCEQ.

12. Eastside and Lower Valley

The areas on the City of El Paso's Eastside and Lower Valley generally do not have available potable groundwater. Service from the Utility has been provided through wholesale contracts or directly to governmental facilities. Service to this area will only be provided within the Corporate Limits City of El Paso, including any additional areas annexed by the City of El Paso, or through wholesale water supply contracts. Retail service may also be provided to Customers within existing water districts in the event of consolidation or other dissolution of such districts.

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. 11 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. 11. 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 representatives 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 and 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 THE WATER SUPPLY

Each Customer shall comply with Section V of 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 of El Paso 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 CrossConnections, Back Siphonage, excessive leaks, or other means 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.

SECTION VI PROTECTION OF THE 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, within the limitations of these regulations, subject to payment of the rates and Charges as provided in Rules and Regulations No.7; except, however, that a single-family dwelling unit having a gross lot area of one acre or less shall not be permitted a Water Service Lateral-EPWU larger than $\frac{3}{4}$ inches. However, each property or developable unit shall have a separate Water Meter and separate Sewer Service Lateral-EPWU, and 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 (1) Water Meter, or by one (1) Sewer Service Lateral-EPWU or one (1) Sewer Service Lateral-Customer.

B. EXTENSION AND CONNECTION CHARGES

Once Line Extension Charges and other costs have been paid pursuant to Rules and Regulations No. 7, the right of the allowable service connections shall be vested in the property, whether used or not. However, should a service connection remain inactive for three years or more, the service may, at the option of the Utility, be removed; and re-installation shall require a new service connection Charge, pursuant to Rules and Regulations No. 7.

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 line 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 Laterals-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 from the property line and within the property. 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 the PSB harmless on account of damage caused by low or high pressure, fluctuations of pressure, or interruptions of service. Where the static water pressure at the meter exceeds 80 pounds per square inch, the Customer shall, for his or her own protection and at his or her 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 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 against 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 or where not protected by a curb and gutter, 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 assure 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 property, if necessary and no rent or other charge shall be assessed or imposed by the Customer against the PSB 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 for 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 PSB-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 approximately the following amount when discharging to atmosphere at the Customer side of the meter.

<u>Meter size</u>	<u>Gallons per Minute Demand</u>
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 Friction Loss in his 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 EPWU, City of El Paso, Texas, acting by and through its PSB upon completion of the construction of such facilities and upon the acceptance and 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 PSB .
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, reconstruction or resurfacing of streets, the Utility will furnish and install Water Service Laterals-EPWU and Sewer Services 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 is granted by the Utility.

C. RIGHT TO OPERATE

The Utility will 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 LOCATIONS

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

E. FIRE HYDRANTS

Public fire hydrants shall not be installed in lines extending outside of the Corporate Limits of the City of El Paso except as may be requested by fire protection agencies having jurisdiction for the area served and funded by the developer. Extensions of Water Service outside of the Corporate Limits is for consumptive purposes and does not specifically imply that the level of service provides municipal level fire protection and the Customer agrees that such level of fire protection is not provided. Cost of installation of any hydrants will be the responsibility of the Customer or the requesting fire protection agency and shall not be reimbursed by the Utility.

F. LIMITATION OF OTHER CITY SERVICES

The water and sewer Line Extension to Properties located outside of the Corporate Limits of the City of El Paso does not imply the provision of any other service of the City of El Paso and the Customer agrees that no other services, including but not limited to: police, fire protection, garbage collection and street maintenance are provided.

G. CONDITIONAL SERVICE

When service is required to a property within the outside the Corporate Limits of the City of El Paso that is not adjacent to 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 or the nearest main that would provide adequate service to the Water Meter and/or sewer connection to this property and assume all responsibility and liability therefore and the payment of all costs and damages growing out of the installation, operation or failure of said 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 and will discontinue the use of the temporary connection and pipeline will pay the Utility the appropriate charges for a regular service.

SECTION IX DISCONTINUANCE OF SERVICE

The Utility shall have the right, with notice to the Customer, except in emergency situation where immediate termination of service is necessary to preserve or protect the public health or safety when service may be terminated without notice, 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 to the Utility for non-payment of service Charges; for the excessive waste of water; for the violation of any applicable 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 these Rules and Regulations No. 11; for furnishing false or erroneous information in any application for service; or when any existing Water Service and/or Sewer Service shall become inactive; or upon the violation of any provision of

these Rules and Regulations No. 11, or any lawful rule or regulation of the Utility or the City of El Paso. Provided, however, the Utility shall have the authority to immediately discontinue the Customer's meter or Sewer Service with notice should any violation of these rules and regulations cause and 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 EXISTING AGREEMENTS

All agreements to serve Customers outside of the Corporate Limits of the City of El Paso which are in force and effect at the date of this resolution shall remain unaltered as to terms and conditions of service. Such agreements include but are not limited to: Fort Bliss, The Lower Valley Water Authority, and Clint, Texas.

SECTION XI STORMWATER MANAGEMENT

Pursuant to City of El Paso Ordinance 016668 establishing a Municipal Drainage System, the Public Service Board Stormwater Utility will develop a Stormwater Management Plan.

A. SERVICE AREA

Service area means all land located within the limits of the City of El Paso and any other land areas in the City of El Paso's ETJ as provided by the Municipal Drainage Utility Systems Act which, as a result of topography or hydraulics, contribute to overland flow into the water sheds served by the drainage system of the City of El Paso.

B. ANNEXED LAND

Upon the effective dates of completed annexation of additional lands into the City of El Paso, each such annexed additional land shall become part of the service area. Land annexed for limited purposes shall become part of the service area upon annexation for full purposes.

C. REGIONAL STORMWATER MASTER PLANNING

The PSB will work with the County of El Paso, Villages, Corp of Engineers, Texas Water Development Board and other local, state and federal agencies in developing a regional stormwater master plan for County of El Paso to ensure a comprehensive plan to address and properly manage stormwater.

SECTION XII SAVINGS

These rules and regulations are a part of the other rules and regulations of the Public Service Board 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 XIII 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. 11, SECTION VII(E), REVISED, APPROVED, AND ADOPTED this 12th day of May, 1999.

RULES AND REGULATIONS NO. 11, SECTIONS I(B), II(A)(1)(b), II(a)(4)(e), II(B)(2), II(B)(8), and II(B)(10)(d), REVISED, APPROVED, AND ADOPTED; SECTIONS II(B)(11) and II(B) (12) ADDED, APPROVED AND ADOPTED this 13th day of December, 2000.

RULES AND REGULATIONS NO. 11, SECTION V, REVISED, APPROVED, AND ADOPTED this 23rd day of January, 2002.

RULES AND REGULATIONS NO. 11, SECTION XI, SECTION XII, SECTION XIII, ADDED, REVISED, APPROVED, AND ADOPTED this 12th day of December, 2007.

RULES AND REGULATIONS NO. 11, SECTION II (B)(3)(c), ADDED, REVISED, APPROVED, AND ADOPTED this 12th day of December, 2012.

RULES AND REGULATIONS NO. 11, SECTION VII (F), ADDED, REVISED, APPROVED, AND ADOPTED this 8th day of January, 2020, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 11, SECTION I (B), SECTION II (A)(5), (B)(3)(b,c), (9)(b), SECTION IX ADDED, REVISED, APPROVED, AND ADOPTED this 13th day of January, 2021, by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 11, SECTIONS I(B), II (A)(1), II (A)(4)(a), II(B), II(B)(2), II(B)(9)(c) ADDED, REVISED, APPROVED, AND ADOPTED THIS 12th day of May, 2021 by the Public Service Board of the City of El Paso, Texas.

RULES AND REGULATIONS NO. 11, SECTION I (A, B), SECTION II (A,B), SECTION III, SECTION IV, SECTION V, SECTION VI, SECTION VII (A, B, C, D, E, F, G, H, I, J), SECTIONS VIII (A, B, C, D, E, F, G), SECTION IX, SECTION X, SECTION XI (A, B, C), SECTION XII, SECTION XIII ADDED, REVISED, APPROVED, AND ADOPTED THIS 12th day of January, 2022 by the Public Service Board of the City of El Paso, Texas.

PUBLIC SERVICE BOARD



Kristina Mena, Chair

ATTEST:



Bryan Morris, Secretary-Treasurer

APPROVED AS TO FORM:



Daniel Ortiz, General Counsel