

ORDER ADOPTING AMENDED RULES AND REGULATIONS  
July 20, 2023

*Amending and Superseding the August 20, 2020 Order Adopting Amended Rules and Regulations*

THE STATE OF TEXAS §  
COUNTY OF HAYS §  
HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 2 §

We the undersigned officers of the Board of Directors (the "Board") of Hays County Water Control and Improvement District No. 2 (the "District"), hereby certify as follows:

The Board convened in regular session on July 20, 2023 at its office within the District, open to the public, and the roll was called of the members of the Board, to-wit:

Samantha E. Bethke	President
Lynn Lee	Vice President
Sean McGillicuddy	Secretary
William Carroll Kelly IV	Treasurer/Asst. Secretary
Chris Kopperud	Assistant Secretary

All members of the Board were present.

Whereupon, among other business conducted by the Board, Director Kopperud introduced the order set out below (the "Order") and moved its adoption, which motion was seconded by Director Bethke and after full discussion and the question being put to the Board of Directors, said motion was carried by the following vote:

"Aye" 4 ; "No" 0 .

The Order thus adopted is as follows:

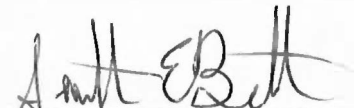
WHEREAS, Pursuant to Texas Water Code §§ 11.037, 49.004, 49.057, 51.127, 51.303 and 54.205, and 30 Texas Administrative Code § 293, Subchapter J, the District is authorized to adopt and enforce reasonable rules and regulations to (1) govern the affairs of the District to perform its purposes; (2) secure and maintain safe, sanitary and adequate plumbing installations, connections and appurtenances; (3) preserve the sanitary condition of water controlled by the District; (4) prevent waste or the unauthorized use of water controlled by the District; (5) regulate privileges on land and easements of the District; (6) provide and regulate a safe and adequate freshwater distribution system; (7) provide for the supply, use, distribution and payment for water; and (8) establish reasonable civil penalties for breach of its rules and regulations; and

WHEREAS, the Board has determined that its existing rules and regulations are in need of amendment and reorganization.

NOW THEREFORE, THE BOARD OF DIRECTORS OF HAYS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 ORDERS THAT:

1. The amended rules and regulations, attached hereto as Exhibit "A" (the "Rules and Regulations") are hereby adopted;
2. A substantive statement of the Rules and Regulations shall be published as required by law;
3. The Rules and Regulations shall become effective five (5) days after such publication requirements have been satisfied (the "Effective Date");
4. The amended rules and regulations adopted by the District on August 20, 2020, shall be of no force and effect with respect to any event occurring on or after the Effective Date, and are hereby rescinded as of the Effective Date;
5. If any provision, section, sentence, clause, or phrase of this Order, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Order or the application to such other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board in adopting this Order, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision; and
6. The Secretary of the Board is hereby directed to file a copy of this Order in the principle office of the District. This Order shall be and remain in full force and affect from and after the date of filing.

PASSED, APPROVED, ORDERED AND ADOPTED THIS 20<sup>th</sup> day of July, 2023.

  
Samantha Bethke, President  
Board of Directors

Attest:

  
Sean McGilliuddy, Secretary  
Board of Directors

**EXHIBIT “A”**

[ATTACHED]

**Hays County Water Control and  
Improvement District No. 2  
Hays County, Texas**

**Rules and Regulations**

**Adopted July 20, 2023**

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**Section 1**  
**General Provisions and Definitions**

**Rule 1.01 Authority and Purpose of Rules.** These Rules are adopted pursuant to the act creating the District, Texas Water Code Chapters 11, 49, 51 and 54, and 30 Texas Administrative Code § 293, Subchapter J, providing authority to adopt and enforce bylaws, rules and regulations to (1) govern the affairs of the District to perform its purposes; (2) secure and maintain safe, sanitary and adequate plumbing installations, connections and appurtenances; (3) preserve the sanitary condition of water controlled by the District; (4) prevent waste or the unauthorized use of water controlled by the District; (5) regulate privileges on land and easements of the District; (6) provide and regulate a safe and adequate freshwater distribution system; (7) provide for the supply, use, distribution and payment for water; and (8) establish reasonable civil penalties for breach of these Rules. These Rules may not be construed to limit, restrict, or deprive the District or the Board of any exercise of any power, duty, or jurisdiction conferred by the legislation and orders creating the District, Chapters 49, 51 and 54 of the Texas Water Code, or any other applicable law or statute.

**Rule 1.02 Effect of Rules.** Pursuant to Texas Water Code § 51.128 and Texas Water Code § 54.206, these Rules shall be recognized by the courts as if they were penal ordinances of a city. In addition, under Texas Water Code § 51.241, a Person who violates any of these Rules commits a criminal offense classified as a Class C misdemeanor.

**Rule 1.03 Amendment of Rules.** The Board may amend or revoke these Rules or adopt new Rules at a meeting of the Board held in compliance with the Texas Open Meetings Act.

**Rule 1.04 Singular and Plural.** Unless the context otherwise requires, defined terms and phrases expressed in the singular include the plural and *vice versa*.

**Rule 1.05 Heading and Captions.** The headings and captions in these Rules are included for reference only, and do not affect in any way the meaning or interpretation of these Rules.

**Rule 1.06 Severability.** If any provision of these Rules or its application to any Person or circumstance is held invalid or unenforceable, the invalidity does not affect other provisions or applications of the Rules which can be given effect without the invalid provision or application, and to this end the provisions of these Rules are severable.

**Rule 1.07 Publication and Effective Date.** Upon adoption by the Board, a condensed substantive statement of these Rules, and the penalties for their violation, shall be published once a week for two consecutive weeks in one or more newspapers with general circulation in the area in which the District is located. These Rules shall become effective five (5) days after publication of notice.

**Rule 1.08 Definitions.** The following terms and phrases shall have the meaning ascribed to them in this Rule 1.08 throughout these Rules. Other terms and phrases that are capitalized, underlined, and defined within the text of these Rules shall have the meaning ascribed to them therein throughout these Rules.

(a) **General Definitions.**

**“Board”** means the board of directors of the District, which is the District’s governing body.

**“Committee”** means a committee comprised of less than 3 members of the Board.

**“Director”** means a Person appointed or elected to the Board.

**“District”** means Hays County Water Control & Improvement District No. 2, a conservation and reclamation district and a political subdivision of the State of Texas, organized as a water control and improvement district under the provisions of Article XVI, Section 59, Texas Constitution, and possessing the rights and powers enumerated by Chapters 49, 51, and 54 of the Texas Water Code.

**“District Facility”** means tangible real and personal property of the District, including any plant, equipment, means, recreational facility as defined by Section 49.462 of the Texas Water Code, or an instrumentality owned, leased, operated, used, controlled, furnished, or supplied for, by, or in connection with the business or operations of the District. The term specifically includes a reservoir or easement of the District.

**“District Systems”** means the Water Supply System, Wastewater System, Reclaimed Water System, and all water quality, drainage and stormwater detention facilities of the District.

**“GPD”** means gallons per day.

**“HCWCID1”** means Hays County Water Control & Improvement District No. 1, a conservation and reclamation district and a political subdivision of the State of Texas, organized as a water control and improvement district under the provisions of Article XVI, Section 59, Texas Constitution, and possessing the rights and powers enumerated by Chapters 49, 51, and 54 of the Texas Water Code.

**“Heavy Equipment”** means a tractor-trailer, excavator, bulldozer, dump truck, crane, lift truck, forklift, or any other heavy machinery or equipment.

**“LCRA”** means the Lower Colorado River Authority or any successor or successors exercising any of its duties and functions.

**“Legal Requirements”** means the requirements and provisions of any federal, state or local law, the regulations of the TCEQ and the PUC, and any permits, licenses, memoranda or orders issued or adopted from time to time by any federal, state, or local governmental authority having jurisdiction over the District, Service provided by the District, District Facilities, real property located within the political boundaries of the District, or water quality or drainage within the political boundaries of the District.

**“LUE”** or **“Living Unit Equivalent”** means a single unit of Water Service, defined as the typical flow (in gallons per day) that would be produced by a Single Family Residence. The number of



LUEs needed for a Connection shall be determined in accordance with the methodology, calculations, and procedures used by the WTCPUA for determining LUE conversions by land use that are in effect at the time application for a Connection is made.

“Motor Vehicle” means a self-propelled vehicle in, upon, or by which a person or property is or may be transported or drawn on a road or highway. For avoidance of doubt, a vehicle meeting the definition of a golf cart, moped, motorcycle, motor-assisted scooter, pocket bike, neighborhood electric vehicle, all-terrain vehicle, utility vehicle or off-highway vehicle under Texas law constitutes a Motor Vehicle under these Rules.

“Person” means a natural person, corporation, partnership, company, trust, government agency, municipality, political subdivision, association, other public or private organization of any character, or any legal representative thereof.

“PUC” means the Public Utility Commission or Texas, or any successor agency exercising any of its duties and functions with respect to retail public utilities.

“Rules” means these Rules and Regulations of Hays County Water Control and Improvement District No. 2.

“Service” means a benefit or service provided by the District. Without limiting the generality of the foregoing, the term “Service” specifically includes the following: (1) Water Service, Wastewater Service, or Solid Waste Disposal Service provided by the District; (2) Reclaimed Water Service; (3) the use of District Real Property or other facilities owned, leased, operated or maintained by the District, as authorized by the District; and (4) the temporary or permanent use of water quality, drainage, and stormwater detention facilities owned, leased, operated or maintained by the District as authorized by the District..

“Service Rate Order” shall mean an order adopted by the Board establishing all necessary charges, deposits, connection fees, tap fees, volume rates and other fees and rentals of the District, as may be amended from time to time.

“Solid Waste Disposal Service” means the collection, transportation, processing and disposal of municipal solid waste by the District or a contractor of the District.

“TCEQ” means the Texas Commission on Environmental Quality, or any successor agency exercising any of its duties and functions with respect to conservation and reclamation districts.

“Violation” means a violation of, or failure to with, these Rules.

“Wastewater Control Order” means the Wastewater Control Order duly adopted by the District on July 14, 2016, as may be amended from time to time.

“Water Conservation and Drought Contingency Plan” or “WCDCP” means the District’s duly adopted Water Conservation a Drought Contingency Plan, as amended from time to time. The

Water Conservation and Drought Contingency Plan shall be made available by the District Manager upon request.

“WTCPUA” means the West Travis County Public Utility Agency, or any successor or successors exercising any of its duties and functions.

**(b) District Representatives and Related Definitions.**

“District Representative” means a representative, agent or employee of the District acting pursuant to the direction of the Board or the District Manager.

“District Engineer” or “Engineer” means a Person that has entered into a contract with the District to design District facilities, review plans on behalf of the District, perform engineering inspections on behalf of the District, and perform any additional services as set forth in an applicable contract with the District.

“District Manager” means the Person that is: (1) under contract with the District to perform management and administrative duties as designated by the Board; or (2) an employee of the District designated by the Board as the District Manager. The term “District Manager” includes any designee of the District Manager.

“District Operator” or “Operator” means the Person that is under contract with the District to manage and operate the District’s Systems, report monthly to the District on the operations of the District’s Systems and perform any additional services as set forth in the contract with the District.

**(c) District Customers and Related Definitions.**

“Customer” means any Person provided with any Service by the District. Without limiting the generality of the foregoing, the term “Customer” as used herein may include residents of the District, Builders, Contractors, Developers, and other political subdivisions. A Person residing in a duplex, apartment, condominium or other multifamily residential Building shall not be considered a utility Customer of the District for purposes of these Rules unless such resident’s Dwelling Unit constitutes an Individually Metered Dwelling Unit. HCWCID1 shall not be considered a “Customer” of the District with respect to any joint facilities or Services that are governed by separate agreements between the District and HCWCID1.

“Applicant” means a Person requesting any Service or approval from the District.

“Builder” means a Person that constructs, or enters into a contract to construct, one or more Single Family Residences within the District.

“Contractor” means a Person that performs site development work, installs or constructs infrastructure or utilities, constructs a building or portion thereof, or performs maintenance, construction, repair or landscaping services on behalf of a Developer, Builder or other Customer, or any other Person performing any contracted services (including landscapers, irrigators, pool

builders plumbers, electricians, carpenters, and other tradesmen) within the political boundaries of the District.

“Developer” means a Person who owns a tract of land within the District and who has divided or proposes to divide the tract into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, or to lay out suburban, building, or other lots, and to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

“Non-Residential Customer” means a Customer receiving Service from the District by virtue of a Non-Residential Connection.

“Reclaimed Water User” means a Person utilizing reclaimed water for a beneficial use in accordance with the requirements of 30 Tex. Admin. Code § 210.

**(d) District Real Property and Related Definitions.**

“District Real Property” means any land or any easement owned or controlled by the District, and includes, without limitation, District Greenbelt Property, District Parks, District Trails, District Recreational Facilities, and land on which District Facilities are located.

“District Greenbelt Property” means a platted Lot or other real property that is owned or operated by the District and maintained in a generally native state. District Trails, ponds and other facilities may be located on or within District Greenbelt Property.

“District Park” means a park owned, operated or maintained by the District.

“District Recreational Facilities” means District Parks, landscaping, parkways, District Greenbelt Property, sidewalks, District Trails, public right-of-way beautification projects, and recreational equipment and facilities that are owned, leased, licensed, operated or maintained by the District. The term includes associated street and security lighting.

“District Trail” means a path or trail owned, operated or maintained by the District.

**(e) System Connections and Related Definitions.**

“Connection” means a connection to the District’s Water System, Wastewater System, or Reclaimed Water system, as applicable, in order to obtain Water Service, Wastewater Service, or Reclaimed Water Service, respectively, from the District.

“Building” means a building constructed for use as place for the conduct of business or any other affairs or activities, for use as a living space, or for the support, shelter or enclosure of any person or property, or any other building.

“Dwelling Unit” means a residential unit consisting of one or more rooms within a Building suitable for use as a permanent residence. The definition of “Dwelling Unit” includes the definition of a “Dwelling” under Texas Property Code § 92.001.

“Individually Metered Dwelling Unit” means a Dwelling Unit served by a utility meter that belongs to the District and measures Service only for that Dwelling Unit.

“Non-Residential Connection” means any Connection utilized to provide Service to an establishment or Building that does not constitute one of the following: (1) a Single Family Residence; or (2) an Individually Metered Dwelling Unit that is located within a duplex, apartment building condominium building or other multifamily residential Building. Without limiting the generality of the foregoing, the term “Non-Residential Connection” includes a Connection to a duplex, apartment, condominium or other multifamily residential Building, a commercial, industrial, civic, agricultural, public school, private school, institutional or recreational Building, or any other establishment, development or Project that does not constitute a Single Family Residence or Individually Metered Dwelling Unit, unless otherwise agreed in writing by the District.

“Residential Connection” means a Connection utilized to provide Service to a Single Family Residence, or an Individually Metered Dwelling Unit that is located within a duplex, apartment, condominium or other multifamily residential Building.

“Service Connection Location” means a location at which any component of the District’s Water System, Wastewater System, or Reclaimed Water System is to be physically connected to a Customer’s facilities in order to obtain Water Service, Wastewater Service, or Reclaimed Water Service, respectively, from the District.

“Single Family Residence” means a single, detached one-family residential Dwelling Unit that is not more than three stories high with separate means of egress, and includes accessory Buildings of the Dwelling Unit.

**(f) Water Supply System and Related Definitions.**

“Water Supply System” means all water supply, treatment, transmission and distribution facilities utilized in the provision of Water Service by the District, including all water mains, lines, reservoirs, pumps stations, valves, valve boxes, flushing valves, blowoff valves, water meters, water meter service lines, meter boxes, and all facilities, improvements, fixtures, components, fittings, appurtenances, parts, equipment and related materials owned, leased, operated or maintained by the District and comprising the public water system of the District as defined in 30 Texas Administrative Code § 290.38(66).

“Health Hazard” shall mean a cross-connection, potential cross-connection, or any other condition or peril involving any substance capable of causing death, illness or spread of disease, or that has a high possibility of causing such effects if introduced into the District’s Water Supply System, or the health hazards reflected on Tables 4-1 and 4-2 of the American Water Works Association (“AWWA”) Manual M14.

“Water Meter” means a recording device that registers the amounts of water consumed by each Customer of the District. Each Water Meter is owned and maintained by the District.

“Water Service” means the supply, transmission and distribution of potable water that has been treated for human consumption in accordance with standards established by the TCEQ and the PUC, to Customers, or related services provided or made available by the District.

“Water Service Area” means the service area identified in Certificate of Convenience and Necessity No. 13014 as issued by the TCEQ on June 12, 2002.

“Water Service Line” means any line from a Single Family Residence or other Building which connects to the District’s Water Supply System. A Water Service Line is owned and maintained by the owner of the Single Family Residence or other Building.

“Water Tap” means the physical connection of any Water Service Line to the District’s Water Supply System. Water Taps will be made only by the District’s District Manager. Each Water Tap is owned and maintained by the District.

**(g) Wastewater System and Related Definitions.**

“Wastewater System” means collection, transmission, treatment and disposal facilities utilized in the provision of Wastewater Service by the District, including the Wastewater Collection System, the Wastewater Plant, the Joint 210 Irrigation System, all drip irrigation fields, and all facilities, improvements, fixtures, components, fittings, appurtenances, parts, equipment and related materials owned, leased, operated or maintained by the District and utilized to provide Wastewater Service in accordance with the Wastewater Permit.

“Wastewater” means any waterborne human waste and waste from domestic activities, such as washing, bathing, and food preparation (“Sewage”), and any other waterborne or liquid “waste,” as defined in Chapter 26 of the Texas Water Code, that is transmitted from a Connection to the Wastewater Collection System in accordance with the standards and conditions of these Rules and the District’s duly adopted Wastewater Control Order.

“Wastewater Collection System” means the underground sanitary sewer lines owned, leased, operated or maintained by the District. This system is composed of all interconnecting laterals, mains, and trunk lines with manholes, intercepting sewers, lift stations, clean-outs, stacks, tees, and wyes, and all other facilities, improvements, fixtures, components, fittings, appurtenances, parts, equipment and related materials owned, leased, operated or maintained by the District and utilized for the collection and transmission of Wastewater. This system is maintained by the District.

“Wastewater Permit” means the permit to dispose of wastes issued to HCWCID1 by the TCEQ and identified as TPDES Permit No. WQ0014293-001, as it may be amended, renewed, or transferred from time to time.

“Wastewater Plant” means the 500,000 GPD membrane bioreactor wastewater treatment plant owned, operated and maintained by the District in accordance with the Wastewater Permit, including all treatment plant improvements and a discharge Building installed at the discharge point identified in the Wastewater Permit, together with all other facilities, improvements, fixtures, components, fittings, appurtenances, parts, equipment and related materials owned, leased, operated or maintained by the District and utilized for treatment of Wastewater.

“Wastewater Service” means the collection, transmission, treatment and disposal of Wastewater, or related services provided or made available by the District.

“Wastewater Service Area” means the area within the political boundaries of the District.

“Wastewater Service Line” means any line from a Single Family Residence or other Building which connects to the District’s Wastewater Collection System, including any grease traps or other facilities constructed to prevent non-domestic waste from being introduced into the District’s Wastewater Collection System. A Wastewater Service Line is owned and maintained by the owner of the Single Family Residence or other Building.

“Wastewater Tap” means the physical connection between a Customer’s Wastewater Service Line and the District’s Wastewater Collection System. Each Wastewater Tap is owned and maintained by the District.

(h) **Reclaimed Water System and Related Definitions.**

“Reclaimed Water System” means all supply, transmission and distribution facilities utilized by the District or HCWCID1 in conveying Reclaimed Water from the Wastewater Plant and providing Reclaimed Water Service, including all mains, lines, reservoirs, pumps stations, valves, valve boxes, flushing valves, blowoff valves, meters, meter service lines, meter boxes, the Reclaimed Water loading station at the Wastewater Plant, and all facilities, improvements, fixtures, components, fittings, appurtenances, parts, equipment and related materials owned, leased, operated or maintained by the District and utilized by the District to provide Reclaimed Water Service. Some components of the Joint 210 Irrigation System also constitute components of the Reclaimed Water System.

“Joint 210 Irrigation System” means the irrigation lines, sprinkler components, and all facilities, improvements, fixtures, components, fittings, appurtenances, parts, equipment and related materials owned, leased, operated or maintained by the District and utilized in the reclamation and irrigation of treated effluent produced by the Wastewater Plant pursuant to the District’s authorization issued by the TCEQ under 30 Tex. Admin. Code § 210. The term does not include interests in real property upon or within which the various aspects of the Joint 210 Irrigation System are located.

“Joint 210 Irrigation System Expansion Project” means any construction or improvement project that adds capacity to the Joint 210 Irrigation System, otherwise expands the Joint 210 Irrigation System, or significantly modifies the Joint 210 Irrigation System.

“Joint 210 Irrigation System Plan” means the Joint 210 Irrigation System Implementation, Operation, and Maintenance Plan adopted by resolutions of the District and HCWCID1, as amended from time to time, concerning the Reclaimed Water System.

“Reclaimed Water” means treated effluent produced by the Wastewater Plant meeting the definition of 30 Tex. Admin. Code § 210.3(24) that is suitable for beneficial use pursuant to the HCWCID1’s authorization issued by the TCEQ under 30 Tex. Admin. Code § 210.

“Reclaimed Water Service” means the provision of Reclaimed Water produced by the Wastewater Plant to Customers (specifically excluding HCWCID1), whether provided through a Connection or the Reclaimed Water loading station at the Wastewater Plant.

## **Section 2**

### **Regulation of Privileges on District Property**

**Rule 2.01 Unauthorized Entry or Use of District Greenbelt Property.** The entry upon or use of District Greenbelt Property for any purpose other than walking, hiking, jogging, bicycling or other similar recreational activities is strictly prohibited and will result in immediate issuance of a civil penalty as set forth in the Penalty Schedule (as defined in Section 9.03). In addition, if the Violation is not cured immediately, the Violation may be reported to local law enforcement authorities pursuant to Texas Penal Code § 30.05 (Criminal Trespass). Additional penalties in the amounts set forth in the Penalty Schedule will be issued each day for as long as the Violation continues. In all cases, use of District Greenbelt Property for construction access or staging, storage of equipment or materials, or any activities involving a Motor Vehicle or Heavy Equipment will also be considered trespassing and will be immediately reported to local law enforcement authorities pursuant to Texas Penal Code § 30.05 (Criminal Trespass).

**Rule 2.02 Recreational Facility Closures.** The District Manager may close a District Recreational Facility for maintenance, repairs, safety considerations or any other reason. Accessing a District Recreational Facility while it is closed is expressly prohibited.

**Rule 2.03 Hours of Operation; Reservations.** District Parks are open to the public at dawn and are closed to the public at dusk. District Trails may be used for walking or jogging before dawn or after dusk. Refusal by any Person to immediately vacate a District Park that is closed to the public constitutes a Violation of these Rules. The District Manager is authorized, upon consultation with the District Parks Committee, to reserve District Parks and related District Facilities for uses consistent with these Rules for limited periods of time. The District Manager may require the requesting Person to execute a use or rental agreement on a form approved by the Board, pay applicable fees and charges, or impose such other reasonable conditions as are appropriate for the circumstances surrounding the requested use.

**Rule 2.04 Rules for Use of District Recreational Facilities.**

- (a) Rules of Conduct. The Board adopts the following rules to be observed at all times by Persons using District Recreational Facilities.

- (1) No alcoholic beverages, illegal drugs or other controlled substances.
- (2) No smoking, vaping, or use of e-cigarettes.
- (3) No glass materials or containers.
- (4) No camping, loitering or overnight parking.
- (5) No fire or fireworks.
- (6) No pets or other domesticated animals are allowed without a leash or other appropriate restraint device.
- (7) No equine, livestock or dangerous animals are allowed.
- (8) No firearms or other dangerous weapons or devices.
- (9) No hunting or trapping.
- (10) No removal or destruction of trees, plants or other natural resources.
- (11) No planting of trees or plants.
- (12) No littering or dumping.
- (13) No use or parking of Motor Vehicles (except in designated parking areas).
- (14) No loud music or other sound in excess of 85 decibels when measured at the source.
- (15) No vandalism, defacement, or removal of District Property or signs.
- (16) No disorderly conduct, disruptive behavior, or otherwise offensive acts. Fighting, profane or abusive language, hate speech, nudity, and public intoxication are prohibited.

(b) Vehicles. To promote pedestrian safety and limit maintenance requirements, the Board adopts the following rules for use of vehicles on District Trails.

- (1) District Trails are not open to Motor Vehicles or Motor Vehicle traffic. Motor Vehicles are not permitted on any District Trail, except when in use by District Representatives and contractors or as otherwise expressly permitted by the District.
- (2) Golf carts, mopeds, motorcycles, motor-assisted scooters, pocket bikes, and neighborhood electric vehicles are not permitted on any District Trail.
- (3) All-terrain vehicles, utility vehicles and other off-highway vehicles are not permitted on any District Trails.
- (4) Bicycles are permitted on District Trails for exercise and recreational purposes during daytime hours only. Bicyclists must take care to avoid contacting or impeding pedestrians on District Trails.
- (5) Electric bicycles (as defined by Texas Transportation Code 664.001) are permitted only on District Trails with decomposed granite surfaces during daytime hours. Electric bicycles are not permitted on nature trails.
- (6) Electric personal assistive mobility devices (e.g. Segway-type devices) are permitted only on District Trails with decomposed granite surfaces during daytime hours only. They are not permitted on nature trails.

(c) Drones and Unmanned Aircraft. The District does not regulate operation of drones or unmanned aircraft (as such term is used in Texas Gov't Code Chapter 423). The District does not enforce applicable laws and regulations of the State of Texas or the Federal Aviation Administration.



**Rule 2.05 Prohibited Activities – All District Real Property.** The District has express statutory authority to adopt and enforce rules and regulations to regulate privileges on any District Real Property. District Systems are often located on or beneath District Real Property, including service and collection mains, service lines, irrigation systems and other facilities. Moreover, District Recreational Facilities are maintained for the benefit of all residents of the District, and are not intended for the exclusive use or benefit of any individual resident. Absent prior written approval from the Board or an authorized District Representative, the following activities are expressly prohibited:

- (a) Accessing or entering upon District Real Property, except for use of District Parks during operating hours and use of District Trails and District Greenbelt Property for the purposes permitted by the District;
- (b) Entry or swimming in water quality ponds owned, operated or maintained by the District;
- (c) Use, operation or parking of Heavy Equipment on District Real Property;
- (d) Use, operation or parking of a Motor Vehicle on any District Real Property that does not constitute a paved access road or an area expressly designated as a parking area;
- (e) Use, operation or parking of a watercraft or aircraft on District Real Property;
- (f) Placement, storage or parking of any materials, refuse, equipment, or any other personal property on any District Real Property;
- (g) Dumping or disposal of trash, Construction Debris, lawn trimmings or any other refuse on any District Real Property;
- (h) Possession or use of fireworks on any District Real Property, or shooting fireworks onto any District Real Property;
- (i) Removal, alteration, clearing, cutting, or disturbance of trees and other vegetation on any District Real Property;
- (j) Planting of trees or installation of other vegetation or landscaping on District Real Property;
- (k) Construction, installation or placement of any Building, fixture or other object that encroaches on District Real Property; and
- (l) Removal, alteration, modification, or disturbance of District facilities or any other property owned, controlled or operated by the District, including District Real Property and improvements, fixtures, equipment, and materials located on or beneath District Real Property.

**Rule 2.06 Prohibited Activities Within Boundaries of District.** The District has substantial interests in the sustaining taxable property values within the boundaries of the District and the

maintenance and protection of District Facilities utilized in providing services to the District. Absent prior written approval from the Board or an authorized District Representative, the following activities are expressly prohibited:

- (a) Blasting, burning, welding and any other activities involving the ignition of explosive or combustible materials are prohibited within the boundaries of the District;
- (b) Drilling and construction of water wells and installation of private on-site wastewater holding and treatment facilities (including septic tanks) are prohibited within the boundaries of the District; and
- (c) Activities that violate property restrictions applicable to real property within the boundaries of the District.

**Rule 2.07      Enforcement; Recovery of Costs and Damages.**

- (a) The District Manager or any District Representative authorized by the District Manager may issue notice of a violation of this Rule without action by the Board. The District Manager may request that the Violation be cured immediately or take such steps as are necessary for the District to cure the Violation, including reporting the activity to local law enforcement authorities. Trees or vegetation installed in violation of these Rules may be removed by action of the Board.
- (b) In addition to any civil penalty issued by the District, the District Manager is authorized without action of the Board to invoice a Person in Violation any Rule in this Section 2 for all Costs and Damages (as defined by Rule 9.04(b)).

**Section 3**  
**Security and Maintenance of District Systems**

**Rule 3.01      Access to Property within District.**

- (a) Deemed Consent. By application for Connection to a District System, an Applicant is deemed to grant to the District and applicable District Representatives permission to access the Service Connection Location, the Water Meter and any area necessary for such installation, operation, maintenance and repair activities as are reasonably necessary.
- (b) Statutory Right of Access. District Representatives are entitled to enter any public or private property within the boundaries of the District or adjacent to any reservoir or other property owned by the District at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any Rule, regulation, permit, or other order of the District (including the Service Rate Order). District Representatives acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection and shall notify any occupant or management of their presence and shall exhibit proper credentials.

- (c) Obstruction of Work Areas. The District will have the right to refuse to make or install a Connection, in the opinion of the District's Engineer or District Manager, if the work area is obstructed by Construction Debris (as defined in Section 7) or the work area is not completed or finished to grade. When sidewalks, driveways or other improvements have been constructed prior to application for Service, an Applicant's application for Service is deemed to constitute the Applicant's waiver of a claim for any damages to such improvements resulting from the reasonable actions of the District's Operator in installation of the requested Connection. After a Water Meter has been set or a fire hydrant meter installed, the Customer shall at all times keep the area in, around and upon such facilities, and the District's easements and property under the Customer's control, free from obstructions of any kind, including Construction Debris and shrubbery. Failure to keep such facilities and District easements and property under the Customer's control free from obstructions may result the imposition of charges sufficient to cover Costs and Damages incurred by the District in removing said obstructions.

**Rule 3.02 All Connections Installed by Operator.** Absent the prior written approval of a District Representative, all Connections, including all Water Taps and Wastewater Taps, shall be made and installed by the Operator. Any Connection installed in violation of this Rule 3.02 shall be subject to immediate disconnection or removal, in the discretion of the District Manager. Any failure to comply with this Rule 3.02 shall constitute a Violation and shall be subject to an immediate civil penalty as set forth in the Penalty Schedule.

**Rule 3.03 Tampering with District Systems.** Absent the prior written approval of a District Representative, a Person commits a Violation if the Person intentionally or knowingly tampers with any facilities that are part of a District System. Without limiting the generality of the foregoing, the following activities are expressly prohibited: (1) any interference with proper operation of a District System; (2) obstruction of access to a District System; (3) diverting water from passing through a Water Meter; (4) preventing Service consumption from being correctly registered by a metering device; and (5) unauthorized modification, removal or relocation of District Facilities that are part of a District System. A Violation of this Rule may also be reported to applicable authorities for prosecution pursuant to Texas Penal Code § 28.03 (Criminal Mischief).

**Rule 3.04 Prohibited Activities – District Systems.** The District has express statutory authority to adopt and enforce rules and regulations to provide and regulate a safe and adequate Water System, preserve the sanitary condition of all water controlled by the district, prevent waste or the unauthorized use of water controlled by the district, and secure and maintain a safe, sanitary, and adequate Wastewater System. Absent prior written approval from the Board or an authorized District Representative, the following activities are expressly prohibited:

- (a) Destruction, defacement, or otherwise causing damage of a District System or any facilities that are part of a District System;
- (b) Inserting, injecting, draining or discharging into any sewer, manhole, catch basin, flush tank, or other facility that is a part of the District's Water System, Wastewater System or

Reclaimed Water System any debris or foreign substance that would interfere with the proper and routine functioning of such System;

- (c) Intentionally or knowingly using or obtaining any Service from the District without making payment required under the Service Rate Order through deception, fraud, refusal to make payment, physical modification or manipulation of any District Facilities, or otherwise;
- (d) Connection of any Single Family Residence or other Building to the Water Supply System without a Water Meter, or installation or operation of a straight line connection from a District System to a Building without a Water Meter;
- (e) Unmetered withdrawal of water from the Water Supply System by any Person other than authorized members of the local fire department; and
- (f) Using a Service in a manner prohibited by law or these Rules.

**Rule 3.05 Enforcement; Recovery of Costs and Damages.** Damage to a District System caused by a Customer, including damage caused by plumbers or other Contractors working on behalf of a Customer, will be repaired by the District at the Customer's expense. In addition to any civil penalty issued by the District, the District Manager is authorized without action of the Board to invoice a Person in Violation any Rule in this Section 3 for all Costs and Damages (as defined by Rule 9.04(b)).

#### **Section 4**

##### **Water Supply System, Water Connections and Water Service**

**Rule 4.01 Adoption of Plumbing Code.** The District hereby adopts Chapter 6 of the Uniform Plumbing Code entitled "Water Supply and Distribution" as the District's plumbing code ("District Adopted Plumbing Code"), which shall apply and be enforced within the District's Water Service Area. All Connections to the Water Supply System must comply with the District Adopted Plumbing Code and these Rules.

**Rule 4.02 Prohibited Plumbing Materials.**

- (a) **Prohibited Materials.** The use of the following materials are prohibited for the installation and repair of the Water Supply System and for the installation and repair of any private plumbing facilities: (1) any pipe or pipe fitting which contains more than 8.0% lead; and (2) any solder or flux which contains more than 0.2% lead. This prohibition may be waived by the District Manager for lead joints that are necessary for repairs to cast iron pipe.
- (b) **Certificate of Compliance.** No new Connections to the Water Supply System shall be made or permitted unless a plumber licensed by the Texas State Board of Plumbing Examiners first submits in writing to the District a Certificate of Compliance, in a form approved by the District Operator, specifying that the new Connection and any private plumbing facilities associated therewith comply with the plumbing material prohibitions contained in Rule 4.02(a) ("Certificate of Compliance"). The Certificate of Compliance

shall be signed by the licensed plumber and submitted to the District Operator prior to initiation of Water Service. The District will not accept any tap fee that is not accompanied by a Certificate of Compliance.

**Rule 4.03 Prohibited Connections.**

- (a) **Health Hazards.** Connection of the Water Supply System to any Building or other establishment that may result in an actual or potential Health Hazard, contamination hazard, or other system hazard is prohibited. At a minimum, an air gap separation between the potable water supply and the source of actual or potential system hazard will be required by the Operator prior to installation of the Connection. Where a containment air gap is impractical, individual “internal” air gaps or mechanical backflow prevention devices shall be required at the Water Meter in the form of a backflow prevention device (in accordance with AWWA Standards C510 and C511 and AWWA Manual M14 or equivalent) for Buildings or establishments that handle substances deleterious or hazardous to the public health.
- (b) **Non-Potable Water Systems.** Connection of the Water Supply System to any condensing, cooling, or industrial process system or any other system for non-potable water usage over which the District does not have sanitary control is prohibited, unless such Connection is made in accordance with the requirements of Rule 4.03(a). Water from such systems shall not be returned to the Water Supply System under any circumstances.
- (c) **Overhead Bulk Water Dispensing Stations.** Overhead bulk water dispensing stations are prohibited unless equipped with an air gap between the filling outlet hose and the receiving tank to protect against back-siphonage and cross-contamination.

**Rule 4.04 Backflow Prevention Assemblies.**

- (a) **General Requirements.** Backflow prevention assemblies shall be installed at any Connection that poses a Health Hazard and any other Connection which the District or the District Operator reasonably believes to pose a threat to the Water Supply System. Customers that use Water Service for irrigation systems, swimming pools, splash pads, reflection pools or other similar applications must incorporate a backflow prevention assembly in accordance with the District Adopted Plumbing Code for the particular designated use. For irrigation systems, backflow prevention devices authorized, allowed or approved by the TCEQ shall be used. Backflow prevention assemblies that are installed to provide protection against Health Hazards must be tested and certified to be operating within specifications at least annually by a Recognized Backflow Prevention Tester, as defined in Subsection (e) of this Rule. Repairs to backflow prevention assemblies shall be performed by authorized individuals as recognized or licensed by the Texas State Board of Plumbing Examiners, the TCEQ, Texas Irrigators Advisory Council, or the Texas Commission on Fire Protection-State Fire Marshall’s Office, depending upon application and use.
- (b) **Compliance with District Adopted Plumbing Code Required.** The use of a backflow prevention device at a Water Service Connection will be considered as additional backflow

protection and will not obviate any requirements for backflow protection on internal connections as required by the District Adopted Plumbing Code or applicable Legal Requirements.

- (c) **Customer Responsibility.** The Customer shall, at the Customer's expense, be responsible for proper installation, testing, and maintenance of any backflow prevention assembly required by the District. Copies of all testing and maintenance records shall be provided to the District upon request.
- (d) **Backflow Prevention Tests and Reports.** All backflow prevention assemblies shall be tested by a Recognized Backflow Prevention Tester and certified to be operating within specifications ("Backflow Prevention Test"). The Recognized Backflow Prevention Tester shall report the results of such test to the District Operator on a form approved by the District Operator (a "Backflow Test Report") prior to providing or resuming Water Service to any Connection or internal connection in the District that requires a backflow prevention assembly. A Backflow Test Report must be completed by the Recognized Backflow Prevention Tester for each assembly tested. At the request of the Customer, the Operator may, on behalf of the District, install the backflow prevention assembly and complete the Backflow Test Report at the Customer's cost. The signed and dated original Backflow Test Report must be submitted to the District Operator for record keeping purposes. The Backflow Test Report shall be retained for a minimum of three (3) years. The District will provide these records to the TCEQ for inspection upon request.
- (e) **Recognized Backflow Prevention Testers.** Only a Person that has completed a TCEQ course on cross-connection control and backflow prevention and passed an examination administered by the TCEQ or its designated agent (a "Recognized Backflow Prevention Tester") shall be permitted to perform a Backflow Prevention Test and complete a Backflow Test Report under these Rules. A "General Tester" is qualified to test and repair backflow prevention assemblies on any domestic, commercial, industrial or irrigation Connection. A "Fireline Tester" is qualified to test and repair backflow prevention assemblies on firelines only. The State Fire Marshall's office requires that a person performing maintenance on firelines must be employed by an Approved Fireline Contractor. Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Foundation of Cross-Connection Control and Hydraulic Research and/or the AWWA Manual M14. Test gauge serial numbers must be included on the Test Report and Recognized Backflow Prevention Device Testers shall have gauges tested for accuracy.
- (f) **Failure to Comply.** A Customer commits a Violation if the Customer fails to obtain a Backflow Prevention Test or provide a Backflow Test Report in accordance with this Rule 3.04.

#### **Rule 4.05      Deficient or Inadequate Plumbing.**

- (a) **General Requirements.** All privately owned plumbing facilities that are connected to the District Water System must comply with the District Adopted Plumbing Code and all other

requirements of Rules 4.01, 4.02, 4.03 and 4.04. If plumbing facility, or the condition thereof, is discovered to be deficient or inadequate, the Customer shall complete necessary replacement or repairs within ten (10) business days from the date of discovery to prevent possible damage to the Water Supply System. The existence of a cross connection, Health Hazard or other serious threat to the integrity of the Water Supply System shall be considered sufficient grounds for immediate termination of Water Service. Water Service may be restored only when the source of potential contamination or damage no longer exists, or when sufficient additional safeguards have been implemented, and a Customer Service Inspection Certification confirming correction of unacceptable plumbing conditions has been submitted to the District.

- (b) **Inspections.** Customers shall allow District Representatives access to their property to be inspected for possible cross-connections, Health Hazards and other unacceptable plumbing conditions at any time. Such inspections shall be conducted by a District Representative prior to initiating new Water Service, when there is reason to believe that cross-connections, Health Hazards or other unacceptable plumbing practices exist, or after any major changes to the private plumbing facilities. Inspections shall be conducted during the District's normal business hours.

#### **Rule 4.06 Water Tap Application and Installation.**

- (a) **Application for Service; Fees.** Prior to the initiation of Water Service, all Customers are required to complete and file with the District Operator an application for Water Service. At the time an application for Service is filed, the Applicant shall pay to the District all tap fees, inspection fees, deposits and other fees and charges required to be paid in the Service Rate Order.
- (b) **Installation, Maintenance and Repair by Operator.** All Water Taps to the District's Water Supply System shall be made and installed by the District Operator or under the direct supervision of the District Operator if permitted. The District Operator will be responsible for all maintenance and repairs for all Water Taps.
- (c) **Location of Water Taps.** To the extent possible, the District Operator shall install Water Taps and set Water Meters at a location on adjoining property lines, with the meter box being located in an easement adjacent to the applicable property line(s), and with two (2) meters per box where appropriate.
- (d) **Connection to Water Service Line.** After installation of the Water Tap by the District Operator, and provided that all applicable requirements of these Rules have been satisfied, connection of the Water Tap to the Water Service Line shall be made by the District Operator at the expense of the Customer.
- (e) **New Water Service Line Testing and Flushing.** After connection to the Water Supply System, all water recorded through the Water Meter will be charged to the Customer. The District recommends that the Customer test new Water Service Lines for leaks. The District

further recommends that new Water Service Lines be thoroughly flushed to prevent foreign matter from entering the Customer's plumbing system.

**Rule 4.07 Water Tap Materials.** Only the following types of pipe and fitting materials shall be approved for the installation of Water Taps, including Water Taps for both Residential Connections and Non-Residential Connections:

- (a) Any meter approved by the City of Austin;
- (b) Brass curb stops, corporation stops, and related fittings manufactured by Ford, Hays, or Muller;
- (c) Polyethylene water service pipe, 3/4" to 2";
- (d) Ductile iron or polyvinyl chloride (PVC) (C900) water service pipe, larger than 2";
- (e) Water main pipe of the type originally installed;
- (f) Plastic meter box up to 2" meter;
- (g) Concrete meter box, where traffic use is specified; and
- (h) Concrete meter vault per City of Austin specifications for 3" and larger meter.

**Rule 4.08 Customer Service Inspections.**

- (a) **Customer Service Inspection Required.** An inspection of a Customer's private plumbing facilities, the Water Tap and the Connection ("Customer Service Inspection") shall be performed prior to providing or resuming continuous Water Service to: (1) any new Connection; (2) any existing Connection where the District has reason to believe that cross-connections, Health Hazards, or other unacceptable plumbing conditions exist; and (3) any existing Connection after any material improvement, correction or addition to the Customer's private plumbing facilities. The District may, with approval of the District Manager, provide temporary Water Service for a period not to exceed twenty (20) days, for the purpose of testing facilities or confirming Service availability.
- (b) **Customer Service Inspection Certification.** A certification of the Customer Service Inspection, in a form approved by the District Operator ("Customer Service Inspection Certification"), shall be completed and delivered to the District Operator upon completion of a Customer Service Inspection demonstrating that the Customer's private plumbing facilities meet the certification requirements set forth in Rule 3.08(c). The Customer Service Inspection Certification may only be performed by a Person meeting the qualifications set forth in Rule 3.08(d). Copies of properly completed Customer Service Inspection Certifications shall be kept on file by the Operator and made available, upon request, review by the TCEQ. Customer Service Inspection Certifications shall be retained for a minimum of ten (10) years.
- (c) **Customer Service Inspection Certification Requirements.** The Customer Service Inspection Certification shall certify that:
  - (1) No direct Connection between the Water Supply System and a potential source of contamination exists. Potential sources of contamination are isolated from the Water Supply System by an air gap or an appropriate backflow prevention assembly in



accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state plumbing regulations.

- (2) No cross-connection between the Water Supply System and a private water source exists. Where an actual gap is not maintained between the Water Supply System and a private water supply, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized backflow prevention assembly tester.
- (3) No Connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the Water Supply System.
- (4) No pipe or pipe fitting which contains more than 8.0% lead exists in private plumbing facilities installed on or after July 1, 1988.
- (5) No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.
- (6) No new or replacement plumbing fixture is installed which is not in compliance with the District Approved Plumbing Code.
- (d) **Persons Permitted to Perform Customer Service Inspections.** Only a Person meeting the following qualifications shall be permitted to perform a Customer Service Inspection and complete a Customer Service Inspection Certification under these Rules: (1) a Person currently licensed by the Texas State Board of Plumbing Examiners as a "Plumbing Inspector" or a "Water Supply Protection Specialist"; or (2) a Person who is a "Certified Waterworks Operator," or member of another water related professional group that has completed an appropriate training course, passed an examination administered by the TCEQ or its designated agent, and holds an endorsement granted by the TCEQ or its designated agent.
- (e) **Customer Service Inspection Fee for Non-Residential Customers.** For Customer Service Inspections of a Non-Residential Connection performed by the District Manager or a designee of the District Manager, the Customer must pay the District the Customer Service Inspection Fee as set forth in the Service Rate Order prior to performance of the Customer Service Inspection.
- (f) **Failure to Comply.** A Customer commits a Violation if the Person fails to obtain a Customer Service Inspection or provide a Customer Service Inspection Certification in accordance with this Rule 4.08 prior to obtaining Water Service. If the Customer Service Inspection is not passed, the Customer will be responsible for correction of the unapproved items, and a reinspection will be conducted. The District will have no obligation to provide Water Service until the Customer Service Inspection is passed.

**Rule 4.09      Customer Service Agreements.**

- (a) **Customer Service Agreement Required.** The District is responsible for protecting Water Supply System from contamination or pollution which can result from unacceptable plumbing conditions, and has adopted plumbing restrictions to provide protection to the Water Supply System. In acknowledgment of the plumbing restrictions that are in place, each Customer shall be required to sign a written service agreement before the District will initiate continuous Water Service to the Customer's Connection ("Customer Service Agreement"). In addition, when Water Service to an existing Connection has been suspended or terminated, the District will not re-establish Water Service unless it has a signed copy of a Customer Service Agreement for such Connection. The District will maintain a copy of the Customer Service Agreement as long as the Customer maintains a Connection to the Water Supply System. For some Customers, a non-standard customer service agreement may be required.
- (b) **Failure to Comply.** If a Customer fails to comply with the terms of the Customer Service Agreement, the District shall, at its option, either discontinue Service or properly install, test, and maintain an appropriate backflow prevention assembly at the Service Connection Location. Any expenses associated with the enforcement of the Customer Service Agreement will be charged to the Customer.

**Rule 4.10      Swimming Pool Installation Requirements.**

- (a) **Pre-Construction Requirements.** The District has approved and adopted an "In-Ground Pool Construction Request" form to be completed and submitted prior to initiation of the construction or installation of any in-ground swimming pool within the District. Prior to installation of any in-ground swimming pool, the Customer shall contact the District Manager or designee and submit any plans, specifications and other items requested by the District Manager in connection with the District Manager's review of the swimming pool project and required inspections. A partially-refundable deposit in the amount set forth in the Service Rate Order shall also be submitted to the District Manager. This deposit will be refunded less inspection fees as required in the Service Rate Order, and any civil penalties or damages resulting from the swimming pool project. Access through a District Park or greenbelt for swimming pool construction or installation is strictly prohibited.
- (b) **Basic Design Requirements.** Swimming pools must incorporate a backflow prevention assembly as required in Rule 3.04, and all swimming pools must drain into a greenbelt area or into the District's storm drainage system. No swimming pool may drain into the Wastewater Collection System.
- (c) **Initial Inspection.** The first inspection by the District Operator is required once the swimming pool area has been excavated, the forming has been built, and the plumbing has been installed, but prior to pouring or installation of any concrete, gunite or other swimming pool surface material. The inspection includes the backflow and swimming pool drainage systems, which must comply with these Rules. The plumbing must be completed and open for inspection. If the inspection is failed, the Customer will be responsible for correction of the unapproved items, and a reinspection will be conducted at an additional

charge. When the swimming pool project passes the initial inspection, the Customer will receive written notice from the District Operator to continue work, which will be sent within 48 hours via e-mail and regular mail. Work on the swimming pool project shall not proceed until such notification has been received.

- (d) **Final Inspection.** When the swimming pool project has been completed, the District Operator will conduct a final inspection to determine if the swimming pool has been built according to the approved specifications and in accordance with these Rules. Failure to schedule a final inspection may result in forfeiture of the remainder of the deposit.

#### **Rule 4.11 Water Conservation and Drought Contingency Plan.**

- (a) **Compliance Required.** All Customers shall comply with the District's most recently adopted Water Conservation and Drought Contingency Plan, as may be amended from time to time. A Customer's failure to comply with the Water Conservation and Drought Contingency Plan, including without limitation the Conservation Landscape Best Management Practices set forth in Appendix D, shall constitute a Violation of these Rules, and shall be subject to the enforcement provisions set forth in the Water Conservation and Drought Contingency Plan, which include civil penalties and disconnection of Water Service. The District Manager is authorized to enforce the Water Conservation and Drought Contingency Plan, and issue civil penalties authorized thereunder, without Board action. Egregious Violations shall be presented to the Board by the District Manager for action.
- (b) **Prohibited Invasive Plants.** The Conservation Landscape Best Management Practices set forth in Appendix D to the Water Conservation and Drought Contingency Plan include a "List of Invasive Plants Not Acceptable for Use." Any plant included on such list is hereinafter referred to as an "Invasive Plant." A Person that plants or introduces an Invasive Plant within the District commits a Violation of these Rules, and shall be subject to the enforcement provisions set forth in the Water Conservation and Drought Contingency Plan. If a Person fails to remove an Invasive Plant located on such Person's property within thirty (30) days of the date of a written request from the District to remove the Invasive Plant, the District may enter such Person's property and remove the Invasive Plant, and such Person shall be responsible to the District for Costs and Damages, in addition to any civil penalties issued pursuant to the WCDCP.

**Rule 4.12 Unauthorized Use of Water.** A Person commits a Violation if the Person uses water from the Water Supply System without authorization from the District, or for a purpose that does not constitute a "beneficial use" of water under Section 11.002 of the Texas Water Code ("Unauthorized Use of Water"). Without limiting the generality of the foregoing, Unauthorized Use of Water shall include any use of water from the Water Supply System: (1) by a Person that is not a Customer or a lessee of real property owned by a Customer; (2) that constitutes waste; (3) that does not constitute a permitted use under the Water Conservation and Drought Contingency Plan; (4) by a Customer that reconnects Water Service without authorization after disconnection; or (5) by a Customer in excess of the amount the Customer is entitled to use under a contract. In addition to any civil penalty issued by the District, a Person that commits a Violation of this Rule shall be liable to the District for all Costs and Damages associated with such Violation.

**Rule 4.13 Customer Leaks.** All Customers are responsible for payment of charges imposed for Water Service, even if all or a portion of the water consumed by such Customer is the result of a leak. In the event that a Customer provides evidence to the District Manager that a damaged or malfunctioning plumbing fixture under the control of the Customer has caused a plumbing leak, and if the Customer further provides written evidence to the District Manager that the cause of leak has been promptly repaired, the District Manager is authorized to reduce the charges for Water Services by applying the lowest tiered volume rate in the Service Rate Order to all water consumed during the period of the leak, not to exceed the period of time covered by three (3) billing cycles. The District Manager is further authorized to allow the Customer to pay the balance as so reduced over a period not to exceed three (3) months.

## **Section 5**

### **Wastewater System, Wastewater Connections and Wastewater Service**

#### **Rule 5.01 Prohibited Flow and Waste.**

- (a) **Wastewater Control Order.** Wastewater, or any other waste, that does not meet the standards and requirements of the District's Wastewater Control Order shall not be discharged into or permitted to enter the Wastewater Collection System. Customers shall at all times comply with the requirements of the Wastewater Control Order. A violation of the Wastewater Control Order constitutes a Violation of these Rules.
- (b) **Non-Degradable Materials.** Material or waste that is not biologically degradable shall not be discharged into or allowed to enter the Wastewater Collection System.
- (c) **Mud and Debris.** Mud and debris accumulated during installation of a Wastewater Service Line shall not be discharged into or permitted to enter the Wastewater Collection System. The Customer is to be fully responsible for cleaning and jetting lines of any dirt or debris allowed to enter during service construction.
- (d) **Surface Water Runoff.** Surface water runoff, including without limitation that from downspouts and yard drains, shall not be discharged into or allowed to enter the Wastewater Collection System.
- (e) **Swimming Pools.** Swimming pools and spas shall not be drained to the Wastewater Collection System.

#### **Rule 5.02 Wastewater Service Application and Tap Installation.**

- (a) **Application for Service; Fees.** Prior to construction of any Wastewater Service Line or installation of any Wastewater Tap, a Customer is required to complete and file with the District Operator an Application for Service. At the time an application for Service is filed, the Applicant shall pay to the District all Wastewater tap fees, inspection fees, deposits and other fees and charges required to be paid in the Service Rate Order.

- (b) **Installation of Wastewater Tap.** All Wastewater Taps to the Wastewater Collection System shall be made and installed by the District Operator, unless otherwise permitted by a District Representative in writing. Any damage to District Facilities caused by a Violation of this Rule shall be repaired promptly by the Customer under the direction of the District Manager. Major damage, as determined within the discretion of the District Manager, will be repaired by the District Operator at the sole expense of the Customer.
- (c) **Installation Requirements.** The Wastewater Tap shall be made by use of an adapter of a type compatible with materials being joined. The Wastewater Tap shall be watertight, and no cement grout materials shall be permitted. The area around the Wastewater Tap shall be embedded and backfilled with cement stabilizing sand.
- (d) **Excavation Requirements for Certain Locations.** Excavation for Wastewater Taps shall be water tamped in all areas within five (5) feet (vertically or horizontally) of any existing wastewater lines, sidewalks or driveways. Soil not suitable for water tamping (clay modules, organic material or silty soils) shall be removed and replaced with suitable backfill materials.
- (e) **Grinder Pump Agreement.** For each Wastewater Connection that requires an alternative collection system, such as a grinder pump system, the Customer will be required to execute an Alternative Wastewater Collection System Service and Easement Agreement on a form approved by the Board.

**Rule 5.03      Wastewater Service Lines.**

- (a) **Approval Required.** Prior to construction or installation of any Wastewater Service Line, the design of the Wastewater Service Line must be approved by the District Engineer and construction must be authorized by the District Manager. Only one Wastewater Service Line shall be connected to the Wastewater Collection System for each Single Family Residence or other Building.
- (b) **Location.** Any Wastewater Service Line shall be located in its entirety within the boundaries of the property of the Customer receiving Service through such line to the point at which the line reaches a utility easement or street right-of-way. Wastewater Service Lines must be at least 24 inches below (vertically) and at least 9 feet from (horizontally) from any Water Service Line (far side or near side connection). If compliance with this requirement is not possible, a cast iron casing over the Water Service Line, or alternative method approved by District Engineer and in compliance with the rules of the TCEQ, must be installed by the Customer and inspected by the Operator.
- (c) **Construction Standards.** All Wastewater Service Lines must be constructed to true alignment, with materials set forth in Rule 4.04, and in accordance with the size and grade requirements set forth in Rule 4.04. Warped or sagging lines will not be permitted or approved. Wastewater Service Lines must have continuous contact with a firm trench bottom throughout their entire run. Wastewater Service Lines shall be placed in such a manner as to decrease the likelihood of being displaced during backfill. All Wastewater

Service Lines should be run from wyes or stacks directly to the Customer's Single Family Residence or Building without unapproved meanders or bends. Wyes, stacks and cleanouts are not permitted to be located within driveways or sidewalks.

- (d) **Closure of Connections.** Openings in the Wastewater Collection System made for the purpose of connecting a Wastewater Service Line, or any other purpose, shall not be permitted to remain open overnight or during rain events.
- (e) **Inspection of Wastewater Service Line.** When construction of any Wastewater Service Line is completed, and prior to backfilling the pipe trench, the Customer shall request an inspection of the Wastewater Service Line. Requests for inspections (or reinspections) shall be made to the District Manager at least forty-eight (48) hours in advance of the proposed date of inspection. During inspection of the Wastewater Service Line, the District Operator will examine all District Facilities, including manholes, valves, flush valves, and inlets on and adjacent to the lot. A Wastewater Connection Permit, as defined in Rule 4.08, will not be granted until any damage to such District Facilities have been repaired.
- (f) **Backfill of Trenches.** The Customer shall complete backfilling of a Wastewater Service Line trench within forty-eight (48) hours of inspection and approval by the District. Backfill materials shall be sand or loam, free of large lumps or clods. No debris will be permitted in the trench of backfill.

**Rule 5.04 Wastewater Service Line Materials.** Only the following types of pipe and fitting materials are approved for constructing Wastewater Service Lines. Pipe and fittings in each Wastewater Service Line must consist of the following material or other material approved by the District Engineer:

- (a) Vitrified clay pipe conforming to ASTM Specification C700 with joint coupling conforming to ASTM Specifications C425 or C594, installed according to ASTM C12.
- (b) Cast iron soil pipe, standard weight, conforming to ASTM Specification A74 with rubber gasket joint coupling conforming to ASTM Specification C564.
- (c) Poly-vinyl-chloride PSM (PVC) pipe conforming to ASTM Specification D3034 or ASTM specification F789 (with UL listing) and installed according to ASTM D2321.
- (d) Ductile Iron Pipe conforming to ANSI A21.51 with rubber gasket joints ANSI A21.11 and installed according to manufacturer's recommendations.
- (e) Acrylonitrile-butadiene-styrene (ABS) pipe material conforming to ASTM Specification D2751.

**Rule 5.05 Required Size and Grade of Wastewater Service Lines.**

- (a) The minimum sizes for Wastewater Service Lines shall be as follows:

- (1) Residential Connection - - - 4 inches in diameter; and
  - (2) Non-Residential Connection - - - 6 inches in diameter.
- (b) The minimum grades for Wastewater Service Lines shall be as set forth in the District Adopted Plumbing Code.
- (c) The maximum grades for Wastewater Service Lines shall be as set forth in the District Adopted Plumbing Code.

**Rule 5.06 Connection of Wastewater Outlet.**

- (a) **Tie-On Connections.** For any building waste outlets, the building tie-on connections shall be made directly to the stub-out from the building plumbing at the foundation.
- (b) **Materials.** Water-tight adapters of a type compatible with the materials being joined shall be used at the Connection of a Wastewater Service Line to the building plumbing. No cement grout materials shall be permitted.
- (c) **Wye and Stack Connections Required.** Unless an exception is permitted by the District Manager, existing wye and stack connections must be utilized for the connection of a Wastewater Service Line to the Wastewater Collection System.
- (d) **Additional Requirements for Non-Residential Customers.** Unless otherwise approved by the District Engineer, Non-Residential Customers shall install a sampling well and a grease trap with sampling port, each of which shall be constructed to City of Austin standards.

**Rule 5.07 Wastewater Inspection.** An inspection of a Customer's private plumbing facilities, the Wastewater Tap, the Wastewater Service Line and other District Facilities on the Customer's property must be performed by the District Operator prior to initiating or resuming continuous Water Service and Wastewater Service to confirm that proper materials and connections to the Wastewater Collection System have been accomplished in accordance with these Rules ("Wastewater Inspection"). Upon completion of the Wastewater Inspection, the District Operator will complete the an inspection form ("Wastewater Service Inspection Form"), and file it for record with the application for Service. If the Wastewater Inspection reveals that the requirements of these Rules have not been met, the Customer shall promptly correct any deficiencies and request a reinspection. The Customer shall pay any reinspection fee as set forth in the Service Rate Order prior to or at the time of the reinspection. Wastewater Service will not be initiated or resumed without a Wastewater Connection Permit.

**Section 6**  
**Reclaimed Water Service**

**Rule 6.01      Reclaimed Water Service.**

- (a) **Application.** Any person requesting Reclaimed Water Service from the District shall submit to the District Manager a written application requesting such Service on a form issued by the District Manager (“Reclaimed Water Service Application”).
- (b) **Reclaimed Water Service Agreement.** Concurrent with submission of the Reclaimed Water Service Application, the Applicant will be required to submit to the District an executed contract on a form approved by the District and issued by the District Manager (“Reclaimed Water Service Agreement”) for consideration by the Board. Reclaimed Water Service shall be provided in accordance with the terms of the Reclaimed Water Service Agreement, the Service Rate Order, applicable Legal Requirements, and if applicable, the Joint 210 Irrigation System Plan.
- (c) **User Consent.** Upon approval of the Reclaimed Water Service Agreement, but prior to initiation of Reclaimed Water Service by the District, the Reclaimed Water Service Customer may also be required to execute a user consent notification to the extent required by 30 TEX. ADMIN. CODE § 210.4 (a “User Consent”).

**Rule 6.02      Connections to Joint 210 Irrigation System or Reclaimed Water System.**

- (a) **Plan Approval.** An Applicant for Reclaimed Water Service shall submit to the District Manager any plans and specifications for the Connection to the Reclaimed Water System and irrigation and plumbing facilities that will utilize Reclaimed Water for review by the District Engineer.
- (b) **Board Approval of Location.** The Board must approve the Service Connection Location for Reclaimed Water Service prior to installation or construction of any Reclaimed Water Service facilities.
- (c) **Materials and Installation Requirements.** All Reclaimed Water Service Connections and any irrigation and plumbing facilities that will utilize Reclaimed Water must comply with the irrigation specifications adopted by the District in the District’s Joint 210 Irrigation System Plan, together with any other specifications appropriate to the nature of the Applicant’s property that the District may reasonably require.
- (d) **Installation of Connection.** All Connections to the Joint 210 Irrigation System and the Reclaimed Water System shall be made and installed by the District Operator or under the direct supervision of the Operator (if permitted).
- (e) **Inspections.** The District Engineer and District Manager shall conduct periodic inspections during the construction of any Customer facilities that will receive, transmit, use or irrigate Reclaimed Water to confirm that all requirements of these Rules have been met.



Connection to the Joint 210 Irrigation System or the Reclaimed Water System shall not be permitted unless all requirements of these Rules have been met.

**Rule 6.03 Misuse of Reclaimed Water.** Use of Reclaimed Water in any manner or quantity not permitted by the 210 Authorization or an applicable Reclaimed Water Service Agreement, or use of Reclaimed Water in connection with any facilities or equipment not included on the plans approved pursuant to Rule 6.02(a), shall constitute a Violation of these Rules. Upon obtaining knowledge of any Violation of this Rule 6.04, the District Manager is authorized to: (1) issue such civil penalties and other charges as are authorized under these Rules; (2) immediately terminate the applicable Reclaimed Water Service Agreement and discontinue Reclaimed Water Service; and (3) report the misuse of Reclaimed Water to the TCEQ in accordance with the requirements of the 210 Authorization.

## **Section 7**

### **Development and Construction within the District**

**Rule 7.01 Platting Requirement.** Connection to the District's Water Supply System or Wastewater Collection System is prohibited unless the tract, parcel, or Building to be served by such Connection: (1) is within an area covered by a development plat duly approved and recorded pursuant to Local Government Code §§ 212.0115 and 212.012, as amended; (2) is not required to be platted and written certification to that effect, in accordance with Texas Local Government Code § 212.0115(e), has been presented to the District Engineer; or (3) was first connected to the District's Water Supply System or Wastewater Collection System prior to September 1, 1987.

### **Rule 7.02 General Development Requirements.**

- (a) **Compliance with Legal Requirements and Permits.** Any project involving the development or construction of a Building, a phase or section of a subdivision, or an improvement to be connected to a District System (a "Project"), or any other development and construction activities performed, being performed, or proposed to be performed within the political boundaries of the District, must comply with all Legal Requirements and applicable permits, including without limitation the Wastewater Permit.
- (b) **Compliance with Plans Approved by Governmental Authorities.** In the event that the Project is not completed in compliance with any plat, plans, specifications, site plans or other development requirements approved by any governmental authority with jurisdiction (including the District), the District shall have the right to refuse or withhold approvals related to the Project, and refuse any Service, until such time as compliance is achieved or waived by the applicable governmental authority. Pending such compliance or waiver, the District may, with approval of the District Manager, provide temporary Water Service for a period not to exceed twenty (20) days, for the purpose of testing facilities or confirming Service availability.
- (c) **Water Quality Requirements.** All Projects and development activities performed within the political boundaries of the District must comply with: (1) the Memorandum of Understanding between the U.S. Department of the Interior Fish and Wildlife Service and

the Lower Colorado River Authority for the Purpose of Providing Surface Water for Residents in Western Travis and Northern Hays Counties,” dated May 24, 2000, as amended (the “MOU”); or (2) “Appendix A to RG-348: Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer (Revised)” and “Appendix B to RG-348: Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer and Related Karst Features that May Be Habitat for Karst Dwelling Invertebrates” (the “Optional Enhanced Measures”). Compliance with the MOU must be achieved in accordance with the “Executive Summary Compliance Strategy with USFWS Guidelines Belterra Subdivision,” revised August 21, 2002 (the “MOU Compliance Strategy”). The District Engineer will determine whether a particular Project meets the requirements of this Rule. Compliance with this Rule is a condition of Water Service to any Project or Connection. The District Manager is authorized to suspend, disconnect or refuse to initiate Water Service until the requirements of this Rule are fulfilled to the satisfaction of the District Engineer.

- (d) **Service Capacity Limitations.** The Water Service capacity and Wastewater Service capacity of the District are limited by applicable contractual commitments and permits. Any Developer that does not hold an existing commitment for Service from the District must consult with the District Engineer to confirm Service capacity availability prior to commencement of a Project. In the event that the District’s available Water Service capacity or Wastewater Service capacity is insufficient to provide Service to the intended Project, the District will undertake reasonable efforts to obtain additional Service capacity upon execution by the Developer of a written agreement to reimburse the District for all costs (including the fees of District Representatives) incurred in obtaining such additional Service capacity.
- (e) **Notification Prior to Commencement of Project.** Before making any improvement or commencing any construction on property within the District, the District Manager must be notified if such improvement, construction or equipment used in such construction will be within easements, rights-of-way or property where District Facilities are located. The District Manager must complete an inspection to verify District Facilities prior to commencement of construction and after completion of construction. Any damages found must be repaired to the satisfaction of the District, and the District must be reimbursed for all costs for repairs prior to initiation of Service.

### **Rule 7.03 Prohibited Activities.**

- (a) **Disturbance of Certain Areas Prohibited.** Absent the prior written approval of the District Engineer, no Developer, Builder, Contractor, Customer or other Person shall modify or disturb, or perform construction activities within the following areas: (1) buffer zone areas required pursuant to the Optional Enhanced Measures or the Compliance Strategy as defined in Rule 7.02(c); (2) the wastewater discharge route for Outfall 002 as described in the Wastewater Permit; (3) any District irrigation areas; (4) any wetland or waterway that constitutes a wetland subject to jurisdiction under Section 404 of the Clean Water Act (a “Jurisdictional Wetland”); or (5) any site included or eligible for inclusion in the national Register of Historic Places or the State Archeological Landmark listing, or

otherwise including archeologically significant materials (“Archeological Site”) located within easements, rights-of-way or property of the District.

- (b) **Material Alteration of Existing Roads Prohibited.** Absent the prior written approval of the Board or the District Engineer, the material alteration of any street or roadway within the District (including without limitation cutting, removal, and replacement of sections of streets or roads) for the purpose of installing or making any line or Connection to a District System is strictly prohibited absent approval by the Board. Consultation with Hays County for approval may also be required.

#### **Rule 7.04      Review of Plans.**

- (a) **Plan Review Process.** If any Legal Requirement or Rule herein requires approval of engineering plans, construction specifications and other design documents (“Plans”) by the District Engineer, the District Manager, the District Operator or the Board, such Plans shall be submitted to the District Engineer for review a minimum of forth-five (45) days prior to the Board meeting at which approval is requested; provided, however, that no representation is made within these Rules that the review or approval of Plans will be completed within forty-five (45) days. The Applicant shall respond promptly to questions and comments of the District Engineer, and shall provide such additional information as the District Engineer shall reasonably request in review of the Plans. The Applicant is encouraged to meet with the District Engineer as early as possible prior to submission of Plans to review concept plans and general project requirements in order to minimize the possibility of delay.
- (b) **Plan Review Costs.** The costs of review and approval of any Plans (“Plan Review Costs”) shall be paid by the Applicant in accordance with the Service Rate Order. The Applicant shall be required to maintain a deposit in connection with review and approval of Plans as required by the Service Rate Order (“Review and Inspection Deposit”). If the Plan Review Costs are not timely paid, or the Review and Inspection Deposit is not adequately funded, the District Engineer shall be under no obligation to commence or continue review of the Plans. The Review and Inspection Deposit may be applied to pay Plan Review Costs, Inspection Costs, Civil Penalties, Costs and Damages, as applicable, if payment for same has not been received within thirty (30) days of issuance of a written invoice or request for payment by the District.

#### **Rule 7.05      Construction Inspections.**

- (a) **Inspections and Monitoring.** The District Engineer, the District Manager and the District Operator may conduct periodic inspections of any area of construction activity or planned construction activity (“Construction Site”) within the District. If any Legal Requirement or Rule under this Section requires inspection monitoring of a Project or facilities being constructed incident to such Project, the Developer, Contractor or Builder shall provide notice to the District Engineer three (3) days prior to commencement of construction or installation of such Project or the applicable facilities. The applicable District Representative shall be permitted full access for inspections and monitoring, and any

recommendations or requirements made by such District Representative pursuant to an inspection shall be implemented as soon as is reasonably practicable.

- (b) **Inspection Costs.** If any Legal Requirement or Rule herein requires inspection or monitoring of a Project or facilities being constructed incident to such Project, the Developer or Builder shall pay the costs of such inspections or monitoring by the applicable District Representative and all actions of such District Representative related thereto in accordance with Legal Requirements (“Inspection Costs”) in accordance with the Service Rate Order. The Review and Inspection Deposit shall be funded and maintained for payment of Inspection Costs in accordance with the Service Rate Order. If the Inspection Costs are not timely paid, or the Review and Inspection Deposit is not adequately funded, the District Manager is authorized to refuse or disconnect Water Service to the Project or any Buildings that comprise the Project, or lock any Water Meters that have been installed in order to provide Water Service to the Project, until such time as compliance is achieved.

#### **Rule 7.06      Erosion and Sedimentation Control.**

- (a) **Erosion and Sedimentation Controls Required.** Developers, Contractors, Builders and all owners of a lot subdivided by plat recorded in the official public records of Hays County, Texas (a “Lot”) shall comply with all Environmental Protection Agency (“EPA”) and TCEQ regulations regarding stormwater, and shall install and implement sound and effective stormwater, erosion and sediment control measures. All temporary sediment and erosion control measures must be completed prior to the commencement of any development or construction activities on any Lot or Construction Site.
- (b) **Maintenance.** Developers, Contractors, Builders and Lot owners shall constantly maintain erosion and sediment control measures in proper condition to ensure that such controls function in a sound and effective manner, and may rely on the City of Austin’s Environmental Design Criteria Manual as a guide to proper maintenance.
- (c) **Containment of Construction Debris.** The dumping of construction debris, refuse and dirt (collectively “Construction Debris”), and the washout of construction vehicles and equipment, is prohibited on any property (public or private) other than the Lot for which the material is designated. All Contractors and Builders must maintain on the Construction Site a sufficient, secure container for the disposal of Construction Debris at all times during any construction activity within the District. All Construction Debris must be placed within the approved containers and properly managed.
- (d) **Storage of Construction Materials.** Construction Debris, dirt, mud and other construction materials may not be stored or accumulated on any street right-of-way within the District or District Facility.
- (e) **Repair or Replacement by District.** The District Manager is authorized to repair or replace defective sedimentation and erosion control measures, and any damaged District Facilities, that are not repaired by the applicable Contractor or Builder upon notification of a Violation of Rule 8.06. In addition to any civil penalty issued by the District, the District

Manager is authorized without action of the Board to issue an invoice for Costs and Damages incurred by the District in such repair or replacement.

- (f) **Responsibility for Failure to Comply.** Any Developer or Builder that fails to implement or maintain sediment and erosion controls in accordance with this Rule 8.06 shall be responsible for damage to any District Facilities due to erosion or stormwater runoff, and shall repair any such damage immediately under the supervision of a District Representative. Developers, Builders and Lot owners shall be responsible to the District for the failure of any of their respective Contractors to comply with the requirements of this Rule 8.06.
- (g) **Erosion Control Inspections.** The District may conduct inspections of all sediment and erosion control measures, including without limitation verification of silt fencing, inlet protection and containment of Construction Debris ("Erosion Control Inspections"), on a regular or periodic basis.

**Rule 7.07 Additional Requirements for Single Family Residential Projects.** Any Project involving the construction of a Single Family Residence shall comply with the requirements set forth in this Rule 7.07.

- (a) **Erosion and Sedimentation Controls.** For avoidance of doubt, construction of each individual Single Family Residence is required to comply with Rule 8.06 regarding erosion and sediment control.
- (b) **Inspections.** The District Manager shall conduct Customer Service Inspections, Wastewater Inspections, Erosion Control Inspections, and other inspections necessary to confirm compliance with the requirements of these Rules.
- (c) **Compliance with Approved Plans.** In the event that the Water Service Lines, Wastewater Service Lines or other fixtures associated with a Single Family Residence are not constructed in accordance with these Rules or any Plans approved by the District, the District will have the right to refuse or disconnect Water Service to the Single Family Residence, or lock any Water Meters that have been installed in order to provide Water Service thereto, until such time as compliance with approved Plans is achieved.
- (d) **Builder Deposits.** Builders of Single Family Residences within the District shall fund and maintain a builder deposit in accordance with Service Rate Order ("Builder Deposit"). If a Builder fails to fund and maintain a Builder Deposit as required by the Service Rate Order, the District Manager may suspend issuance of Water Taps for other Lots owned by Builder or may lock Water Meters for Single Family Residences owned by the Builder. Builder Deposits may be applied to pay Inspection Costs, Civil Penalties, Costs and Damages, as applicable, if payment for same has not been received within thirty (30) days of issuance of a written invoice or request for payment by the District.

**Rule 7.08. Additional Requirements for Non-Residential Projects.** Any Project that includes a Non-Residential Connection shall comply with the requirements set forth in this Rule 7.08.

- (a) **Approval of Certain Plans Required.** All proposed Service Connection Locations and Plans for Water Service Lines, Wastewater Service Lines, and any drainage, stormwater detention and water quality facilities to be constructed in connection with the Project (collectively, the “Project Service Facilities”) must be approved by the District Engineer, the District Manager and the Board prior to commencement of construction the Project. Upon review and approval of the Plans by the District Engineer and the District Manager, the Plans shall be submitted to the Board for approval. Non-Residential Connections to the District’s Water Supply System or the Wastewater Collection System are prohibited until such Plans are approved.
- (b) **Inspections.** Projects including Non-Residential Connections require periodic inspection of the Project Service Facilities by the District Engineer and other District Representatives during construction, at a frequency to be determined by the Board with the recommendation of the District Engineer. Projects constructed hereunder shall also require Erosion Control Inspections. The District Engineer shall provide a written estimate of Inspection Costs to the Board for approval at the Board meeting at which the applicable Plans and Service Connection Locations are approved under Rule 7.04(a)(1), or the Board meeting immediately thereafter. During the progress of the construction work, the District Operator shall conduct Erosion Control Inspections, and the District Engineer shall submit to the Board reports addressing the status of the construction. Responsibility for inspections under this Rule may be shared with the City of Dripping Springs in cases where jurisdictions overlap. Inspection Costs shall be paid in accordance with Rule 7.05(b).
- (c) **Compliance with Approved Plans Required.** In the event that the Project Service Facilities are not completed in accordance with the Plans as approved by the District, the District shall have the right to refuse or disconnect Water Service to any Buildings or other aspects of the Project, or lock any Water Meters that have been installed in order to provide Water Service to the Project, until compliance with such approved Plans is achieved.

**Rule 7.09 Additional Requirements for Joint 210 Irrigation System Expansion Projects.** All Joint 210 Irrigation System Expansion Projects, or any other activities that may impact or affect the Joint 210 Irrigation System in any manner, shall comply in all respects with the Joint 210 Irrigation System Plan as adopted by the District and HCWCID1. Without limiting the generality of the foregoing, the Joint 210 Irrigation System Plan shall apply to the design, construction, connection, implementation, maintenance and operation of any Joint 210 Irrigation System Expansion Project. Failure to comply with the Joint 210 Irrigation System Plan shall be considered a Violation of these Rules and may result in refusal or suspension of Reclaimed Water Service or render a Joint 210 Irrigation System Expansion Project ineligible for reimbursement.

**Rule 7.10 Additional Requirements for Reimbursable Improvement Projects.** Subject to any changes in Legal Requirements, the District will administer in accordance with this Rule 7.10 any Project that includes: (1) improvements constructed by a Developer on behalf of the District;

or (2) improvements to be sold, transferred or conveyed to the District pursuant to a reimbursement contract executed by the District pursuant to 30 Tex. Admin. Code § 293.46(1) (in either case, such improvements being referred to herein as “Reimbursable Improvements”).

- (a) **Approval of Plans Required.** All Plans for Reimbursable Improvements, all Service Connection Locations, and any Plans for drainage, stormwater detention and water quality facilities for a Project involving Reimbursable Improvements must be approved by the District Engineer, the District Manager and the Board prior to bidding. Upon review and approval of the Plans by the District Engineer and the District Manager, the Plans shall be submitted to the Board for approval. All Plans will be reviewed by the District Engineer in accordance with Rule 7.04. Connections to the District’s Water Supply System or the Wastewater Collection System are prohibited until such Plans are approved. Contracts for the construction of Projects involving Reimbursable Improvements shall be advertised, bid, awarded, constructed, inspected and approved in accordance with all applicable laws. All proposed contract, bond, notice and other bid forms and documents (“Bid Documents”) shall be submitted to the District Engineer for review and approval by applicable District Representatives at least twenty-one (21) days prior to any advertisement or solicitation of bids.
- (b) **Required Warranties and Bonds.** Any Person to whom a contract for the construction of Reimbursable Improvements is awarded shall provide good and sufficient performance and payment bonds in accordance with Chapter 2253 of the Texas Government Code, in addition to any bid bond or other bid security required by the Bid Documents. The performance bond or a separate maintenance bond shall be written for a term that expires no earlier than the expiration of the longest warranty period required in the contract for the Project. Warranty periods under any contract for the construction of Reimbursable Improvements shall commence on the date of Final Completion and shall expire no earlier than the date that is two (2) years after the date of Final Completion.
- (c) **Construction Phase Monitoring.** The Board shall have control of construction work for Reimbursable Improvement Projects to determine whether the contract is being fulfilled and shall have the construction work and progress inspected periodically or continuously. Projects constructed under this Rule 7.10 require inspection and monitoring of the Project by the District Engineer, at a frequency to be determined by the Board, with the recommendation of the District Engineer. The District Engineer shall provide a written estimate of inspection and monitoring costs to the Board for approval at the meeting at which the contract for construction of a Project is awarded, or the meeting promptly thereafter. During the progress of the construction work, the District Engineer shall submit to the Board reports addressing the status of the Project and compliance with the contract.
- (d) **Minimum Construction Standards.** All Reimbursable Improvements must be constructed in dedicated public rights of way, public utility easements, or easements or land specifically conveyed to the District or other governmental entity that is to own and operate the Reimbursable Improvements. Reimbursable Improvements shall be constructed in a good and workmanlike manner, and all materials used in such construction be free from defects and fit for their intended purpose. All Reimbursable Improvements

must be constructed in accordance with the City of Austin Standard Construction Specifications and Details (“COA Specifications”), these Rules, and any other specifications adopted by the District. Any discrepancies between these Rules and the COA Specifications will be brought to the attention of the District Engineer, and the District will determine the specifications to be followed. In addition to the COA Specifications, the Rules and other specifications adopted by the District, the following requirements apply as set forth below:

- (1) All water, wastewater and stormwater pipe bedding shall be 3/4” clean gravel with silt barrier fabric placed on top of the gravel;
  - (2) Manholes and lift station wet wells require cementitious lining and must be coated with SewperCoat®; and
  - (3) Television testing of Wastewater Lines must be conducted prior to approval and acceptance by the District.
- (e) **Temporary Water Service.** Pending acceptance of a Project for operation and maintenance, the District may, with approval of the District Manager, provide temporary Water Service for a period not to exceed twenty (20) days, for the purpose of testing facilities or confirming Service availability.
- (f) **Final Completion.** At such time as the Project has been completed in its entirety in accordance the Plans and applicable contracts (“Final Completion”), the District Engineer shall submit to the Board a final report including as-built plans of the improvements as actually constructed and setting forth the District Engineer’s position as to whether the Developer and Contractor have complied with the contract for construction. The District Engineer shall also certify to the executive director of the TCEQ that the construction work was substantially completed in accordance with and includes all items in Plans submitted to, or approved by the executive director. Prior to issuance of any such concurrence letter, the Developer shall provide to the District Engineer final electronic copies of all Bid Documents, executed construction contracts, change orders, notices, governmental approvals and permits, recorded plats, warranties, bonds, lien releases, operation and maintenance manuals, “as-built” Plans, “as-built” CAD files, legal descriptions and conveyance instruments for tracts to be conveyed to the District, and any other documents reasonably requested in the District Engineer’s project closeout checklist.

## **Section 8**

### **Variances**

**Rule 8.01 Variances.** The Board may grant a variance to any of the Rules set forth herein suspending application of a Rule to a Person or Project (“Variance”) upon finding that: (1) the Variance is justified under the circumstances; (2) the Variance will not result in material harm to the District, or concessions or mitigation offered by the Applicant sufficiently offset any material harm to the District; and (3) denial of the requested Variance would result in unreasonable difficulty or undue burden for the Applicant under the circumstances.



**Rule 8.02      Variance Procedure.**

- (a) **Application for Variance.** Any Person requesting a Variance shall contact the appropriate District Representative to address the Variance to be requested. A written request shall be submitted by the Applicant for a Variance to such District Representative not later than three (3) days prior to the Board meeting at which the Variance is to be addressed by the Board. The request for Variance shall set forth with specificity the Variance sought and any information or rationale that the Applicant contends supports granting of the Variance.
- (b) **Consideration of Application for Variance.** The Board shall consider the application for Variance in accordance at a Board meeting that is more than three (3) days after the written request for Variance is received by a District Representative.
- (c) **Action on Request for Variance.** The Board may grant, deny, partially grant, partially deny a request for Variance. The Board's action on the application for Variance shall be memorialized in writing, with any grant of access to District property limited to a specific purpose set forth in a license executed by the District. The Applicant will be responsible for legal fees associated with documentation of any Variance granted by the Board.

**Rule 8.03      Effect of Variance.** A Variance granted by the Board shall serve only to excuse failure to comply with the Rule to which the Variance applies for the period of time specified, and shall not be construed to be a waiver of any other Rules. An Applicant that has obtained a Variance shall comply with all Rules not specifically identified or referenced in the written order. A Variance concerning access to District Real Property is and shall be construed as a license to enter and make limited use of District Real Property, and shall be revocable at will in the discretion of the Board. A Variance granted by the Board shall not be construed as precedent for a future Variance request. Applications for a Variance shall be considered by the Board based on the merits of each individual application and the circumstances related thereto.

**Section 9**  
**Violations and Enforcement of District Rules**

**Rule 9.01      Violations.** Any Person that violates or otherwise fails to comply with any Rule set forth herein, or commits an act described herein as a "Violation," commits a violation of these Rules (a "Violation").

**Rule 9.02      Enforcement Procedure.**

- (a) **Notice of Violation.** The District Manager shall send written notice of a Violation to any Customer or other Person that commits a Violation. Notwithstanding the foregoing, the District Manager or other District Representative may elect to provide notice of a violation verbally if: (1) such Violation is observed during an Erosion Control Inspection or any other inspection; (2) such Violation is occurring on District Real Property and observed by a District Representative. Any notice of Violation, whether issued in writing or verbally, shall be referred to herein as a "Notice of Violation." No Board action shall be required prior to the issuance of a Notice of Violation by the District Manager.

- (b) **Contents of Written Notice of Violation.** A written Notice of Violation shall set forth following: (1) a description of the Violation and identification of the Rule that has been violated; (2) the date the Violation occurred or was observed or reported; (3) that the Violation may be contested at the next regular Board meeting; (4) the name and contact information of the District Representative that may be contacted to discuss the Notice of Violation; (5) the date the Violation must be abated or cured in order to avoid further District action, if applicable; (6) the amount of any associated civil penalties, or a statement that civil penalties will be determined by the Board; and (7) the amount of any Costs and Damages (as defined by Rule 9.04(b)), or a statement that Costs and Damages may be invoiced separately. A written Notice of Violation may include notice of multiple violations committed by the same Person. A written Notice of Violation may be issued by certified mail, hand delivery, or electronic mail.
- (c) **Compliance Inspection.** If applicable, the District Manager shall inspect the Violations cited in a Notice of Violation not later than five business (5) days after the date of issuance by the District Manager of the Notice of Violation to determine whether the Violation has been cured or abated ("Compliance Inspection"). If the Violation has not been cured or abated, or the Violation has reoccurred, the failure to cure or abate such Violation shall constitute an additional Violation and the District Manager may issue an additional Notice of Violation. The District Manager shall continue to conduct Compliance Inspections until the Violation has been cured or abated to the District Manager's satisfaction and is no longer reoccurring. To the extent that a Violation is incapable of cure or abatement within five (5) days, notwithstanding reasonable and diligent efforts, the District Manager may negotiate and present to the Board for approval a compliance agreement providing for the cure or abatement of the Violation.
- (d) **Opportunity to Address Board.** Any Customer or other Person that has received a Notice of Violation will have the right to contest the Violation or any action of the District in connection therewith at a regular Board meeting. The District Manager or other applicable District Representative will have the opportunity to discuss and present evidence of the Violation at the meeting, and the Person contesting the Violation will have the opportunity to respond and present evidence to the Board at such meeting. If the Person accused of the Violation does not appear to be heard on the Violation, the right to contest the Violation will be deemed waived.
- (e) **Evidence of Violation.** Any evidence of a Violation, including without limitation photographs, reports, witness statements, affidavits and other records obtained or prepared by the District Manager will be made available to a Person accused of a Violation upon written request pursuant to the Texas Public Information Act, subject to Legal Requirements and applicable privacy considerations. The District may redact or withhold information of a personal, confidential or privileged nature pending a decision of the Office of the Attorney General under Texas Government Code § 552, Subchapter G.

### **Rule 9.03 Civil Penalties.**

- (a) **Issuance of Civil Penalties.** By separate order, the Board shall adopt a schedule of civil penalties for violations of these Rules ("Penalty Schedule"). The Board may, from time to time, adopt a restated or amended schedule of civil penalties without necessity of amending these Rules. No Board action is required prior to the imposition of a civil penalty by the District Manager, provided that the amount of the civil penalty is supported by the Penalty Schedule or expressly set forth in another Rule. In the event that a Person commits a Violation for which no civil penalty has been authorized in the Penalty Schedule or otherwise expressly set forth in another Rule, the District Manager shall present the Violation to the Board for a determination of the civil penalty.
- (b) **Limitation of Amount.** The civil penalty for any individual Violation shall not exceed the jurisdiction of a justice court as provided by Texas Government Code § 27.031.
- (c) **Payment of Civil Penalty.** Payment of a civil penalty and any associated Costs and Damages issued under these rules shall be due on the date that is thirty (30) days after the date a Notice of Violation is issued. The District Manager is authorized to grant extensions of the deadline for payment for good cause. Payment shall be made in United States Dollars, in good and sufficient funds. In the event that a Person requests an opportunity address the Board on the Violation in accordance with Rule 9.02(d), the Person shall nonetheless pay the civil penalty within the time proscribed by this Rule 9.04(b). The amount of the civil penalty that is waived or reduced by the Board, if any, at the hearing shall be returned to the Person within ten (10) days of the conclusion of the hearing.
- (d) **Failure to Pay Civil Penalty.** Any Person that fails to pay a civil penalty imposed hereunder in accordance with the provisions of this Rule 9.03 shall be subject to the following, as applicable: (1) any remedy available to the District under Rule 9.04, *including without limitation disconnection, suspension or refusal of the Service to which the Violation relates*; and (2) a civil action brought pursuant to Texas Water Code § 49.004.
- (e) **Suit to Enforce Civil Penalty.** A civil penalty issued hereunder may be enforced by complaint filed in the appropriate court of jurisdiction in Hays County, Texas. If the District prevails in a suit to enforce its rules, it may in the same action recover reasonable fees for attorneys, expert witnesses and other costs incurred.
- (f) **Other Remedies.** In addition to the imposition of a civil penalty by the District Manager, the Board may exercise its rights to pursue any other enforcement remedies set forth in Rule 9.04, or otherwise available at law or in equity.

### **Rule 9.04 Other Remedies for Violations.**

- (a) **Abatement of Violation by District.** The District Manager shall have the authority to take such actions as are reasonable and necessary to cure or abate a Violation if: (1) expressly authorized by these Rules; or (2) a Customer fails to cure or abate a Violation within the time permitted after the issuance of a second Notice of Violation.

- (b) **Recovery of Costs and Damages.** In addition to any civil penalty or other remedy imposed hereunder, a Person that commits a Violation is responsible and liable for any and all costs, expenses, fees, fines, penalties, and damages incurred by the District as a result of such Violation (collectively, “Costs and Damages”). Without limiting the generality of the foregoing, Costs and Damages may include limitation: (1) the costs incurred by the District in the cure or abatement of a Violation, including administrative, legal, engineering, laboratory, materials, construction, repair, replacement, and maintenance costs incurred by the District; and (2) all costs and expenses necessary to repair or restore any District Facilities or other property of the District damaged as a result of a Violation to the condition existing prior to the Violation. Costs and Damages payable in connection with a Violation may be stated on the Notice of Violation or invoiced separately, and in either case shall be payable in accordance with the payment provisions related to Penalty Invoices as set forth in Rule 9.03. The District Manager is authorized to issue invoices for Costs and Damages without the further approval of the Board if expressly authorized by these Rules.
- (c) **Suspension of Connections.** If a Developer, Builder or Contractor commits a Violation that remains uncured or unabated to the satisfaction of the District Manager after two (2) Compliance Inspections, fails to pay a civil penalty, fails to pay any amount otherwise due to the District hereunder or pursuant to the Service Rate Order, or causes or contributes to any damage to a District Facility, then the District Manager is authorized to: (1) suspend any application for Service by such Developer, Builder or Contractor; and (2) suspend or refuse installation of Water Taps for new Connections to any Building or Project of such Developer, Builder or Contractor. The District Manager must provide written notice of any such suspension prior to the date the suspension will become effective (“Notice of Suspension”). A suspension hereunder shall apply regardless of whether the Developer, Builder or Contractor has made applicable payments under the Service Rate Order for Service or Connections, and shall remain in effect until such time as the applicable Violation is cured or abated to the satisfaction of the District Manager, or payment of the applicable civil penalties or other charges have been received, whichever is later.
- (d) **Disconnection of Service.** The District Manager, in accordance with the Service Rate Order, is authorized to discontinue, refuse, suspend or disconnect Service to any Customer that fails to make payment of a charge, fee, rental, or deposit due under the Service Rate Order, these Rules or Legal Requirements. In addition, the Board may authorize the District Manager to discontinue, refuse, suspend or disconnect Water Service to any Customer that commits a Violation of Rule 7.02(c), 7.05, 7.07(c), 7.08(c), any Rule set forth in Section 4, or failure to comply with any agreement between the District and the Customer. A Customer will be notified of Service disconnection by letter in accordance with the Service Rate Order. Notwithstanding anything in this Rule 9.04(d), the District Manager is authorized to discontinue, refuse, suspend or disconnect Water Service *without Board action or notice to the Customer* in the event of a Violation of Rule 4.02, 4.03, 4.04, 4.05, 4.08, 4.12, 5.01 or any Rule in Section 3. Reconnection of Services will be administered in accordance with the Service Rate Order.

- (e) **Stop Work Order.** If any Violation threatens or jeopardizes public health and safety within the District, including without limitation a Violation of any Rule in Section 3, the District Manager is authorized to issue written notice requiring the Person that committed such Violation to immediately cease any and all development, construction and installation activity that threatens or jeopardizes public health and safety ("Stop Work Order"). The Stop Work Order shall be effective immediately upon issuance until the Violation has been cured or abated to the satisfaction of the District Manager. The Board shall hold a special meeting as soon as reasonably practicable to address the Violation giving rise to the Stop Work Order. Any Developer, Builder, Contractor, Customer, or other Person that fails to comply with a Stop Work Order commits a Violation by such failure to comply, which shall be subject to a civil penalty of \$1,000 per day.
- (f) **Civil Action to Enforce Rules.** Pursuant to Texas Water Code § 49.004, the District may enforce its rules by a civil suit filed in the appropriate court of jurisdiction in Hays County, Texas. Under Texas Water Code §§ 51.128 and 54.206, the District's Rules are recognized by the courts in the same manner as penal ordinances of a city, which may be enforced by a civil action under Texas Local Government Code § 54.012. If the District prevails in a suit to enforce its rules, it may in the same action recover reasonable fees for attorneys, expert witnesses and other costs incurred.
- (g) **Prosecution.** Pursuant to Texas Water Code § 51.241, a Person who commits a Violation of these Rules commits a criminal offense classified by statute as a Class C misdemeanor, and such Person may be prosecuted for such offense in a Justice Court or Municipal Court under Articles 4.11 and 4.14 of the Texas Code of Criminal Procedure. Any Violation may be reported to local authorities and/or prosecutors.
- (h) **Report to Regulatory Authorities.** The District may report a violation of any Legal Requirement to appropriate governmental authorities, including without limitation the the United States Fish and Wildlife Service, TCEQ, the PUC, the City of Dripping Springs and Hays County.
- (i) **Peace Officers.** The District may contract for or employ its own peace officers with power to make arrests when necessary to prevent or abate the commission of offenses of these Rules of the District, damage to property owned, controlled or operated by the District, and any offenses against the laws of the State.
- (j) **All Remedies Cumulative.** All penalties and remedies accruing under these Rules are cumulative and a suit for the recovery of any penalty does not bar or affect the recovery of any other penalty or remedy, or bar any suit or prosecution, against any Customer or other Person.