ORDER ADOPTING CONSOLIDATED RATE ORDER AND RULES AND REGULATIONS; ADOPTING A DROUGHT CONTINGENCY PLAN; ESTABLISHING A WASTEWATER CONTROL ORDER; ESTABLISHING CERTAIN OTHER POLICIES; AND PROVIDING PENALTIES FOR VIOLATION THEREOF

THE STATE OF TEXAS §

COUNTY OF HARRIS §

KLEINWOOD MUNICIPAL UTILITY DISTRICT §

WHEREAS, the Board of Directors (the "Board") of Kleinwood Municipal Utility District (the "District") has from time to time adopted certain orders ("Rate Order") and Rules and Regulations establishing the rates and conditions under which water and sanitary sewer service would be provided; and

WHEREAS, the Board of the District has determined that it is in the best interest of the District to amend and restate its Rate Order to revise the rates for churches and commercial accounts;

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF KLEINWOOD MUNICIPAL UTILITY DISTRICT THAT:

ARTICLE I
DEFINITIONS

For the purpose of this Order, the following terms shall have the meaning set out hereafter:

A. "Commercial" - shall mean any structure designed for business purposes including office buildings, hotels, retail stores, warehouses, service stations, churches, schools, recreational centers and all other establishments not generally considered as residential structures or defined herein as a residential structure.

B. "Customer" - shall mean any person, partnership, corporation, non-profit corporation, trust or other legal entity served by the District's System with water and/or sewer services to a residence or business establishment owned or occupied by such person, partnership, corporation, non-profit corporation, trust or legal entity.

C. "Domestic Waste" - shall mean liquid-carried sanitary sewage discharge which is normally discharged from residential food preparation and bathroom facilities.

D. "Esplanade Connection" - shall mean a water system connection serving public right-of-way or other public common areas.

E. "Multi-family Residential Connection" - shall mean all multiplex residential connections which are served by a master meter.

F. "Multi-family Units" - shall mean the individual dwelling units served through the Multi-family Residential Connection's master meter and shall include condominiums and all individual dwelling units served by a master meter.

G. "Non-taxable" - shall mean any entity not subject to property taxation pursuant to the provisions of the Texas Property Tax Code.

H. "Operator" - shall mean the person, company or corporation which is employed by or under contract with the District to operate the District's water and sewer system, collect amounts owed to the District for such services, report monthly to the District on the operations of the District's System and perform any additional services set out in its contract with the District.

I. "Rules and Regulations" - shall mean the Amended and Restated Rules and Regulations Governing Water and Sanitary Sewer Facilities, Service Lines, and Connections attached to this Order as Appendix "A" and incorporated herein for all purposes.

J. "Separate Connection" - shall mean each residential unit designed for occupancy by a separate family, including each separate unit located within a single multi-unit building, and each commercial unit designed for use by a separate business, including separate establishments within a single building.

K. "Single-family Residential" - shall mean any single- family structure within the District designed for occupation as a residence whether by the owner or by a renter or lessee, including any single-family residence, townhouse, multiplex, apartment building, or other structure generally considered to be and used solely for residential purposes and which is separately metered.

L. "System" - shall mean the water and/or sanitary sewer facilities of the District and all extensions and additions thereto, whether now in place or hereafter constructed.

ARTICLE II
APPLICATION FOR SERVICE /CONNECTION POLICY/INSPECTIONS/TAPE FEES

Section 2.01. Initiation of Water and Sanitary Sewer Connections. Each person desiring a water and sanitary sewer service connection to the District's System shall be required to pay such fees as set forth in this Order. No service shall be established or re-established until such fees are paid. All service connections are subject to the provisions of the District's Rules and Regulations and all other rules, regulations, and policies of the District. It shall be the policy of the District that no Customer shall receive water service without also taking sanitary sewer service from the District, except for irrigation connections. It shall be the policy of the District that no Customer shall receive sanitary sewer service without also taking water service from the District.

Section 2.02. Application for Service.

A. Service for Single Family Residential Service. Each Customer establishing a new account for single-family residential service and each Customer re-establishing an account for single-family residential service that has been terminated for non-payment shall be required to complete an Application for Service as set forth in Attachment 1 to this Rate Order.

B. Service for Commercial/Multi-Family Service. Each Customer establishing a new account or re-establishing an account for commercial or multi-family service shall be required to complete an Application for Service as set forth in Attachment 2 to this Rate Order. For commercial accounts with single meters serving multiple tenants (“Commercial Customer”), the Commercial Customer shall:

(i) complete an Application for Service as set forth in Attachment 2 to this Rate Order.
(ii) provide the District with a list of tenants annually on or before January 31 of each year.
(iii) provide the District’s Engineer and Operator for review and approval a copy of the plans and specifications of the leased space for each tenant prior to occupancy by tenant, along with an Application for Service as set forth in Attachment 3 to this Rate Order. For each Application for Service and set of plans and specifications provided to the District’s Engineer and Operator, Commercial Customer shall pay an application fee of $200.00 for applicants not requiring a grease trap, and $500.00 for applicants requiring a grease trap. Each tenant will be required to install a sampling

well at the point of discharge into Commercial Customer's sanitary sewer system pursuant to Section 2.05 of this Rate Order. A request for service from a Commercial Customer and Tenant is deemed to grant the District the right of ingress and egress for purposes of inspections and compliance with this Rate Order and all appurtenant Appendices. Failure by the Commercial Customer and Tenant to provide the plans and specifications to the District's Engineer for review and approval, the Application for Service or the application fee will result in the termination for water service to the Commercial Customer's account in accordance with Section 4.01 hereof. Grease trap requirements and sampling well requirements are set forth in Section 2.05 of this Rate Order and Articles IV and V of the Rules and Regulations Concerning Domestic and Commercial Wastes, Appendix C to this Rate Order.

Section 2.03. Policies Governing Initial Connections.

A. Certification of System. Connections shall not be made to the District's System or portions of the System until the District's engineer has certified that the System or applicable portion thereof is operable.

B. Availability of Access/Obstructions. By application for connection to the District's System, the Customer shall be deemed to be granting to the District and its representatives a right of ingress and egress to and from the meter or point of service for such installation, for inspections to determine compliance with this Rate Order, maintenance and repair as the District, in its judgment, may deem reasonably necessary. The Customer shall also be deemed to be granting to the District and its representatives a right of ingress and egress to the Customer's property, including the interior and exterior of the Customer's premises, for the purpose of performing inspections required under this Rate order and completing the Customer Service Inspection Certifications required by the District's Rules and Regulations. Taps and connections will not be made when, in the opinion of the District's engineer or Operator, the work area is obstructed by building materials or other debris 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, such application shall be construed and accepted as the Customer'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 connection.

Section 2.04. Connections by District Operator. All connections to the District's sewer system shall be made in accordance with the District's Rules and Regulations. No person except the District's Operator or his authorized agent shall be permitted to tap or make any connection to the mains or distribution piping of the District's water system, except for emergency fire-fighting purposes, or make any repairs or additions to or alterations in any meter, box, tap, pipe, cock or other fixture connected with the water service or any manhole, main, trunk or appurtenance of the District's sanitary sewer system, unless otherwise specified by the Board of Directors of the District.

Section 2.05. Policies Governing Commercial Connections

A. Grease Traps/Sampling Wells. All Commercial Customers shall install a sampling well in accordance with the District's Engineer's specifications. A grease trap with sampling port when required by the District's Engineer and Operator shall be installed in accordance with the District's Engineer's specifications. If a grease trap is required, a minimum size of 500 gallons shall be installed, and the pavement above the grease trap is to be blocked out for 1,500 gallon grease trap in order to allow for expansion, if necessary. All flows, except restroom facilities shall be routed through the grease trap. The grease trap shall be cleaned at least once a month. Safeguards shall be taken against contamination of groundwater due to leakage from fuel tanks.

Each Commercial Customer requiring a grease trap shall (1) install such grease trap at the Commercial Customer's sole expense; (2) provide the District's Operator, prior to receiving service, with a copy of an effective and continuing contract between the customer and a licensed hauler, said contract to be for regular routine pumping and disposal of the grease trap; and (3) provide the District's Operator with

a copy of a hauler's manifest to evidence regular pumping and disposal within ten (10) days after receipt by the Commercial Customer.

B. Sand and Oil Interceptor for Gasoline Sales/Car Repair/Motorized Equipment Repair Facilities. All gasoline sales/car repair/motorized equipment repair facilities shall install a sand and oil interceptor in accordance with the District's Engineer's specifications. A minimum size of 500 gallons shall be installed. All flows, except restroom facilities shall be routed through the sand and oil interceptor. The sand and oil interceptors shall be cleaned at least once a month. Safeguards shall be taken against contamination of groundwater due to leakage from fuel tanks. All piping and tankage for both oil and grease pretreatment facilities and product storage shall be of double wall construction and shall include integral leak detection monitors to preclude contamination of groundwater.

Each Commercial Customer requiring a sand and oil interceptor shall (1) install such sand and oil interceptor at the Commercial Customer's sole expense; (2) provide the District's Operator, prior to receiving service, with a copy of an effective and continuing contract between the customer and a licensed hauler, said contract to be for regular routine pumping and disposal; and (3) provide the District's Operator with a copy of a hauler's manifest to evidence regular pumping and disposal within ten (10) days after receipt by the Commercial Customer.

Each Commercial Customer under this Section 2.05(B) will also be required to install a sampling well pursuant to Section 2.05(A) hereof.

C. Sand and Mud Interceptor for Car Wash Facilities. All car wash facilities shall install a sand and mud interceptor in accordance with the District's Engineer's specifications. A minimum size of 500 gallons shall be installed. All flows, except restroom facilities shall be routed through the sand and mud interceptor. All car wash facilities shall recycle the maximum amount of wash water through the best commercially available systems. Mud, sludge, and grease removal shall be required at least once a month. If the car wash facility has gasoline pump(s), then the car wash facility must also have floor drains in accordance with Section 2.05(B) of this Rate Order.

Each Commercial Customer requiring a sand and mud interceptor shall (1) install such sand and mud interceptor at the sole expense of the Commercial Customer; (2) provide the District's Operator, prior to receiving service, with a copy of an effective and continuing contract between the customer and a licensed hauler, said contract to be for regular routine pumping and disposal; and (3) provide the District's Operator with a copy of a hauler's manifest to evidence regular pumping and disposal within ten (10) days after receipt by the Commercial Customer.

Each Commercial Customer under this Section 2.05(C) will also be required to install a sampling well pursuant to Section 2.05(A) hereof.

D. Ground Water Monitoring Well Printing and Photo Processing. Printing and photo-processing facilities shall install a ground water monitoring well and shall discharge only domestic waste from sinks and restrooms. Unless waived in writing by the District, all printing and photo processing chemicals shall be collected in sealed containers and hauled away for reprocessing.

E. Lint Interceptor for Laundry/Dry Cleaning. Laundry and dry cleaning facilities shall install a ground water monitoring well and shall incorporate a lint interceptor in accordance with the District's Engineer's specifications. A minimum size of 500 gallons shall be installed. All flows, except restroom facilities shall be routed through the lint interceptor. The lint interceptors shall be cleaned at daily.

Each Commercial Customer requiring a lint interceptor shall (1) install such lint interceptor at the Commercial Customer's sole expense.

F. Landscaping/Nurseries. Landscaping and nurseries that use herbicides and pesticides shall install a ground water monitoring device and shall only discharge domestic waste from sinks and restrooms.

G. Pre-treatment of Discharge of Waters or Wastes Containing Toxic or Poisonous Substances; Submission of Written Statement. Where the operation of a person, firm, or corporation entails the discharge of water or wastes containing toxic or poisonous substances, a written statement setting forth the nature of the operation contemplated or presently carried on shall be filed with the District. The statement shall specify the amount of water that will be used and its source, the proposed point of discharge of wastes into the waste disposal system of the District, and the estimated amount to be discharged; the statement shall include a laboratory statement setting forth the expected bacterial, physical, chemical, and other known characteristics of said wastes. Within thirty (30) days from receipt of such statement, the District shall issue an order stating minimum restrictions necessary in the judgment of the District's Engineer to protect the District's systems.

Where pretreatment or control is required by the District, it shall review and approve the design and installation of the equipment and processes in conformity with all applicable laws and regulatory requirements. Any person responsible for discharges requiring such pretreatment or control facilities shall provide and maintain such facilities in effective operating conditions.

Section 2.06. Inspections and Fees.

A. Sewer Inspection and Fees. Sewer connections and house service lines shall be inspected by the District's Operator for compliance with the Rules and Regulations. An inspection fee of $100.00 shall be charged for all residential connections. Installations which fail to conform at any time to the Rules and Regulations shall be disconnected. Any Customer whose connection is disconnected for such failure shall be notified as to the basis for such disconnection. After noted deficiencies have been corrected, a reinspection shall be made upon payment to the District of a reinspection fee of $100.00. If subsequent re-inspections are required before the sewer connection and service lines are in compliance with the Rules and Regulations, a reinspection fee of $100.00 shall be charged for each such reinspection.

An inspection fee of 150% of the District's cost shall be charged for all commercial connections. Installations which fail to conform at any time to the Rules and Regulations shall be disconnected. Any Commercial Customer whose connection is disconnected for such failure shall be notified as to the basis for such disconnection. After noted deficiencies have been corrected, a reinspection shall be made upon payment to the District of a reinspection fee of 150% of the District's cost. If subsequent re-inspections are required before the sewer connection and service lines are in compliance with the Rules and Regulations, a reinspection fee of $100.00 shall be charged for each such reinspection.

B. Residential Customer Service Inspection Fees. If the District's Operator performs the inspection for residential connections and completes the Customer Service Inspection Certification required by Article III of the Rules and Regulations, the District shall charge the Customer a fee of $100.00 to cover the costs of such inspection and certification.

C. Commercial Customer Service Inspection Fee. If the District's Operator perform the Customer Service Inspection for a commercial connection, and completes the Customer Service Inspection Certification required by Article III of the Rules and Regulations, the District shall charge the Commercial Customer 150% of the cost thereof to the District. If re-inspections are required before the sewer connection and service lines are in compliance with the Rules and Regulations, the District shall charge the Commercial Customer 150% of the cost thereof to the District for each re-inspection.

D. Inspections and Fees Applicable to Builders and Others Making Improvements and Starting Construction. Any person or entity proposing to make improvements or start construction on property within the District must notify the District's Operator prior to commencing any improvement or construction if such improvement, construction, or equipment used in the construction will be within easements, rights-of-way or property where District facilities are located. The District's Operator shall conduct an inspection prior to the commencement of construction to verify the condition of the District's facilities. The District's Operator shall conduct another inspection after completion of construction to again verify the condition of the District's facilities. If the Operator finds that the facilities have been damaged

as a result of the construction, the builder or other responsible party must reimburse the District for the costs of the repair before the District will initiate permanent service to the affected property. A fee of $100.00 shall be charged by the District for (1) each pre-inspection and (2) each post-inspection. The inspection fees will be collected at the time the tap fee is paid.

E. Inspection of Yard and Other Drains. The District's Operator shall have the authority to inspect yard drains, roof drains, down spouts, and similar storm water drains located on a Customer's property for strict compliance with the District's Rules and Regulations. No such drains shall be connected to the District's sanitary sewer system. If the District's Operator discovers an unauthorized drain, the Operator will notify the Customer in writing of the actions required to correct the deficiency and shall give the Customer 30 days to take the necessary actions. The District's Operator will reinspect the Customer's property after 30 days to verify compliance. If the drain is still not in compliance with the District's Rules and Regulations, the District shall again notify the Customer of the corrective actions required and shall charge the Customer a reinspection fee of $100.00. If subsequent reinspections are required before the drain is found in compliance with the District's Rules and Regulations, a reinspection fee of $100.00 shall be charged for each such reinspection. The District's Operator shall have the authority to disconnect any drain which fails to conform to the District's Rules and Regulations, and the Customer shall be notified in writing of the basis for the disconnection and the corrective actions required.

F. Inspections of Grease Traps, Sand and Oil Interceptors, Lint Traps, Sand and Mud Interceptors. The District's Operator shall inspect on a monthly basis (and more frequently if required to insure compliance with this Rate Order) grease traps, sand and oil interceptors, lint traps, sand and mud interceptors (collectively, the "Traps and Interceptors") except for the Traps and Interceptors used by entities that provide emergency services, which shall be inspected on an annual basis. The cost of such inspections shall be $110.00 and shall be billed to the customer. If the Operator is required to reinspect a Trap or Interceptor, such reinspection shall be charged the same $110.00 rate. The Operator shall maintain a list of all Traps and Interceptors that have been installed to ensure they are inspected monthly. The Operator shall review such list annually, or more frequently if the Operator determines it is necessary to ensure an accurate list is maintained. If the inspection reveals that the Traps or Interceptors require cleaning, the Operator shall notify the Customer in writing to clean the Traps or Interceptors. In the event that any Customer fails to have the Traps or Interceptors cleaned on a timely basis, following ten (10) days written notice, the District shall be authorized to clean the Customer's Traps or Interceptors and such cost shall be billed to Customer with the next monthly water bill. Failure to pay any charges described in this Section 2.06(F) shall result in the termination of water service in accordance with Article IV of this Rate Order.

G. Backflow Prevention Assembly Inspection and Fees. The backflow prevention assemblies required at all commercial establishments pursuant to Section 3.06 of the Rules and Regulations shall be tested upon installation and annually thereafter. The Customer is responsible for ensuring that all backflow prevention assemblies are tested upon installation by a recognized backflow prevention assembly tester. If this test is performed by the District's Operator or its subcontractor, a fee equivalent to 150% of cost shall be charged by the District to cover the cost of such inspections and shall be billed on the Customer's regular bill. The Customer shall be responsible for the cost of any repairs.

The backflow prevention assemblies for residential Customers shall be tested upon installation and annually thereafter. The Customer is responsible for ensuring that all backflow prevention assemblies are tested upon installation by a recognized backflow prevention assembly tester. If this test is performed by the District's Operator or its subcontractor, a fee of $125 shall be charged by the District to cover the cost of such inspections and shall be billed on the Customer's regular bill. The Customer shall be responsible for the cost of any repairs.

At the Customer's request, the Operator shall perform an annual backflow prevention assembly inspection at a cost of 150% of the cost to the District if the Customer chooses not to engage a third party to perform the annual test.

Section 2.07. Builder's Deposit. Each builder of a residence, commercial building or other structure shall, at the time a request for a water tap is made, pay a deposit of $2,500 for the first lot for which a water tap has been requested and $100 for each additional lot thereafter. The deposit shall be refunded within ninety (90) days after the builder certifies the sale of its last residence, commercial building or other structure within the District, less any amounts forfeited as provided herein. The District shall deduct from the deposit the cost to repair any damage caused to the District's property by the builder or the builder's employees, contractors, subcontractors or agents and shall deduct any delinquent water and sewer service bills of the builder. In the event any amounts are so deducted from the builder's deposit, it will be incumbent on the builder to reinstate the original amount of the deposit, and failure to do so will result in the suspension of any additional water taps for the builder.

Section 2.08. Temporary Water Service.

A. Temporary Connections. The District's Operator shall be authorized to make a temporary connection to any fire hydrant or flushing valve upon request for temporary water service. All temporary service shall be metered and billed to the temporary Customer as provided herein. All unauthorized withdrawal of water from flushing valves, fire hydrants, or other appurtenances of the District's System without prior approval of the District, except for emergency fire-fighting purposes, is prohibited.

B. Application and Deposit. Each temporary Customer desiring temporary water service shall be required to execute an application for such temporary service and shall provide a minimum security deposit of $2,500. The deposit shall be made by cashier's check or money order payable to the District. The deposit shall be used by the District to secure the payment for temporary water supplied by the District, the installation fee, and the cost of repair of any damages caused by the temporary Customer. The balance of the security deposit, if any, shall be refunded after disconnection from the District's System.

C. Fees and Rates. A fee of $50.00 for costs of installation, plus the cost of the metered water, shall be charged for temporary water service. The following rates for the sale of water for each temporary water service connection shall be in effect from the effective date hereof until such time as the Board amends said rates:

Gallons Used	Rate
0 - 10,000 gallons	$1.50 per each 1,000 gallons
10,001 gallons & above	$1.50 per each 1,000 gallons

Section 2.09. Service to Out-of-District Customers. All requests for water and sewer service from parties located outside the boundaries of the District shall be considered on a case by case basis and governed by separate agreement.

Section 2.10. Water Taps. The following charges for the tap of water lines shall be in effect within the District from and after the effective date hereof until amended by the Board of the District:

Residential taps:	Three (3) times the actual and reasonable cost to the District
Commercial:	Three (3) times the actual and reasonable cost to the District
Non-taxable:	The actual cost to the District, including the costs of all facilities necessary to provide District services to such non-taxable entity where such facilities are financed or to be financed by tax-supported bonds of the District
Esplanade Sprinklers:	actual cost to the District

Section 2.11. Title to Facilities. Title to all water meters, water and sewer taps, and all other appurtenances, including meter boxes, shall lie in the District.

ARTICLE III
SERVICE RATES

The water rates set forth in Section 3.01 through Section 3.08 are further subject to the Assessment set forth in Section 3.12 hereof.

Section 3.01. Single Family Water and Sewer Service Rates.

A. Single-Family Water Rates

1. During construction and prior to initial occupancy, a fee of $5.00 per month shall be charged for each single-family home, provided that less than 5,000 gallons per month are used; otherwise the regular rate shall apply.

2. After the initial occupancy, single-family homes shall be billed as follows:

First 5,000 gallons or less	$7.50 minimum
5,001 to 10,000 gallons	$1.30 per 1,000 gallons
10,001 to 15,000 gallons	$1.50 per 1,000 gallons
15,001 to 20,000 gallons	$1.70 per 1,000 gallons
20,001 to 30,000 gallons	$1.90 per 1,000 gallons
30,001 to 40,000 gallons	$2.09 per 1,000 gallons
All over 40,000 gallons	$2.25 per 1,000 gallons

B. Single-Family Sewer Rates

$10.00 per month flat rate

Section 3.02. Commercial Water and Sewer Service Rates.

A. Water Rates for Commercial Buildings, Including Clubs and Schools.

0 to 5,000 gallons	$30.00 minimum
5,001 to 15,000 gallons	$ 3.00 per 1,000 gallons
15,001 to 50,000 gallons	$ 4.00 per 1,000 gallons
50,001 to 100,000 gallons	$ 4.50 per 1,000 gallons
100,001 to 250,000 gallons	$ 5.50 per 1,000 gallons
All over 250,001 gallons	$ 6.50 per 1,000 gallons

Single Meter. Each unit within service of a single meter, as identified by a public sign, shall be the basis for billing. Each unit shall be considered to be serviced by a one-inch (1") meter and the rate schedule set forth in paragraph A above shall apply.

B. Sewer Rates for Commercial Buildings, Including Clubs and Schools

Each commercial unit served by a separate meter shall be billed at the rate of $2.50 per 1,000 gallons of water used.

Section 3.03. Water Rates for Klein Independent School District

For tracts located outside the District, Klein Independent School District ("Klein") shall be billed as follows:

A. Water Rates (under 115,000 gallons per day)

First 5,000 gallons or less	$200.00 minimum
5,001 to 10,000 gallons	$ 2.60 per 1,000 gallons
10,001 to 15,000 gallons	$ 3.00 per 1,000 gallons
15,001 to 20,000 gallons	$ 3.40 per 1,000 gallons
20,001 to 30,000 gallons	$ 3.80 per 1,000 gallons
30,001 to 40,000 gallons	$ 4.18 per 1,000 gallons
All over 40,000 gallons	$ 4.50 per 1,000 gallons

B. Water Rates (over 115,000 gallons per day)

First 5,000 gallons or less	$200.00 minimum
5,001 to 10,000 gallons	$ 26.00 per 1,000 gallons
10,001 to 15,000 gallons	$ 30.00 per 1,000 gallons
15,001 to 20,000 gallons	$ 34.00 per 1,000 gallons
20,001 to 30,000 gallons	$ 38.00 per 1,000 gallons
30,001 to 40,000 gallons	$ 41.80 per 1,000 gallons
All over 40,000 gallons	$ 45.00 per 1,000 gallons

For tracts located inside the District, Klein shall be billed in relation with the rates charged to other non-taxable entities within the District pursuant to the provisions of this Rate Order.

Section 3.04. Water and Sewer Rates for Meyer Park (Harris County)

For water and sewer service to Meyer Park North and Meyer Park South, Harris County shall be billed as follows:

A. Water Rates,

0 to 5,000 gallons	$30.00 minimum
5,001 to 15,000 gallons	$ 3.00 per 1,000 gallons
15,001 to 84,000 gallons	$ 4.00 per 1,000 gallons
84,001 to 100,000 gallons	$13.50 per 1,000 gallons
100,001 to 250,000 gallons	$16.50 per 1,000 gallons
All over 250,000 gallons	$19.50 per 1,000 gallons

B. Sewer Rates.

For sanitary sewer service to Meyer Park North and Meyer Park South, Harris County will be billed at the rate of $2.50 per 1,000 gallons of water usage.

Section 3.05. Car Wash Water and Sewer Service Rates

A. Water Rates for Car Washes.

0 to 25,000 gallons	$90.00 minimum
25,001 to 80,000 gallons	$ 4.00 per 1,000 gallons
80,001 to 150,000 gallons	$ 5.50 per 1,000 gallons
150,001 to 200,000 gallons	$ 7.00 per 1,000 gallons
All over 200,000 gallons	$ 8.50 per 1,000 gallons

B. Sewer Rates for Car Washes.

Each car wash shall be billed at the rate of $3.10 per 1,000 gallons of water usage.

Section 3.06. Water/Sewer Rates for Multi-Family Buildings.

A. Water Rates for Multi-Family Buildings.

1. Single Meter. Each multi-family building that is served by a single meter shall be billed for water at the following rates, provided that before a building reaches initial occupancy of 85% of capacity, the rates set forth below shall be based on the number of occupied residential units in the building. When a building's occupancy has reached 85% of capacity, and at all times thereafter, the rates set forth below shall be based on the total number of residential units in the building.

0 to 5,000 gallons	$9.00 minimum per residential unit
5,001 to 7,000 gallons	$2.00 per 1,000 gallons per residential unit
7,001 to 10,000 gallons	$2.60 per 1,000 gallons per residential unit
All over 10,000 gallons	$3.60 per 1,000 gallons per residential unit

2. Multiple Meters. If a multi-family building is served by individual meters, then water delivered through each meter shall be billed as follows:

0 to 5,000 gallons	$9.00 minimum
5,001 to 7,000 gallons	$2.00 per 1,000 gallons
7,001 to 10,000 gallons	$2.60 per 1,000 gallons
All over 10,000 gallons	$3.60 per 1,000 gallons

B. Sewer Rates for Multi-Family Buildings.

Each rental unit in a multi-family building shall be billed at a flat rate of $13.00 per month per unit, provided that before a building reaches initial occupancy of 85%, the flat rate of $13.00 shall be based on the number of occupied units in the building and once a building's occupancy reaches 85% occupancy, and at all times thereafter, the District's Operator shall calculate the amount due for a building based on the total number of rental units in the building.

Section 3.07. Water Rates for Sprinkler for Esplanade.

Sprinkler for Esplanade. For any sprinkler connection in the esplanade, the rate to be billed shall be the following and the regulatory assessment levied by the North Harris County Regional Water Authority (the “NHCRWA Fee”).

0 to 5,000 gallons	$10.00 minimum
5,001 to 25,000 gallons	$ 1.50 per 1,000 gallons
25,001 to 50,000 gallons	$ 2.00 per 1,000 gallons
50,001 to 150,000 gallons	$ 3.00 per 1,000 gallons
All over 150,000 gallons	$ 4.00 per 1,000 gallons

Section 3.08. Water/Sewer Rates for Non-Taxable Entities.

A. Water Rates.

0 to 5,000 gallons	$7.50 minimum
5,001 to 25,000 gallons	$2.00 per 1,000 gallons
25,001 to 75,000 gallons	$2.25 per 1,000 gallons
75,001 to 150,000 gallons	$2.50 per 1,000 gallons
150,001 to 300,000 gallons	$3.00 per 1,000 gallons
All over 300,000 gallons	$3.25 per 1,000 gallons

B. Sewer Rates.

0 to 5,000 gallons (water usage)	$7.50 minimum
5,001 to 25,000 gallons (water usage)	$2.00 per 1,000 gallons
25,001 to 75,000 gallons (water usage)	$2.25 per 1,000 gallons
75,001 to 150,000 gallons (water usage)	$2.50 per 1,000 gallons
150,001 to 300,000 gallons (water usage)	$3.00 per 1,000 gallons
All over 300,000 gallons (water usage)	$3.25 per 1,000 gallons

Section 3.09 Customer Service Agreements. Prior to the District providing continuous water service, each Customer must execute and deliver to the District's Operator a Customer Service Agreement substantially in the form attached as Exhibit "4" to Appendix "A" attached hereto. A fee of $25.00 shall be charged to each Customer for the cost to the District to handle and process the Customer Service Agreement.

Section 3.10. No Reduced Rates or Free Service. All Customers receiving water and/or sewer service from the District shall be subject to the provisions of this Order and shall be charged the rates established in this Order, and no reduced rate or free service shall be furnished to any Customer; provided, however, this provision shall not prohibit the District from establishing reasonable classifications of customers for which rates differing from the rates stated herein may be adopted.

Section 3.11. Regulatory Assessment. Pursuant to Section 5.35 Texas Water Code, as amended, and 30 T.A.C. 291.76, the District shall pay by January 31 of each year a regulatory assessment to the Texas Commission on Environmental Quality in the amount required by law based on the total charges for retail water and sewer service collected from its retail customers in the prior twelve months.

At the end of each calendar year, the Operator shall prepare a written statement indicating the (i) the total charges collected for retail water and sewer service for the year; and (ii) the regulatory assessment due and payable to the Texas Commission on Environmental Quality, The Operator shall deliver the written statement to the District's Bookkeeper for payment.

Section 3.12. North Harris County Regional Water Authority Regulatory Assessment.

Pursuant to the Groundwater Reduction Plan adopted by the North Harris County Regional Water Authority ("NHCRWA"), the District is required to pay a monthly fee to the NHCRWA based on the total amount of ground water pumped at the District's water wells and/or the total amount of surface water delivered to the District by the NHCRWA (the "NHCRWA Water Fee").

To cover the NHCRWA Water Fee assessed to the District, the District hereby imposes a monthly charge (the "NHCRWA Charge") equivalent to the NHCRWA's then current surface water rate per 1,000 gallons of metered water usage plus 10%. The Operator shall list the NHCRWA Charge on the Customer's bill as a separate line item and shall collect the NHCRWA Charge in addition to other charges. Failure by a Customer to pay the NHCRWA Charge shall result in the termination of water and sewer service in accordance with the provisions of this Rate Order.

At the end of each month, the Operator shall prepare a written statement indicating the total pumpage at each of the District's water wells and/or the surface water delivered to the District by the NHCRWA for the month, and the amount due to the NHCRWA. The Operator shall deliver the written statement to the District's Bookkeeper for payment.

ARTICLE IV
SERVICE POLICY

Section 4.01. Billing Procedures. All accounts shall be billed in accordance with the following procedures:

A. Due Date and Delinquency. Payment shall be due on or before the due date shown on the bill. After such date, a late charge of ten percent (10%) will be assessed on the unpaid balance on the water and sewer bill. All accounts not paid by the due date shall be deemed delinquent and failure to make payment within sixty (60) days thereafter may result in the termination of water and sewer service. The District's Operator shall not be prevented from terminating service to a delinquent account after the due date for payment.

B. Notice and Appeal. Prior to termination of service, a Customer who is delinquent in payment shall be sent a notice that service will be discontinued unless payment in full is received. Notice shall be sent by first class United States mail and will provide the Customer with an opportunity to appear in person or by written correspondence at a scheduled meeting of the Board of the District to contest, explain, or correct the charges, services, or disconnection. The notice shall inform the Customer of the amount of the delinquent bill, the date service will be disconnected if payment is not made, and of the right to contest, explain, or correct the charges, services, or disconnection. Service shall not be disconnected where a Customer has informed the District or the District's Operator of his or her desire to contest or explain his bill. If the Customer appears before the Board, in person or by written correspondence, the Board shall hear and consider the matter and inform the Customer of the Board's determination by sending written notice to the Customer by first class United States mail stating whether service will be continued or disconnected. If service is discontinued, it shall be reinstated only upon payment in full of all amounts due, including any late charges, and a reinstatement charge of $35.00. Payment of the amounts due, late charges, and reinstatement charge must be in the form of a cashier's check, money order, or credit card. If the District's Operator must make a service call to disconnect a customer, the fee to the customer for such service call shall be $25.00. If it is necessary for the District's Operator to remove a customer's meter to stop the unauthorized use of District water, there shall be a $75.00 replacement fee to the customer.

C. Returned Checks. A $25.00 charge will be charged to the Customer's account for any check returned by the bank. Any amounts due on an account which have been paid with a check that has been returned by the bank must be paid in full by cashier's check or money order, including all late charges and returned check charges, within five (5) days from the day the Operator hangs a notice on the Customer's door or otherwise notifies the Customer that the check has been returned by the bank.

A letter shall be sent to the Customer if returned payment was made on a non-delinquent account. If returned payment was made to pay toward a disconnection notice, the delinquent process will proceed to the placement of a door tag notice. If a returned payment was made to pay toward a door tag notice, service to the Customer will be immediately disconnected.

D. Fee for Disconnection Notice. The District shall charge the Customer a fee of $8.00 each time the Operator issues a termination letter to the Customer, as described in Section 4.01B. above, and a fee of $8.00 each time the Operator hangs a disconnection notice on the door of the Customer’s residence or place of business.

Section 4.02. Security Deposits. Security deposits shall be required as follows:

A. Residential Deposits. Each Customer establishing a new account for single-family residential service shall be required to pay, prior to the District providing service, a security deposit of $100.00.

B. Commercial/Multi-Family Deposits. Each customer establishing a Commercial or a Multi-Family account and each customer re-establishing a Commercial or Multi-Family account that has been terminated for non-payment, shall be required to make a security deposit equal to two (2) times the average monthly bill for that connection for the most recent 12 month period with a $75.00 minimum. All deposits will be posted by the customer prior to service being established.

C. Full Payment Required. Service shall be initiated upon payment of the security deposit and all other fees and charges.

D. Refund of Deposit. Following payment of the final bill and payment of all fees and charges, the balance of the security deposit, if any, shall be refunded by check mailed to the Customer. No interest shall be payable to the Customer on any security deposit.

E. One-Time Courtesy Adjustment. The District will offer each Customer a 1-time courtesy adjustment to their account per calendar year for late fees, delinquency, or leak adjustments, for an actual cost not to exceed $25.00.

Section 4.03. Entitlement. Customers are not guaranteed a specific quantity or pressure of water or specific capacity in sewer facilities for any purpose whatsoever; furthermore, in no instance shall the District be liable for failure or refusal to furnish water or any particular amount or pressure of water or to provide capacity in sewer facilities.

Section 4.04. Unauthorized and Extraordinary Waste. The rates established herein are applicable for Domestic Waste as defined herein. Customers proposing to generate other types of waste will be assessed additional charges as established by the District.

Section 4.05. Damage to District Facilities.

A. Damage to Meter and Appurtenances. No person other than a duly authorized agent of the District shall open a meter box, tamper with or in any way interfere with a meter, meter box, service line or other water and/or sewer system appurtenance. The District reserves the right, immediately and without notice, to remove the meter or disconnect water service to any Customer whose meter has been tampered with and to assess repair charges to the Customer, plus a damage fee of $75.00.

B. Right to Repair. The District reserves the right to repair any damage to the District's System and appurtenances without prior notice and to assess against any Customer such penalties as are provided by law and such penalties provided for in this Rate Order in addition to those charges necessary to repair the portion of the System so damaged.

ARTICLE V
ADOPTION OF RULES AND REGULATIONS CONCERNING WATERWORKS AND SANITARY SEWER SYSTEM

To preserve the sanitary condition of all water controlled by the District, to prevent waste or the unauthorized use of water controlled by the District, and to secure and maintain safe, sanitary and adequate plumbing installation, connections and appurtenances, the Board of the District hereby adopts the Amended and Restated Rules and Regulations Governing Water and Sanitary Sewer Facilities, Service Lines, and Connections attached hereto as Appendix "A" and incorporated herein for all purposes.

ARTICLE VI
DROUGHT CONTINGENCY PLAN

The Board of the District hereby adopts the Drought Contingency Plan attached hereto as Appendix "B" and incorporated herein for all purposes.

ARTICLE VII
ENFORCEMENT/CIVIL PENALTIES

Section 7.01. Enforcement.

A. Civil Penalties. The Board hereby imposes the following civil penalties for breach of any rule of the District: The violator shall pay the District twice the costs the District has sustained due to the violation up to $5,000. A penalty under this Section is in addition to any other penalty provided by the

laws of this State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. If the District prevails in any suit to enforce its rules, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorneys' fees shall be fixed by the court.

B. Liability for Costs. Any person violating any of the provisions of this Order and/or the Rules and Regulations Governing Water and Sanitary Sewer Facilities, Service Lines, and Connections shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation, and enforcement thereof shall be in accordance with Section 8.01(A) of this Order and Article X of the Rules and Regulations.

Section 7.02. Non-waiver. The failure on the part of the District to enforce any section, clause, sentence, or provision of this Order shall not constitute a waiver of the right of the District later to enforce any section, clause, sentence, or provision of this Order.

Section 7.03. Appeal. Any determination by the District's Operator or the District's engineer or any authorized agent of the District of any dispute regarding the terms and provisions of this Order may be appealed to the Board of the District, which shall conduct a hearing on the matter. The District's Operator and/or attorney shall provide the Customer with information regarding appeals and hearing procedures upon the Customer's request.

ARTICLE VIII
SOLID WASTE

The District may contract with an independent contractor to provide for solid waste and trash collection within the District. If the Board of the District determines that it is in the best interest of the District to contract for solid waste and trash collection, the fee for such service, as established by contract, shall be included on the water and sewer service bill. Failure to pay the solid waste and trash collection service on or before the due date indicated on the water and sewer service bill shall result in the assessment of a 10% penalty on the unpaid balance of the bill for solid waste and trash collection as well as termination of service under the provisions of Article IV this Order.

ARTICLE IX
MISCELLANEOUS

Section 9.01. Amendments. The Board of the District has and specifically reserves the right to change, alter or amend any rate or provision of this Order at any time.

Section 9.02. Severability. The provisions of this Order are severable, and if any provision or part of this Order or the application thereof to any person or circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Order and application of such provision or part of this Order shall not be affected thereby.

Section 9.03. Headings. The section and paragraph headings used herein are for reference only and are not to be construed as part of the text of the section or paragraph.

ARTICLE X
REPEAL OF PREVIOUS ORDERS

All previous Orders adopted by the Board of Directors pertaining to the subject matter hereof are each hereby repealed in their entirety as of the effective date hereof.

ARTICLE XI
EFFECTIVE DATE

This Order shall be effective as of the first full billing cycle following 24 September 2026.

The President or Vice President is authorized to execute and the Secretary or any Assistant Secretary is authorized to attest this Order on behalf of the Board and to do all things necessary and proper to carry out the purpose and intent hereof.

PASSED, ADOPTED, ORDERED and APPROVED this 24th day of September 2026.

/s/ *Robert Ehmann*
Vice President, Board of Directors

ATTEST:

/s/ *Joe Fratangelo*
Asst. Secretary, Board of Directors

ATTACHMENT 1 to Rate Order / Residential Application for Service
ATTACHMENT 2 to Rate Order / Commercial Application for Service
ATTACHMENT 3 to Rate Order / Commercial/Tenants Application for Service

APPENDIX "A"	Amended and Restated Rules and Regulations Governing Water and Sanitary Sewer Facilities, Service Lines, and Connections
Exhibit 1-	Plumber's Certificate
Exhibit 2-	Service Inspection Certification
Exhibit 3-	Backflow Prevention Assembly Test and Maintenance Report
Exhibit 4-	Customer Service Agreement
Exhibit 5-	Application for Service
Exhibit 6-	Sanitary Sewer Inspection Form
APPENDIX "B"	Drought Contingency Plan
Exhibit 1-	Notice to Customer regarding Drought Contingency Stage 1
Exhibit 2-	Notice to Customer regarding Drought Contingency Stage 2
Exhibit 3-	Notice to Customer regarding Drought Contingency Stage 3
Exhibit 4-	Notice to Customer regarding Drought Contingency Stage 4
Exhibit 5-	Notice to Customer regarding Drought Contingency Stage 5
Exhibit 6-	Notice to Customer regarding Violation of Water Use Restrictions
Exhibit 7-	Notice to Customer regarding Violation of Water Use Restrictions (second violation)
Exhibit 8-	Notice to Customer regarding Violation of Water Use Restrictions, with Citation to appear in Justice of the Peace Court
Exhibit 9 -	Notice to Customer regarding End of Drought Conditions
APPENDIX "C"	Amended and Restated Wastewater Control Order

ATTACHMENT 1
TO RATE ORDER

APPLICATION FOR SERVICE
(Please print or type)

_____
(Name of Applicant)

_____
(Subdivision and Section)

_____
(Lot) (Block)

_____
(Street Address) (City) (State) (Zip)

_____
(Home Phone) (Business Phone)

_____Own _____ Lease (provide evidence of ownership or lease agreement)

Installation to be performed by: _____

Type of pipe material to be used: PVC_____, ABS_____, VC_____, CI_____

Date:_____ Requested by:_____

Applicant to draw sketch of house layout and proposed location of water and sewer service line:

_____
Applicant Signature

For District Use Only

Date Application Received: _____
Date Construction Authorized: _____
Connection Information: _____
WYE Location _____
Stack Location _____
Manhole Location _____
Date of Inspection 1st _____ 2nd _____ 3rd _____
Date Permit Granted _____

Approved on _____ by _____ District Representative

ATTACHMENT 2 TO RATE ORDER

AMENDED AND RESTATED POLICY AND PROCEDURES
FOR
COMMERCIAL ACCOUNT APPLICATION FOR WATER AND SEWER SERVICE

The attached Application along with a non-refundable application fee made payable to Kleinwood Municipal Utility District (the "District") in the amount of (1) $500, if requesting service to a pad site located on an existing development, (2) $2,500, if requesting service to property containing less than 10 acres and located within the District, (3) $3,500, if requesting service to property containing 10 acres or more and located within the District and (4) $7,500, if requesting service to property located outside the District, should be completed and submitted to the District's Engineer, Jones & Carter, Inc. at 1575 Sawdust Road, Suite 400, The Woodlands, Texas 77380.

Upon receipt of the attached Application and application fee, the Engineer shall present your request to the Board of Directors of the District and obtain authorization for the District's consultants to begin evaluating your request. The application fee will be used to cover the expenses incurred by the District for the preliminary evaluation by the consultants as to whether the District's facilities can accommodate your proposed project.

Other pertinent facts and information you should know and be agreeable to are listed hereafter and should be read carefully before submitting your Application.

The Board of Directors has adopted the following policy for the purpose of providing water and sewer service for the growth and development within the District in a uniform and nondiscriminatory manner. These policies and procedures shall apply uniformly throughout the District for any new or additional development:

1. Any party (i) requesting water and/or sewer service, (ii) requesting a commitment of water and sewer service, or (iii) obtaining water and/or sewer service from the District or obtaining from a third party who is receiving water and/or sewer service from the District shall be required to submit an Application to the Board of Directors for consideration.

2. Commitments shall not be issued for more than one (1) year from the date of issuance.

3. Commitments are non-transferrable; provided, however, prospective buyers may jointly apply for service with the owner of the property.

4. Applications shall not be considered for property with delinquent taxes.

5. Applicant shall provide three (3) copies of the plans for the development of the Subject Tract prepared for that purpose by the architect or engineer engaged in drawing up such plans to the District’s Engineer, Jones & Carter, Inc. at 1575 Sawdust Road, Suite 400, The Woodlands, Texas 77380. Any plans involving water, sewer or drainage facilities for the Subject Tract shall be subject to the approval of the District's Engineer, and construction of such facilities shall not commence until approved by the District’s Engineer. In addition, if such plans are not submitted to and approved by the District's Engineer in writing, service shall not be provided to Applicant’s property.

6. No construction may begin on any improvements until all fees required by the District have been paid.

7. Construction must begin prior to the expiration date contained in the commitment and diligently pursued thereafter.

8. Applicant is required to provide the District with periodic written progress reports (at thirty (30) day intervals) advising the Board of Directors as to the status of progress to completion of construction.

9. All tracts of land receiving service must be platted through the City of Houston, Harris County and other appropriate agencies prior to utility service being provided by the District.

10. Applicant must make arrangements to extend the necessary trunk water, sanitary sewer and drainage facilities to serve its property in areas where such facilities do not exist. All temporary and permanent arrangements for sewer and water service must be worked out in advance of construction with the District's engineer.

11. Applicant, at its sole cost, must convey all necessary easements and rights-of-way to the District with all lienholder subordinations.

12. All utility lines constructed that are not in permanent acceptable easements, or which lie within private developments (apartments, condominiums, etc.) shall remain the permanent property of the landowner and shall remain such owner's permanent maintenance responsibility.

13. Applicant shall furnish a statement of the estimated value of the proposed project as a part of the initial application, broken down by land value and improvements.

14. Any change of utilization to the previously approved use of the property covered by this application shall terminate any commitments issued unless otherwise approved by the District in writing.

15. Service shall be extended to a tract in accordance with the then current Order Setting Water and Sewer Tap Fees and Setting Service Rates and Rules and Regulations Governing Waterworks and Sanitary Sewer System, including the payment of any tap fee.

16. All commercial developments will be required to install traps and/or interceptors as set forth in Article II of the Rate Order.

17. Service will not be provided to Applicant’s property until (i) the water and sanitary sewer improvements are inspected by the District and it is determined that these facilities are in compliance with the District's rules and regulations; (ii) Applicant has paid all District costs for review of construction drawings and inspections of facilities; (iii) Applicant obtains approval of the development of Applicant’s property by the City of Houston and all appropriate regulatory authorities and/or agencies; (iv) Applicant receives written approval from the District's Operator; (v) Applicant provides evidence to the District’s Engineer that Applicant’s property has been platted and filed of record in the Official Records of Real Property of Harris County, Texas or that a plat is not required pursuant to current law; (vi) evidence that all taxes on the Subject Tract due and owing the District have been paid, and (vii) the tap fee described above has been paid and the connection has been inspected by the District's Operator.

18. Upon completion of construction of Applicant’s improvements and prior to obtaining service form the District, Applicant shall furnish to the District written certification from Applicant’s Engineer, that the water, sanitary sewer and drainage facilities have been constructed in accordance with the plans and specifications approved by the District’s Engineer and Operator.

19. In addition to the other referenced prerequisites, the following requirements are applicable to requests for annexation:

    a. A feasibility study shall be prepared by the District's engineer.

    b. Applicant shall place a deposit with the District in the amount of $15,000. The deposit will be used to cover the expenses incurred by the District for the evaluation of the request by the consultants. The Board of Directors reserves the right to request additional deposit monies from the Applicant should the initial deposit not be sufficient to cover anticipated consultant costs during the review. If additional monies are not produced when requested, then all review work will be stopped and the Application will become null and void upon ten (10) days written notice to the Applicant. Upon completion of the review by the District, any remaining portion of the deposit will be returned to the Applicant, except as otherwise provided in the utility commitment or other formal agreement issued by the Board.

    c. Applicant shall provide to the District a copy of the deed showing current ownership of the property referenced in the Application.

    d. Applicant shall submit to the District a current title commitment.

    e. The petition to the City of Houston for its consent to the annexation and the annexation petition to the District shall be prepared by the District's attorney.

    f. All costs of annexation, including attorney's fees, engineering fees, and any and all other fees relating to said annexation, shall be paid by the Applicant.

    g. Applicant shall provide to the District a copy of the current survey of the property, including a metes and bounds description.

KLEINWOOD MUNICIPAL UTILITY DISTRICT
APPLICATION FOR SERVICE

Type of Application: _____ Residential _____ Commercial

Name of Business:_____

Address:_____

Type of Business:_____

Type of Service Requested:
_____ In-District _____ Out-of-District

_____ Water _____ Wastewater

Estimated date construction to begin:_____

Proposed acreage in development:_____

Estimated taxable value: _____ land _____ improvements

Type of wastewater to be put in system:_____

Wastewater/Water Capacity Required:_____

Name and address of title holder to referenced property:_____

_____

_____

UPON EXECUTION OF THIS APPLICATION FOR SERVICE APPLICANT HEREBY CONFIRMS THAT (1) APPLICANT HAS READ AND UNDERSTANDS THE POLICY AND PROCEDURES FOR APPLICATION FOR WATER AND SEWER SERVICE; (2) A GREASE TRAP WITH SAMPLING PORT WILL BE REQUIRED; (3) PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION APPLICANT WILL RECEIVE WRITTEN APPROVAL FROM THE DISTRICT'S ENGINEER AND OPERATOR OF THE PLANS RELATING TO WATER, SEWER AND DRAINAGE OF APPLICANT'S PROPERTY , (4) THE TAP FEE IS ASSESSED AT 3 TIMES TO THE ACTUAL COST TO THE DISTRICT, (5) IT IS APPLICANT'S RESPONSIBILITY TO OBTAIN AN ESTIMATE OF THE TAP FEE FROM THE DISTRICT'S OPERATOR, (6) THAT SERVICE WILL NOT BE PROVIDED TO APPLICANT'S PROPERTY UNTIL APPLICANT HAS PROVIDED THE DISTRICT WITH EVIDENCE OF A RECORDED PLAT FOR APPLICANT'S PROPERTY AND (7), APPLICANT SHALL FURNISH TO THE DISTRICT'S ENGINEER WRITTEN CERTIFICATION FROM APPLICANT'S ENGINEER, THAT THE WATER, SANITARY SEWER AND DRAINAGE FACILITIES HAVE BEEN CONSTRUCTED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE DISTRICT'S ENGINEER AND OPERATOR.

Signature of Applicant:_____ Date:_____

Signature of Owner:_____ Date:_____

Please attach a small map to the application indicating proposed location of project, and boundaries of subject tract.

For District Use Only

Operator's recommendation/Estimated Tap Fee Required:_____

_____

Engineer's recommendation:_____

Is Annexation Required:_____

Amount of Service recommended:_____

Additional Considerations:_____

_____

Applicant agrees that it shall notify the District if any of the above information should change during the Application process. This Application along with the requisite deposit must be submitted to Jones & Carter, Inc. at 1575 Sawdust Road, Suite 400, The Woodlands, Texas 77380.

ATTACHMENT 3 TO RATE ORDER

AMENDED AND RESTATED POLICY AND PROCEDURES
FOR
COMMERCIAL/TENANT APPLICATION FOR WATER AND SEWER SERVICE

This Application along with a non-refundable application fee made payable to Kleinwood Municipal Utility District (the "District") in the amount of (1) $200 for tenant which are not required to install a grease trap, and (2) $500 for tenants which are required to install a grease trap should be completed and submitted to the District's Engineer, Jones & Carter, Inc. at 1575 Sawdust Road, Suite 400, The Woodlands, Texas 77380. This Application must be completed by the tenant and the Commercial Customer. The Commercial Customer is the customer who has established a commercial account with a single meter serving multiple tenants. Applicants shall provide a copy of the plans for the development of the leased space prepared for that purpose by the architect or engineer engaged in drawing up such plans to the District's Engineer for approval. If such plans are not submitted to and approved by the District's Engineer in writing, service shall be terminated to the Commercial Customer's property in accordance with the District's Rate Order. Upon receipt of the attached Application and application fee, the Engineer shall review and approve the plans and specifications for the tenant's lease space. All Applicants must install a sampling port at the point of discharge into Commercial Customer's waste discharge system. By completing this Application for Service, Commercial Customer and Tenant agree to comply with the District's Rules and Regulations and Rate Order. Commercial Customer and Tenant agree that only domestic waste shall be discharged into the sanitary sewer system. Service shall be extended to the leased space in accordance with the District's Rate Order. Commercial Customer and Tenant grant the District the right of ingress and egress for purposes of inspections and compliance with the Rate Order and all appurtenant Appendices. Failure by the Commercial Customer and Tenant to provide the plans and specifications to the District's Engineer for review and approval, the Application for Service or the application fee will result in the termination for water service to the Commercial Customer's account in accordance with Section 4.01 of the Rate Order. Grease trap requirements and sampling well requirements are set forth in Section 2.05 of the Rate Order and Articles IV and V of the Rules and Regulations Concerning Domestic and Commercial Wastes, Appendix C to the Rate Order.

Any change of utilization to the previously approved use of the lease space covered by this application shall terminate the District's approval and a new Application fro Service must be submitted for the new use.

Name of Business: _____
Address: _____
City/State/Zip Code: _____
Contact Person: _____
Type of Business: _____
Anticipated Opening date: _____
Amount of leased space(sq. ft.): _____
Wastewater/Water Capacity Required: _____

UPON EXECUTION OF THIS APPLICATION FOR SERVICE COMMERCIAL CUSTOMER AND TENANT HEREBY CONFIRM THAT (1) TENANT AND COMMERCIAL CUSTOMER HAVE RECEIVED AND READ THE DISTRICT'S RATE ORDER AND UNDERSTAND THE POLICY AND PROCEDURES FOR APPLICATION FOR WATER AND SEWER SERVICE; (2) A SAMPLING PORT WILL BE INSTALLED AT THE POINT OF DISCHARGE INTO COMMERCIAL CUSTOMER'S SANITARY SEWER SYSTEM; (3) A GREASE TRAP MAY BE REQUIRED (4) PRIOR TO THE OCCUPANCY OF LEASED SPACE, TENANT AND COMMERCIAL CUSTOMER MUST RECEIVE WRITTEN APPROVAL FROM THE DISTRICT'S ENGINEER AND OPERATOR OF THE PLANS FOR WATER AND SEWER RELATING TO THE LEASED SPACE, AND (5) APPLICANT SHALL FURNISH TO THE DISTRICT'S ENGINEER WRITTEN CERTIFICATION FROM APPLICANT'S ENGINEER, THAT THE WATER, SANITARY SEWER AND DRAINAGE FACILITIES HAVE BEEN CONSTRUCTED IN

ACCORDANCE WITH THE PLANS AND SPECIFICATIONS APPROVED BY THE DISTRICT'S ENGINEER AND OPERATOR.

Signature of Tenant:_____ Date:_____

Signature of Commercial Customer:_____ Date:_____

Please attach a small map to the application indicating proposed location of project, and boundaries of subject tract.

Applicant agrees that it shall notify the District if any of the above information should change during the Application process. This Application along with the requisite deposit must be submitted to Jones & Carter, Inc. at 1575 Sawdust Road, Suite 400, The Woodlands, Texas 77380.

APPENDIX A

AMENDED AND RESTATED RULES AND REGULATIONS GOVERNING WATER AND SANITARY SEWER FACILITIES, SERVICE LINES, AND CONNECTIONS

THE STATE OF TEXAS §

COUNTY OF HARRIS §

KLEINWOOD MUNICIPAL UTILITY DISTRICT §

ARTICLE I.
PURPOSE

The following Amended and Restated Rules and Regulations Governing Water and Sanitary Sewer Facilities, Service Lines, and Connections (the "Rules and Regulations") shall govern the design, installation and inspection of all connections and taps made to the District's water distribution system and sanitary sewer collection system, the limitations of the flow of waste into the sanitary sewer system, protection of all facilities which are part of the District's waterworks and sanitary sewer system, and the enforcement of these Rules and Regulations.

ARTICLE II.
GENERAL

Section 2.01. Definitions.

A. Customer is any person, partnership, corporation, non-profit corporation, trust or other legal entity served by the District with water and/or sewer services to a residence or business establishment.

B. District is Kleinwood Municipal Utility District of Harris County, Texas, a political subdivision of the State of Texas.

C. Engineer is the person, company or corporation which is under contract with the District to design the District's Water Supply System and Sanitary Sewer Collection System and performs any additional services as set forth in the contract with the District.

D. High Health Hazard is a cross-connection, potential cross-connection, or any other situation involving any substance that can cause death, illness, spread of disease, or that has a high possibility of causing such effects if introduced into the District's Water Supply System.

E. Operator is the person, company or corporation which is under contract with the District to operate the District's Water Supply System and Sanitary Sewer Collection System, collect amounts owed to the District for such services, report monthly to the District on the operations of the District's Water Supply System and Sanitary Sewer Collection System and perform any additional services as set forth in the contract with the District.

F. Rate Order shall mean the District's Order Adopting Consolidated Rate Order and Rules and Regulations; Establishing Policy Regulating Water Use During Emergencies; Establishing a Wastewater Control Order; and Providing Penalties for Violation Thereof which may be amended from time to time.

G. Sanitary Sewer Collection System constitutes the underground sanitary sewer lines owned or leased and operated by the District. This system is composed of all interconnecting laterals,

mains, and trunk lines with manholes, clean-outs, stacks, tees, and wyes located within the publicly dedicated utility easements owned or leased and operated by the District. This system is maintained by the District.

H. Sanitary Sewer Service Line is any line from a residential dwelling or commercial building which connects with the District's Sanitary Sewer Collection System, including any grease traps or other facilities constructed to prevent non-domestic waste from being introduced into the District's Sanitary Sewer Collection System. This service line is owned and maintained by the property owner of the residential dwelling or commercial building.

I. Sewer Tap is the physical connection between the Sanitary Sewer Service Line and the District's Sanitary Sewer Collection System.

J. Sewer Tap Inspection is the inspection performed by the District's Operator to assure that the proper materials and connections to the Sanitary Sewer Collection System have been accomplished in accordance with these Rules and Regulations.

K. State Approved Plumbing Code is a set of rules governing plumbing practices which are at least as stringent and comprehensive as one of the following nationally recognized codes:

1. Southern Standard Plumbing Code.
2. Uniform Plumbing Code.
3. National Standard Plumbing Code.

L. Tap Fee is the fee paid to the District to obtain a water meter and sewer inspection for any dwelling. The amount of the Tap Fee shall be established in the District's Rate Order and may be modified or changed at any time.

M. Utility Easement is an interest in land, granted by dedication, to public utility entities, including the District, to install and maintain utilities across, over, or under private land together with the right to enter thereon with machinery, other vehicles and personnel necessary for the maintenance, repair or construction of said utilities.

N. Water Supply System is composed of all water lines, valves, valve boxes, flushing valves, blow off valves, water meters, water meter service lines, and meter boxes located within public rights-of-way or easements owned or leased and operated by the District. This system is maintained by the District.

O. Water Meter is the recording device that registers the amounts of water consumed by each Customer of the District. This meter is owned and maintained by the District.

P. Water Service Line is any line from a residential dwelling or commercial building, which connects to the District's Water Supply System. This service line is owned and maintained by the property owner of the residential dwelling or commercial structure.

Q. Water Tap is the physical connection of any Water Service Line to the District's Water Supply System. Such connection will be made only by the District's Operator.

Section 2.02. Platting Requirement.

No connection shall be made to the District's Water Supply System or Sanitary Sewer Collection System unless the tract, parcel, or lot of land to be served by such connection:

A. was first connected to the District's Water Supply System or Sanitary Sewer Collection System prior to September 1, 1987, or

B. is part of an area covered by a development plat duly approved and recorded pursuant to Sections 212.0115 and 212.012 of the Local Government Code, as amended, or

C. is not required to be platted and written certification to that effect, in accordance with Section 212.0115(e), has been presented to the District's Operator.

Section 2.03. Approval of Plans and Specifications.

Prior to any non-residential connection to the District's Water Supply System or the Sanitary Sewer Collection System, the plans and specifications for the Sanitary Sewer Service Line and the Water Service Line must be submitted the District's Engineer for review and approval. Upon the Engineer's review and approval, the plans and specifications shall then be submitted to the District's Operator for review and approval. The cost of the review and approval of the plans and specification by the District's Engineer and Operator shall be paid by the Customer.

ARTICLE III.
WATER CONNECTIONS

Section 3.01. Water Tap Materials. Only the following types of pipe and fitting materials shall be approved for the installation of Water Taps, including residential Water Taps and commercial Water Taps:

A. Any meter approved by the City of Houston;

B. Brass curb stops, corp. stops, and related fittings manufactured by Ford, Hays or Muller;

C. Polyethylene water service pipe, 3/4" to 2";

D. Cast iron or vinyl iron (C-900) 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 Houston specifications for 3" and larger meter.

Section 3.02. Plumbing Material Prohibitions.

A. Prohibited Materials.

The use of the following materials are prohibited for the installation and repair of the District's Water Supply System and for the installation and repair of any private plumbing facilities:

1. any pipe, pipe fitting, plumbing fitting, or fixture the wetted surface of which contains a weighted average of more than 0.25% lead (as calculated under section 1417(d)(2) of the Safe Drinking Water Act [42 U.S.C. 300g-6], as amended by Public Law 111-380); and

2. any solder or flux which contains more than 0.2% lead.

This prohibition may be waived for lead joints that are necessary for repairs to cast iron pipe.

B. Certificate of Compliance.

No new connections to the District's Water Supply System shall be made unless a state licensed plumber first submits in writing to the District a Certificate of Compliance, as set forth in Exhibit "1" attached hereto, specifying that the new connection complies with the plumbing material prohibition contained in Section 3.02(A) hereof. The Certificate of Compliance shall be signed by the licensed plumber and must be submitted to the District's Operator prior to continuous service being supplied. The District shall not accept any Tap Fee that is not accompanied by a Certificate of Compliance.

Section 3.03. Installation.

A. An Application for Service, a copy of which is attached hereto as Exhibit "5," must be filed with the District's Operator. The Customer must pay to the District's Operator all Tap Fees, inspection fees and deposits, as described in the District's Rate Order.

B. All Water Taps to the District's Water Supply System shall be installed only by the District's Operator.

C. The District's Operator shall install Water Taps and set meters at a location on adjoining property lines, whenever possible, with the meter box being located in the easement adjacent to the property line and with two (2) meters per box, where appropriate.

D. The District's Operator shall be responsible for all repairs to the Water Taps.

E. After installation of the Water Tap, connection of the Water Service Line shall be made at the expense of the Customer. (Note: This line shall be tested for leaks since all water recorded through the meter will be charged to the Customer).

F. After connection to the District's Water Supply System, the Water Service Line should be thoroughly flushed as to prevent foreign matter from entering the household system.

Section 3.04. Customer Service Inspection Certifications.

A. A Customer Service Inspection Certification, as described in Exhibit "2" attached hereto, shall be completed prior to providing continuous water service to any new construction, on any existing service where the District has reason to believe that cross-connections or other unacceptable plumbing practices exist, and after any material improvement, correction, or addition to private plumbing facilities. Prior to the District initiating continuous service, a Customer shall provide a Customer Service Inspection Certification to the District. The Customer Service Inspection Certification may only be performed by those individuals described in Subsection B of this Section 3.04. For Customer Service Inspection Certifications performed by the District's Operator, the Customer must pay the District the Customer Service Inspection Fee prior to the Operator performing the inspection and certification. Copies of properly completed Customer Service Inspection Certifications shall be kept on file by the District's Operator and made available, upon request, for Texas Commission on Environmental Quality ("TCEQ") review. Inspection certifications shall be retained for a minimum of ten (10) years. Failure to provide a Customer Service Inspection Certification in accordance with this Section 3.04 shall constitute a violation of these Rules and Regulations and such violation shall be subject to the enforcement provisions set forth in Article X hereof.

B. Individuals with the following credentials shall be recognized as capable of conducting a Customer Service Inspection Certification:

1. Plumbing Inspectors and Water Supply Protection Specialists licensed by the Texas State Board of Plumbing Examiners; and

2. Certified Waterworks Operators and members of other water related professional groups who have completed a training course, passed an examination administered by the TCEQ or its designated agent.

C. Private plumbing facilities in violation of Article III hereof shall constitute an unacceptable plumbing practice and violation of these Rules and Regulations. If an unacceptable plumbing practice is discovered, the Customer shall eliminate the unacceptable plumbing practice within thirty (30) days from the date of discovery to prevent possible contamination of the District's Water Supply System. The existence of a serious threat to the integrity of the District's Water Supply System shall be considered sufficient grounds for immediate termination of water service. Service can be restored only when the source of potential contamination no longer exists, or when sufficient additional safeguards have been taken, and a Customer Service Inspection Certification confirming correction of unacceptable plumbing practices has been submitted to the District.

D. The Customer Service Inspection Certification shall certify that:

1. No direct connection between the District's Water Supply System and a potential source of contamination exists. Potential sources of contamination are isolated from the District's Water Supply System by an air gap or an appropriate back flow 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 District's Water Supply System and a private water source exists. Where an actual air gap is not maintained between the District's Water Supply System and a private water supply, an approved reduced pressure-zone back flow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a recognized back flow prevention assembly tester.

3. No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the District's Water Supply System.

4. No pipe, pipe fitting, plumbing fitting, or fixture the wetted surface of which contains a weighted average of more than 0.25% lead (as calculated under section 1417(d)(2) of the Safe Drinking Water Act [42 U.S.C. 300g-6], as amended by Public Law 111-380) exists in private plumbing facilities installed on or after January 4, 2014.

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 a State Approved Plumbing Code.

Section 3.05. Prohibited Connections.

A. No water connection from the District's Water Supply System shall be made to any establishment where an actual or potential contamination or system hazard exists without an air gap separation between the drinking water supply and the source of potential contamination. Where a containment air gap is impractical, individual "internal" air gaps or mechanical back flow prevention devices shall be required at the meter in the form of a back flow prevention device (in

accordance with AWWA Standards C510 and C511 and AWWA Manual M14) on those establishments handling substances deleterious or hazardous to the public health.

B. No water connection from the District's Water Supply System shall be made to any condensing, cooling, or industrial process or any other system of non-potable usage over which the District does not have sanitary control, unless the said connection is made in accordance with the requirements of paragraph (A) of this section. Water from such systems cannot be returned to the District's Water Supply System.

C. Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against back siphon age and cross-contamination.

D. No connection to the District's Water Supply System shall be made which is in violation of Section 602.0 of the Uniform Plumbing Code concerning unlawful connections.

Section 3.06. Backflow Prevention Assemblies.

A. Backflow prevention assemblies shall be installed on any connection which poses a High Health Hazard and any other connection which the District or the District's Operator reasonably believes poses a threat to the District's Water Supply System. Water service provided for lawn sprinklers, swimming pool supply, reflection pool supply or other such applications must incorporate a back flow prevention assembly in accordance with Section 603 et seq. of the Uniform Plumbing Code for the particular designated use. No permanent water service will be provided or continued to any new connection in the District which requires a back flow prevention assembly, unless the Customer provides the District with a Back flow Prevention Assembly Test and Maintenance Report (the "Test Report"), as described in Exhibit "3" attached hereto. At the request of the customer, the District's Operator may, on behalf of the District, install the back flow prevention assembly and complete the Test Report at the Customer's cost.

B. Effective January 1, 1996, all back flow prevention assemblies shall be tested upon installation by a Recognized Back flow Prevention Assembly Tester and certified to be operating within specifications. The Test Report, as described in Exhibit "3" attached hereto, shall be retained for a minimum of three (3) years. The District shall provide these records to the TCEQ for inspection upon request. Backflow prevention assemblies which are installed to provide protection against High Health Hazards must also be tested and certified to be operating within specifications at least annually by a Recognized Backflow Prevention Device Tester.

C. Recognized Back flow Prevention Device Testers shall have completed a TCEQ approved course on cross-connection control and back flow prevention and passed an examination administered by the TCEQ or its designated agent. The accredited tester classification shall be broken down into two categories:

1. The "General Tester" is qualified to test and repair back flow prevention assemblies on any domestic, commercial, industrial or irrigation service.

2. The "Fire line Tester" is qualified to test and repair back flow prevention assemblies on fire lines only. The State Fire Marshall's office requires that a person performing maintenance on fire lines must be employed by an Approved Fire line Contractor.

D. Individuals who can show proof of completion of a course and passage of an exam based on the ABPA or ASSE National Exam, prior to the effective date of these regulations, may be recognized as accredited for the term of their current certification (not to exceed three (3) years).

E. Gauges used in the testing of back flow 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 American Water Works Association Manual of Cross Connection Control (Manual M-14). Test gauge serial numbers must be included on the Test Report and Recognized Back flow Prevention Device Testers shall have gauges tested for accuracy.

F. A Test Report must be completed by the Recognized Back flow Prevention Assembly Tester for each assembly tested. The signed and dated original must be submitted to the District's Operator for record keeping purposes.

G. Repairs to back flow prevention assemblies shall be performed by authorized individuals as recognized 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.

H. The use of a back flow prevention device at the service connection shall be considered as additional back flow protection and shall not negate the use of back flow protection on internal hazards as outlined and enforced by a State Approved Plumbing Code.

Section 3.07. Customer Service Agreements.

A. The District is responsible for protecting its Water Supply System from contamination or pollution which can result from unacceptable plumbing practices. To this end, the District has adopted plumbing restrictions to provide protection to the District's Water Supply System. To notify Customers of the plumbing restrictions which are in place, each Customer shall be required to sign a Customer Service Agreement, as described in Exhibit "4" attached hereto, before the District will begin service.

The District will maintain a copy of the Customer Service Agreement as long as the Customer and/or the premises is connected to the District.

B. The Customer shall allow his/her property to be inspected for possible cross-connections and other unacceptable plumbing practices. These inspections shall be conducted by the District or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections 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.

C. The District shall notify the Customer in writing of any cross-connection or other unacceptable plumbing practices which have been identified during the initial inspection or the periodic reinspection.

D. The Customer shall immediately correct any undesirable plumbing practice on his/her premises.

E. The Customer shall, at his expense, properly install, test, and maintain any back flow prevention device required by the District. Copies of all testing and maintenance records shall be provided to the District.

F. If a Customer fails to comply with the terms of the Customer Service Agreement, the District shall, at its option, either terminate service or properly install, test, and maintain an appropriate back flow prevention assembly at the service connection. Any expenses associated with the enforcement of the Customer Service Agreement shall be billed to the Customer.

ARTICLE IV.
SANITARY SEWER CONNECTIONS

Section 4.01. Sanitary Sewer Service Line Installation.

A. Only one Sanitary Sewer Service Line connection to the District's Sanitary Sewer Collection System is permitted for each residence or commercial building. The Sanitary Sewer Service Line shall remain fully within the boundaries of the lot until the line reaches a utility easement or street right-of-way.

B. No opening in the District's Sanitary Sewer Collection System will be allowed to remain overnight or during rain.

C. All Sanitary Sewer Service Lines must be constructed to true alignment and grade. Warped and/or sagging lines will not be permitted. Sanitary Sewer Service Lines must have continuous contact with firm trench bottom throughout their entire run. Lines placed in such manner as to increase the likelihood of being displaced during backfill will be rejected.

D. All Sanitary Sewer Service Lines should be run from wyes or stacks directly to the houses without meanders or bends.

Section 4.02. Sanitary Sewer Service Line Materials. Only the following types of pipe and fitting materials are approved for constructing Sanitary Sewer Service Lines. Pipe and fittings in each Sanitary Sewer Service Line must consist of the following material or other material approved by the District's Engineer:

A. Vitrified clay pipe conforming to ASTM Specification C700 with joint coupling conforming to ASTM Specifications C425 or C594 and 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.

Section 4.03. Size and Grade of Sanitary Sewer Service Lines.

A. Minimum Sizes for Sanitary Sewer Service Lines shall be as follows:

1. Residential - - - 4 inches in diameter; and

2. Commercial - - - 6 inches in diameter.

B. The minimum grades for Sanitary Sewer Service Lines shall be as follows:

1. 4 inch pipe - - - 14 inch drop per hundred feet (1.2%);

2. 6 inch pipe - - - 8 inch drop per hundred feet (0.7%); and

3. 8 inch pipe - - - 5 inch drop per hundred feet (0.4%).

C. The maximum grades for Sewer Service Lines shall be as follows:

1. 4 inch pipe - - - two and one-half feet drop per hundred feet (2.5%);

2. 6 inch pipe - - - one and one-half feet drop per hundred feet (l.5%); and

3. 8 inch pipe - - - one foot drop per hundred feet (l%).

Section 4.04. Connection of Building Sewer Outlet.

A. On all building waste outlets, the building tie-on connections shall be made directly to the stub-out from the building plumbing at the foundation.

B. Water-tight adapters of a type compatible with the materials being joined shall be used at the point of connection of a Sanitary Sewer Service Line to the building plumbing. No cement grout materials shall be permitted.

C. Unless an exception is permitted by the District's Operator, existing wye and stack connections must be utilized for connection of a Sanitary Sewer Service Line to the District's Sanitary Sewer Collection System.

Section 4.05. Fittings and Clean out.

A. No bends or turns at any point will be greater than forty-five degrees (45)

B. Each horizontal Sanitary Sewer Service Line will be provided with a clean out at its upper terminal; and each such run of piping which is more than ninety (90) feet in length will be provided with a clean out for each ninety (90) feet or fraction thereof in the length of such piping.

C. Each clean out will be installed so that it opens in a direction opposite to the flow of the waste and, except in the case of wye branch and end-of-the-line clean out, clean out will be installed vertically above the flow line of the pipe.

D. Clean out will be made with air-tight mechanical plug.

Section 4.06. Installation of Sewer Taps and Issuance of Permits.

A. Sanitary Sewer Service Lines must be at least 24 inches below (vertically) and at least 9 feet from (horizontally) any Water Service Line (far side or near side connection). If this is not possible, a cast iron casing over the Water Service Line must be installed by the Customer, which casing will be inspected by the Operator.

B. Excavation for Sewer Taps shall be water tamped in all areas within 5 feet (vertically or horizontally) of any existing sewer 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.

C. All stacks shall be installed in locations shown on the plans. Stacks shall be capped and the cap lightly cemented in place. Wyes will not be installed by the line contractor. Wye saddles will be paid for in the line contract, but will be delivered to the District's Operator. The District's Operator will furnish the Customer a saddle at the time of inspection.

D. An Application for Service (a copy of which is attached as Exhibit "5") must be filed with the District's Operator prior to construction of any Sanitary Sewer Service Line, and the Tap Fee and/or Sewer Tap Inspection fee as established in the District's most current Rate Order

should accompany the application. (Application forms are available from the District's Operator.) Construction of any Sanitary Sewer Service Line must not begin until the design of the Sanitary Sewer Service Line is approved by the District's Engineer and construction is authorized by the District's Operator.

E. When the Sanitary Sewer Service Line is complete, and prior to backfilling the pipe trench, the Customer shall request an inspection of the Sanitary Sewer Service Line. Requests for inspections (or reinspection) shall be made to the District's Operator at least twenty-four (24) hours in advance of the inspection.

F. The Sewer Tap shall be made only under the supervision of the District's Operator by use of an adapter of a type compatible with materials being joined. The Sewer Tap shall be watertight. No cement grout materials are permitted.

G. Any damage to the District's facility shall be repaired promptly by the Customer under the direction of the District's Operator. Major damage will be repaired by the District's Operator at the Customer's expense.

H. Backfilling of a Sanitary Sewer Service Line trench must be accomplished within twenty-four (24) hours of inspection and approval. Backfill material shall be sand or loam free of large lumps or clods. No debris will be permitted in the trench or backfill.

I. During inspection of the Sanitary Sewer Service Line, the District's Operator will examine all District facilities, such as manholes, valves, flush valves, and inlets on and adjacent to the lot. The connection permit will not be granted until any damage to these facilities has been repaired.

J. The District's Operator will complete the Inspection Form (a copy of which is attached as Exhibit "6") and file it for record with the Application.

K. A connection permit will be issued after the Sewer Tap Inspection is performed and the District's Operator confirms that all requirements of these Rules and Regulations have been met.

L. Connection permits which are rejected for any deficiency shall be promptly corrected and a reinspection requested. A reinspection fee as set forth in the District's Rate Order shall be paid at the time the reinspection is requested.

ARTICLE V.
FEES AND CHARGES

The District's fees and charges shall be as established by its Rate Order.

ARTICLE VI.
EXCLUDED FLOW AND WASTE

A. No waste material which is not biologically degradable will be permitted to discharge into the District's Sanitary Sewer Collection System, including mud and debris accumulated during service line installation. The Customer should refer to the District's Rate Order and Wastewater Control Order for specific information concerning acceptable discharges into the District's Sanitary Sewer Collection System. The Customer is to be fully responsible for cleaning and jetting lines of any dirt or debris permitted to enter during service construction.

B. No surface runoff water will be permitted to be discharged into the District's Sanitary Sewer Collection System, including but not limited to, down spouts and yard or area drains.

ARTICLE VII.
PRIVATE WELLS AND SEPTIC/AEROBIC SYSTEMS

The construction of water wells and/or the installation of septic tanks or aerobic systems is prohibited without prior written approval by the Board of Directors. Said approval, if granted by the Board of Directors, will state the purpose for the construction of a water well and the intended use of the water or the purpose for the construction of the septic tank or aerobic system and the intended use for said tank or system.

Any installation of a private well, septic tank, or aerobic system without prior written approval by the Board of Directors shall be considered to be a violation of the rules of the District, shall be subject to termination of services, and shall be subject to penalties pursuant to Article X of these Rules and Regulations.

ARTICLE VIII.
AVAILABILITY OF ACCESS/OBSTRUCTIONS

By application for connection to the District's Sanitary Sewer Collection System and/or Water Supply System, the Customer shall be deemed to be granting to the District and its representatives a right of ingress and egress to and from the meter or point of service for such installation, maintenance and repair as the District, in its judgment, may deem reasonably necessary. The Customer shall also be deemed to be granting to the District and its representatives a right of ingress and egress to the Customer's property, including the interior and exterior of the Customer's premises, for the purpose of performing the inspections and completing the Customer Service Inspection Certifications required by these Rules and Regulations. Taps and connections will not be made when, in the opinion of the District's Engineer or Operator, the work area is obstructed by building materials or other debris 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, such application shall be construed and accepted as the Customer'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 connection.

ARTICLE IX.
PROTECTION OF DISTRICT'S WATER SUPPLY SYSTEM AND SANITARY SEWER COLLECTION SYSTEM

A. Damage to the District's Water Supply System or the Sanitary Sewer Collection System by the District's Customers, including developers and builders' plumbers, will be repaired by the District at the Customer's expense.

B. After a water meter has been set or a fire hydrant installed, the Customer shall at all times keep the area in, around and upon such facilities and District easements and property under Customer's control free from rubbish or obstructions of any kind, including shrubbery. Failure to keep such facilities and District easements and property under Customer's control free from rubbish or obstructions of other kind, including shrubbery, shall result in disconnection of water service and/or the assessment of charges necessary to remove said obstructions. Customers are prohibited from introducing material into the District's Sanitary Sewer Collection System which could cause obstruction of said system. In the event that an inspection by the District's Engineer or Operator reveals foreseeable damage to the District's Sanitary Sewer Collection System resulting from a Customer's failure to prevent obstructions from entering said system, the District reserves the right to remove the obstruction immediately and without notice. Any costs incurred by the District for removal of an obstruction to the District's system, plus a District administration fee of 20% of said costs, shall be assessed to the Customer.

C. It shall be unlawful for any person, unless authorized in writing by the District's Operator, to tamper or interfere with, obstruct access to, or as a result of willful action injure, deface, or destroy any facilities that are a part of the District's Water Supply System or Sanitary

Sewer Collection System, including, with respect to the waterworks system, water plants, flushing valves, valve boxes, and water lines up to the meter box and including meters; provided, however, that duly authorized members of the local fire department shall have the right to use such flushing valves for fire protection purposes.

D. It shall be unlawful for any person to connect any building to the District's Water Supply System without a meter or to have a straight line connection to a building without being metered. It shall also be unlawful for any person, other than the District's Operator or Engineer, to draw water from the District's Water Supply System (except for the use of water for firefighting purposes) without being metered, including the unauthorized use of a flushing valve or un-metered water taps.

E. It shall be unlawful for any person to deposit, throw, drain, discharge, or otherwise cause to be injected into any sewer, manhole, catch basin, flush tank, or other facility that is a part of the District's Water Supply System or Sanitary Sewer Collection System any debris or foreign substance that would interfere with the proper and routine functioning thereof.

ARTICLE X.
ENFORCEMENT OF RULES AND REGULATIONS

Any and all of the following remedies may be employed by the District to abate and prevent any violation of the provisions of these Rules and Regulations:

A. Discontinuance of water service.

B. Disconnection and sealing of sanitary sewer connection.

C. The Board hereby imposes the following civil penalties for breach of any rule or regulation of the District: The violator shall pay the District twice the costs the District has sustained due to the violation up to $5,000. A penalty under this Section is in addition to any other penalty provided by the laws of this State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. If the District prevails in any suit to enforce its rules, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorneys' fees shall be fixed by the court.

D. A Customer found in violation of these Rules and Regulations shall be liable to the District for all expenses borne by the District including laboratory fees, legal fees, engineering fees and other costs incurred by the District in establishing the violation and resolving the cause of the violation.

E. A Customer found in violation of these Rules and Regulations who causes or contributes to a violation by the District's Sanitary Sewer Collection System of effluent parameters shall be liable to the District for all expenses borne by the District, including legal and engineering fees related to any lawsuit filed by federal, state, or local authorities regarding violations by the District of effluent parameters applicable to the District's Sanitary Sewer Collection System.

ARTICLE XI.
EFFECTIVE DATE

These Rules and Regulations shall become effective immediately.

EXHIBIT 1
TO APPENDIX A

CERTIFICATE OF COMPLIANCE
WITH
PROHIBITION ON USE OF SPECIFIED MATERIALS IN CONNECTIONS TO
MUNICIPAL UTILITY DISTRICT WATER SYSTEM

I,_____, a duly licensed plumber in the State of Texas, hereby certify that the connection at _____ (the "Connection") complies in full with the "Prohibition of Use of Specified Materials" provision contained in the Amended and Restated Rules and Regulations for_____. I further certify that:

A. No direct connection between the District's Water Supply System and a potential source of contamination exists. Potential sources of contamination are isolated from the District Water Supply System by an air gap or an appropriate back flow prevention assembly in accordance with state plumbing regulations. Additionally, all pressure relief valves and thermal expansion devices are in compliance with state plumbing codes.

B. No cross connection between the District's Water Supply System and a private water system exists. Where an actual air gap is not maintained between the District's Water Supply System and a private water supply system, an approved reduced pressure-zone back flow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified back flow prevention device tester.

C. No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the District's Water Supply System.

D. No pipe, pipe fitting, plumbing fitting, or fixture the wetted surface of which contains a weighted average of more than 0.25% lead (as calculated under section 1417(d)(2) of the Safe Drinking Water Act [42 U.S.C. 300g-6], as amended by Public Law 111-380) exists in private plumbing facilities installed on or after January 4, 2014.

E. No solder or flux which contains more than 0.2% lead exists in private plumbing facilities installed on or after July 1, 1988.

F. No plumbing fixture is installed which is not in compliance with a State Approved Plumbing Code.

These determinations have been made under my direction and supervision. I am aware that there are significant penalties for false certification, including the possibility of fine.

_____
Signature

_____
Printed Name

_____
Company Name

Texas License No.:_____

_____
Date

EXHIBIT 2
TO APPENDIX A

Service Inspection Certification

Name of District:_____
District I.D. #: _____
Location of Service: _____

I, _____ (*name of Inspector*), upon inspection of the private plumbing facilities connected to the Water Supply System of _____, do hereby certify that, to the best of my knowledge:

		Compliance	Non-Compliance	Certificate of Compliance on File
		FOR DISTRICT USE ONLY		
(1)	No direct connection between the District's Water Supply System and a potential source of contamination exists. Potential sources of contamination are isolated from the District 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 codes.	☐	☐	☐
(2)	No cross connection between the District's Water Supply System and a private water system exists. Where an actual air gap is not maintained between the District's Water Supply System and a private water supply system, an approved reduced pressure-zone backflow prevention assembly is properly installed and a service agreement exists for annual inspection and testing by a certified backflow prevention device tester.	☐	☐	☐
(3)	No connection exists which would allow the return of water used for condensing, cooling or industrial processes back to the District's Water Supply System.	☐	☐	☐
(4)	No pipe, pipe fitting, plumbing fitting, or fixture the wetted surface of which contains a weighted average of more than 0.25% lead (as calculated under section 1417(d)(2) of the Safe Drinking Water Act [42 U.S.C. 300g-6], as amended by Public Law 111-380) exists in private plumbing facilities installed on or after January 4, 2014.	☐	☐	☐
(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 plumbing fixture is installed which is not in compliance with a State Approved Plumbing Code.	☐	☐	☐

I further certify that the following materials were used in the installation of the plumbing facilities:

Service Lines	Lead	□	Copper	□	PVC	□	Other □
Solder	Lead	□	Lead Free	□	Solvent Weld	□	Other □

I recognize that this document shall become a permanent record of the Water Supply System of Kleinwood Municipal Utility District and that I am legally responsible for the validity of the information I have provided.

NOTE: THIS SERVICE INSPECTION CERTIFICATION IS FURNISHED FOR THE SOLE PURPOSE OF INSPECTING THE PLUMBING FACILITIES AT THE AFORESAID LOCATION OF SERVICE FOR UNACCEPTABLE PLUMBING PRACTICES IN ACCORDANCE WITH SAID DISTRICT'S RULES AND REGULATIONS GOVERNING WATER AND SANITARY SEWER FACILITIES, SERVICE LINES, AND CONNECTIONS. NO REPRESENTATION OR WARRANTY IS INTENDED OR MADE AS TO THE ADEQUACY, QUALITY OR FITNESS OF THE PRIVATE PLUMBING FACILITIES.

Signature of Inspector: _____

Registration Number: _____

Title: _____

Type of Registration: _____

Date: _____

EXHIBIT 3
TO APPENDIX A

Backflow Prevention Assembly Test and Maintenance Report

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the District for record keeping purposes:

(TCEQ – 20700)

Texas Commission on Environmental Quality

BACKFLOW PREVENTION ASSEMBLY TEST AND MAINTENANCE REPORT

The following form must be completed for each assembly tested. A signed and dated original must be submitted to the public water supplier for recordkeeping *purposes:

NAME OF PWS:	
PWS ID#:	
PWS MAILING ADDRESS:	
PWS CONTACT PERSON:	
ADDRESS OF SERVICE:	

The backflow prevention assembly detailed below has been tested and maintained as required by commission regulations and is certified to be operating within acceptable parameters.

TYPE OF BACKFLOW PREVENTION ASSEMBLY (BPA):				
☐	Reduced Pressure Principle (RPBA)	☐	Reduced Pressure Principle-Detector (RPBA-D)	Type II ☐
☐	Double Check Valve (DCVA)	☐	Double Check-Detector (DCVA-D)	Type II ☐
☐	Pressure Vacuum Breaker (PVB)	☐	Spill-Resistant Pressure Vacuum Breaker (SVB)	

Manufacturer:	Main:	Bypass:	Size:	Main: Bypass:
Model Number:	Main:	Bypass:	BPA Location:	
Serial Number:	Main:	Bypass:	BPA Serves:	

Reason for test:	New ☐	Existing ☐	Replacement ☐	Old Model/Serial #		
Is the assembly installed in accordance with manufacturer recommendations and/or local codes?					☐ Yes	☐ No
Is the assembly installed on a non-potable water supply (auxiliary)?					☐ Yes	☐ No

TEST RESULT PASS ☐ FAIL ☐	Reduced Pressure Principle Assembly (RPBA)			Type II Assembly	PVB & SVB	
	DCVA		Relief Valve	Bypass Check	Air Inlet	Check Valve
	1st Check	2nd Check***				
Initial Test Date: Time:	Held at ____ psid Closed Tight ☐ Leaked ☐	Held at ____ psid Closed Tight ☐ Leaked ☐	Opened at ____ psid Did not open ☐	Held at ____ psid Closed Tight ☐ Leaked ☐	Opened at ____ psid Did not open ☐ Did it fully open (Yes ☐ /No ☐)	Held at ____ psid Leaked ☐
Repairs and Materials Used**	Main: Bypass:					
Test After Repair Date: Time:	Held at ____ psid Closed Tight ☐	Held at ____ psid Closed Tight ☐	Opened at ____ psid	Held at ____ psid Closed Tight ☐	Opened at ____ psid	Held at ____ psid

*** 2nd check: numeric reading required for DCVA only

Differential pressure gauge used:			Potable: ☐	Non-Potable: ☐	
Make/Model:		SN:		Date tested for accuracy :	

Remarks:	

Company Name:		Licensed Tester Name (Print/Type):	
Company Address:		Licensed Tester Name (Signature):	
Company Phone #:		BPAT License #	
		License Expiration Date:	

The above is certified to be true at the time of testing.

* TEST RECORDS MUST BE KEPT FOR AT LEAST THREE YEARS [30 TAC §290.46(B)]

** USE ONLY MANUFACTURER'S REPLACEMENT PARTS

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EXHIBIT 4
TO APPENDIX A

CUSTOMER SERVICE AGREEMENT

SECTION I. PURPOSE. _____ (the "District") is responsible for protecting its Water Supply System from contamination or pollution which could result from unacceptable plumbing practices. The purpose of this Service Agreement is to notify each customer of the plumbing restrictions which are in place to provide this protection. The District enforces these restrictions to ensure the public health and welfare. Each customer must sign this Customer Service Agreement before the District will begin service.

SECTION II. PLUMBING RESTRICTIONS. The following unacceptable plumbing practices are prohibited by State regulations:

A. No direct connection between the District's Water Supply System and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air gap or an appropriate backflow prevention device.

B. No cross-connection between the District's Water Supply System and a private water system is permitted. These potential threats to the District's Water Supply System shall be eliminated at the service connection by the installation of an air gap or a reduced pressure-zone backflow prevention device.

C. No connection which allows water to be returned to the District's Water Supply System is permitted.

D. No pipe, pipe fitting, plumbing fitting, or fixture the wetted surface of which contains a weighted average of more than 0.25% lead (as calculated under section 1417(d)(2) of the Safe Drinking Water Act [42 U.S.C. 300g-6], as amended by Public Law 111-380) may be used for the installation or repair of plumbing at any connection which provides water for human use.

E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.

SECTION III. SERVICE AGREEMENT. The following are the terms of this Customer Service Agreement between _____ (the "District") and _____ (the "Customer"):

A. The District will maintain a copy of this Customer Service Agreement as long as the Customer and/or the premises is connected to the District.

B. The Customer shall allow his/her property to be inspected for possible cross-connections and other unacceptable plumbing practices. These inspections shall be conducted by the District or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections 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.

C. The District shall notify the Customer in writing of any cross-connection or other unacceptable plumbing practices which have been identified during the initial inspection or the periodic reinspection.

D. The Customer shall immediately correct any unacceptable plumbing practice on his/her premises.

E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the District. Copies of all testing and maintenance records shall be provided to the District.

SECTION IV. ENFORCEMENT. If the Customer fails to comply with the terms of this Service Agreement, the District shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this Service Agreement shall be billed to the Customer.

NOTE: THE PURPOSE OF THE CUSTOMER SERVICE AGREEMENT IS TO NOTIFY CUSTOMERS OF THE PLUMBING RESTRICTIONS OF THE DISTRICT ADOPTED TO PROTECT THE DISTRICT'S WATER SUPPLY SYSTEM. INSPECTIONS CONDUCTED BY THE DISTRICT'S OPERATOR IN ACCORDANCE WITH THIS SERVICE AGREEMENT ARE FOR THE SOLE PURPOSE OF DISCOVERING AND ELIMINATING UNACCEPTABLE PLUMBING PRACTICES. THE DISTRICT OR THE DISTRICT'S OPERATOR MAKES NO REPRESENTATION AS TO THE ADEQUACY, QUALITY, OR FITNESS OF THE CUSTOMER'S PRIVATE PLUMBING FACILITIES.

Customer's
Signature: _____

Date: _____

Address: _____

EXHIBIT 5
TO APPENDIX A

APPLICATION FOR SERVICE
(Please print or type)

Duplicate to
(address)

_____
(Subdivision and Section)

_____ _____ _____
(Name of Applicant) (Lot) (Block)

_____ _____
(Street Address) (Street Address)

_____ _____
(Phone) (City) (State) (Zip)

Installation to be performed by: _____
(Plumber or Sub-contractor) (Phone)

Type of pipe material to be used: PVC____, ABS____, VC____, CI____

Date:_____ Requested by:_____
(Signature)

_____

Applicant to draw sketch of house layout and proposed location of water and sewer service line:

_____

For District Use Only

Date Application Received: _____

Date Construction Authorized: _____

Connection Information: _____

WYE Location _____

Stack Location _____

Manhole Location _____

Date of Inspection 1st _____ 2nd _____ 3rd _____

Date Permit Granted _____

Approved by _____ District Representative

EXHIBIT 6
TO APPENDIX A

INSPECTION FORM
SANITARY SEWER SERVICE

Lot _____ Block _____ Section _____
Street Address _____
Inspection Requested By: _____ Date _____
Date Tap to Be Made _____
Results of Inspection Made on _____ at _____ AM
PM

Pipe Material: Size _____ PVC (D3034) _____ ABS(D2751) _____
Tap to: Wye _____ Stack _____
Cleanout: House _____ and _____

INSTALLATION

	Satisfactory	Unsatisfactory
Directness to Wye	_____	_____
Slope	_____	_____
Full Contact w/bedding	_____	_____
Connection w/Main	_____	_____
Condition of Other District Facilities on Lot	_____	_____

Connection Permit is approved (not approved).
Water service to Lot is approved (not approved).
This service reinspected on _____. (See Attached new report).
Comments: _____
_____
_____

Copy to:
Applicant _____ By: _____
District Inspector
Manager _____ By: _____
Authorized Representative of Applicant

APPENDIX B

KLEINWOOD MUNICIPAL UTILITY DISTRICT
DROUGHT CONTINGENCY PLAN

ARTICLE I
POLICY AND PURPOSE

Section 1.01: Declaration of Policy, Purpose, and Intent

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

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

Section 1.02: Public Involvement.

Opportunity for the public to provide input into the preparation of the Plan was provided by the District by means of holding public hearings during regular meetings of the Board of Directors of the District during preparation of the Plan.

Section 1.03: Public Education

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

Section 1.04: Coordination with Regional Water Planning Groups / Implementation of North Harris County Regional Water Authority Drought Contingency Plan

The service area of the District is located within Regional Water Planning Area H ("Region H") under the Texas Water Plan, and the District will provide a copy of this Plan to Region H.

The District lies within the jurisdiction of the North Harris County Regional Water Authority (the “Authority) and is subject to various Authority rules and regulations. The Authority has adopted a Drought Contingency Plan (the “Authority’s Plan”), certain provisions of which apply to the District. Where there is a conflict between the District’s Plan and the Authority’s Plan, the District will comply with the provisions of the Authority’s Plan to the extent of the conflict.

Section 1.05: Authorization

The Board of Directors of the District, with the District's Operator (currently Environmental Development Partners LLC), is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Operator shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

Section 1.06: Application

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

ARTICLE II
DEFINITIONS

For the purposes of this Plan, the following definitions shall apply in addition to the definitions from Article I of the Order Adopting Consolidated Rate Order and Rules and Regulations; Establishing Drought Contingency Plan; Establishing a Wastewater Control Order; Establishing Certain Other Policies; and Providing Penalties for Violation Thereof:

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

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

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

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

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

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

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

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

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

(a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except as otherwise provided under this Plan;
(b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
(c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(e) flushing gutters or permitting water to run or accumulate in any gutter or street;
(f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;

(g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
(h) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
(i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

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

ARTICLE III
DROUGHT RESPONSE STAGES

Section 3.01. Criteria for Initiation and Termination of Drought Response Stages

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

The triggering criteria described below are based on known system capacity limits. The District will adopt measures for each stage of the Plan as warranted by the triggers. The stages will not necessarily be adopted in consecutive order.

Section 3.02. Stage 1 Mild Water Shortage Conditions

A. Triggers -- Mild Water Shortage Conditions

1. Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain non-essential water uses, defined in Article II hereof, when the following condition is reached:

When total daily water demand reaches 16 hours well motor run time for three (3) consecutive days, or when the water supply facilities cannot meet or are in danger of not being capable of meeting water supply demand, as determined by the District's Operator.

2. Requirements for termination

Stage 1 of the Plan may be rescinded when the District's Operator determines that all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

B. Stage 1 Response -- Mild Water Shortage Conditions

1. Goal: Achieve an 8 percent reduction in daily water demand to reduce the well motor run time from 16 hours to 14 hours or less.

2. Best Management Practices:

(1) Reduce flushing of water mains.

(2) Notify customers of the implementation of the voluntary water use restrictions by sending the letter attached as Exhibit 1.

3. Voluntary Water Use Restrictions for Reducing Water Demand: The following voluntary water use restrictions shall apply to all persons:

(1) Customers are requested to voluntarily limit the irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(2) All operations of the District shall adhere to water use restrictions prescribed for Stage 2 of the Plan.

(3) Customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Section 3.03. Stage 2 Moderate Water Shortage Conditions

A. Triggers --- Moderate Water Shortage Conditions

1. Requirements for initiation

It shall be mandatory for Customers to comply with the requirements and restrictions on certain non-essential water uses for Stage 2 of this Plan when any of the following conditions occur:

When total daily water demand reaches 18 hours well motor run time for three (3) consecutive days, or when the water supply facilities cannot meet or are in danger of not being capable of meeting water supply demand, as determined by the District's Operator.

2. Requirements for termination

Stage 2 of the Plan may be rescinded when the District's Operator determines that all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 2, Stage 1 becomes operative, unless otherwise notified.

B. Stage 2 Response -- Moderate Water Shortage Conditions

1. Goal: Achieve a 16 percent reduction in daily water demand to reduce the well motor run time from 18 hours to 14 hours or less.

2. Best Management Practices:

(1) Reduce flushing of water mains.

(2) Notify customers of the implementation of the water use restrictions by sending the letter attached as Exhibit 2.

3. Water Use Restrictions for Reducing Water Demand: Upon threat of penalty for violation, the following water use restrictions shall apply to all persons:

(1) Irrigation of residential landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and

between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of residential landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(2) Irrigation of green belts, common areas, esplanades and sports field shall be limited to Mondays and Fridays between 8:00 p.m. and 12:00 midnight.

(3) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(4) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

(5) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(6) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.

(7) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.

(8) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(9) The following uses of water are defined as non-essential and are prohibited:

(a) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(b) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(c) use of water for dust control;
(d) flushing gutters or permitting water to run or accumulate in any gutter or street; and
(e) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Section 3.04. Stage 3 Severe Water Shortage Conditions

A. Triggers for Severe Water Shortage Conditions

1. Requirements for initiation. It shall be mandatory for Customers to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when any of the following conditions occur:

   When total daily water demand reaches 20 hours well motor run time for three (3) consecutive days, or when the water supply facilities cannot meet or are in danger of not being capable of meeting water supply demand, as determined by the District's Operator.

2. Requirements for termination

   Stage 3 of the Plan may be rescinded when the District's Operator determines that all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative, unless otherwise notified.

B. Response -- Severe Water Shortage Conditions

1. Goal: Achieve a 25 percent reduction in daily water demand to reduce the well motor run time from 20 hours to 14 hours or less.

2. Best Management Practices:

   (1) Discontinue flushing of water mains.

   (2) Notify customers of the implementation of the mandatory water use restrictions by sending the letter attached as Exhibit 3.

3. Water Use Restrictions: All requirements of Stage 2 shall remain in effect during Stage 3 except:

   (1) Irrigation of residential landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

   (2) Irrigation of green belts, common areas, esplanades and sports field shall be limited to Mondays and Fridays between 8:00 p.m. and 12:00 midnight.

   (3) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the District.

   (4) The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

Section 3.05. Stage 4 Critical Water Shortage Conditions

A. Triggers -- Critical Water Shortage Conditions

1. Requirements for initiation

   It shall be mandatory for Customers to comply with the requirements and restrictions on certain non-essential water uses for Stage 4 of this Plan when any of the following conditions occur:

   When total daily water demand reaches 22 hours well motor run time for three (3) consecutive days, or when the water supply facilities cannot meet or are in danger of not being capable of meeting water supply demand, as determined by the District's Operator.

2. Requirements for termination

Stage 4 of the Plan may be rescinded when the District's Operator determines that all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days. Upon termination of Stage 3, Stage 2 becomes operative, unless otherwise notified.

B. Stage 4 Response -- Critical Water Shortage Conditions

1. Goal: Achieve a 33 percent reduction in daily water demand to reduce well motor run time from 22 hours to 14 hours or less.

2. Best Management Practices:

(1) Discontinue flushing of water mains; discontinue irrigation of public landscaped areas.

(2) Notify customers of the implementation of the water use restrictions by sending the letter attached as Exhibit 4.

3. Water Use Restrictions: Under threat of penalty for violation, the water use restrictions of Stages 1, 2 and 3 shall be mandatory and shall remain in effect during Stage 4 except:

(1) Irrigation of residential landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.

(2) Irrigation of green belts, esplanades and sports field shall be limited to Mondays and Fridays between 8:00 p.m. and 12:00 midnight.

(3) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

(4) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

(5) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(6) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

Section 3. 06. Stage 5 Emergency Water Shortage Conditions

A. Triggers -- Emergency Water Shortage Conditions

1. Requirements for initiation

It shall be mandatory for Customers to comply with the requirements and restrictions for Stage 5 of this Plan when the Operator determines that a water supply emergency exists based on:

(1) Major water line breaks, pump or system failures, or other events which cause unprecedented loss of capability to provide water service; or

(2) Natural or man-made contamination of the water supply source(s).

2. Requirements for termination

Stage 5 of the Plan may be rescinded when the District's Operator determines that all of the conditions listed as triggering events have ceased to exist for a period of 3 consecutive days.

B. Stage 5 Response -- Emergency Water Shortage Conditions

1. Goal: Restore normal water supply as soon as possible.

2. Best Management Practices:

(1) Discontinue flushing of water mains; discontinue irrigation of public landscaped areas.

(2) Notify customers of the implementation of the water use restrictions by sending the letter attached as Exhibit 5.

3. Water Use Restrictions: All requirements of Stages 1, 2, 3 and 4shall remain in effect during Stage 5 except (1) irrigation of landscaped areas and (2) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle are absolutely prohibited.

ARTICLE IV
DROUGHT RESPONSE STAGES

Section 4.01. Public Notification

The Operator shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section III of this Plan, shall determine when a mild to moderate, severe, critical, or emergency water shortage condition exists and shall implement the following notification procedures:

A. Notification: Before any notification of the public occurs, the Operator shall notify the Board of Directors of the need to evoke mandatory water conservation procedures.

The Operator shall notify the public by means of:

(1) direct mail to each customer,
(2) signs posted in public places, or
(3) other measures that might be appropriate.

B. Additional Notification:

The Operator shall notify directly, or cause to be notified directly, the following individuals and entities:

(1) Texas Commission on Environmental Quality (required when mandatory restrictions are imposed),
(2) Major water users,
(3) Critical water users, i.e. hospitals.

ARTICLE VII
ENFORCEMENT

A. No person shall knowingly or intentionally allow the use of water from the District for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken by the Operator in accordance with provisions of this Plan.

B. First Violation. Any person or entity who violates this Plan shall receive written notification of such violation, which notice shall set forth (i) the date of the violation, (ii) the nature of the violation, (iii) the Drought Stage measures then in effect, and (iv) the penalties applicable for any further violations of this Plan; provided, however, that if such person or entity has ever previously violated this Plan, the penalties set forth below may, in the discretion of the Board, be imposed. The letter attached as Exhibit 6 may be used for the written notification of a first violation of the provisions of the Plan.

C. Subsequent Violations.

1. Disconnection for Noncompliance. If any person or entity violates any provision of this Plan more than one time (which violation shall constitute an unauthorized use of District services and/or facilities), then in addition to any other remedies, penalties, sanctions, and enforcement procedures provided for herein, the District or its designee shall have the right to terminate water service to such person or entity after notice and any other procedural requirements in the District's Consolidated Rate Order are satisfied. The letter attached as Exhibit 7 may be used to notify the person or entity of the termination of services.

2. Monetary Penalties for Noncompliance. Any person who violates this Plan is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense.

   Any person, including a person classified as a water customer of the District, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

   The Operator, police officer, or other person(s) designated by the District, may issue a citation, as set forth in Exhibit “8,” attached hereto, to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the Justice of the Peace Court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in the Justice of the Peace Court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in the Justice of the Peace Court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in the Justice of the Peace

Court before all other cases If any person or entity violates any provision of this Plan more than one time (which violation shall constitute an unauthorized use of District services and/or facilities), then, in addition to disconnection as provided in this Section, the Board of the District or its designee, after providing required notice shall impose a penalty of $100.00 for each violation of this Plan and for each subsequent violation a penalty of $500 will be assessed. Each day that a breach of any provision of this Plan continues shall be considered a separate violation. This penalty shall be in addition to any other legal rights and remedies of the District as may be allowed by law.

D. Remedies Cumulative. All rights, remedies, sanctions, penalties, and enforcement procedures provided for in this Plan are cumulative. In addition, the District shall have and may exercise and enforce any and all rights and remedies provided by law or in equity.

ARTICLE VIII
VARIANCES

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

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

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

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

Variances granted by the Operator on behalf the District shall be subject to the following conditions, unless waived or modified by the Operator:

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

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

ARTICLE IX
END OF DROUGHT CONTINGENCY WATER USE RESTRICTIONS

When the District is able to return to normal water use, the District shall send out the letter attached as Exhibit 9, or otherwise notify the customers of the District of the end of all water use restrictions.

EXHIBIT 1
TO APPENDIX B

KLEINWOOD MUNICIPAL UTILITY DISTRICT
of
Harris County, Texas

(Drought Stage 1)

_____
(Date)

Dear Customer:

KLEINWOOD MUNICIPAL UTILITY DISTRICT is unable to provide water at the customary levels or pressure.

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage One of the Drought Contingency Plan is now in effect. Stage One includes the following VOLUNTARY water use restrictions:

(a) Irrigation of residential landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of residential landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(b) Irrigation of green belts, esplanades and sports field shall be limited to Mondays and Fridays between 8:00 p.m. and 12:00 midnight.

(c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

(e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(f) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.

(g) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.

(h) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(i) The following uses of water are defined as non-essential and are prohibited:

(1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(3) use of water for dust control;
(4) flushing gutters or permitting water to run or accumulate in any gutter or street; and
(5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

The Board of Directors appreciates your cooperation and perseverance during this Conservation Condition. Once the Conservation Condition ends, we will notify you and you may then return to normal usage. If conditions should worsen, you will be notified of more stringent restrictions, to ensure the availability of water in your community.

Very truly yours,
Board of Directors

EXHIBIT 2
TO APPENDIX B

KLEINWOOD MUNICIPAL UTILITY DISTRICT
of
Harris County, Texas

(Drought Stage 2)

_____
(Date)

Dear Customer:

KLEINWOOD MUNICIPAL UTILITY DISTRICT is unable to provide water at the customary levels or pressure.

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage 2 of the Drought Contingency Plan is now in effect. Stage 2 includes the MANDATORY water use restrictions set for the below. Any person who violates the water use restrictions set forth below is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Operator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, as set forth in the District's Rate Order, and any other costs incurred by the District in discontinuing and re-connecting service. In addition, suitable assurance must be given to the District that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

WATER USE RESTRICTIONS

(a) Irrigation of residential landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 10:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, residential irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.

(b) Irrigation of green belts, esplanades and sports field shall be limited to Mondays and Fridays between 8:00 p.m. and 12:00 midnight.

(c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rises. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

(d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

(e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(f) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the District.

(g) Use of water for the irrigation of golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the golf course utilizes a water source other than that provided by the District, the facility shall not be subject to these regulations.

(h) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(i) The following uses of water are defined as non-essential and are prohibited:

(1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(3) use of water for dust control;
(4) flushing gutters or permitting water to run or accumulate in any gutter or street; and
(5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

The Board of Directors appreciates your cooperation and perseverance during this Conservation Condition. Once the Conservation Condition ends, we will notify you and you may then return to normal usage. If conditions should worsen, you will be notified of more stringent restrictions, to ensure the availability of water in your community.

Very truly yours,
Board of Directors

EXHIBIT 3
TO APPENDIX B

KLEINWOOD MUNICIPAL UTILITY DISTRICT
of
Harris County, Texas

(Drought Stage 3)

_____
(Date)

Dear Customer:

KLEINWOOD MUNICIPAL UTILITY DISTRICT is experiencing severe water shortage conditions and is unable to provide water at the customary levels or pressure.

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage 3 of the Drought Contingency Plan is now in effect and the mandatory restrictions set forth in below are now in effect. The Board of Directors is aware of the inconvenience of these severe restrictions, but it is imperative that the water supply not only be available for drinking and bathing but also for fire fighters in the event of a house fire. Any person who violates the water use restrictions set forth below is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Operator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, as set forth in the District's Rate Order, and any other costs incurred by the in discontinuing service. In addition, suitable assurance must be given to the District that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

WATER USE RESTRICTIONS

(a) Irrigation of residential landscaped areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Irrigation of residential landscaped areas shall be limited to designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or permanently installed automatic sprinkler system only. The use of hose-end sprinklers is prohibited at all times.

(b) Irrigation of green belts, esplanades and sports field shall be limited to Mondays and Fridays between 8:00 p.m. and 12:00 midnight.

(c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 10:00 a.m. and 2:00 p.m. and between 10:00 p.m. and 6:00 a.m.

(d) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8 p.m. and 12:00 midnight.

(e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(f) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(g) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the District.

(h) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(i) The following uses of water are defined as non-essential and are prohibited:

(1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(3) use of water for dust control;
(4) flushing gutters or permitting water to run or accumulate in any gutter or street; and
(5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Failure to comply with the Water Use Restrictions is deemed a violation of the Drought Contingency Plan and may result in the termination of water and sewer service to your property. Water and sewer service will not be restored until noncompliance is discontinued and a reconnect fee of $100 is paid.

The Board of Directors appreciates your cooperation and perseverance during this Drought Stage. Once the Drought Stage ends, we will notify you and you may then return to normal usage. If conditions should worsen, you will be notified of more stringent restrictions, to ensure the availability of water in your community.

Very truly yours,
Board of Directors

EXHIBIT 4
TO APPENDIX B

KLEINWOOD MUNICIPAL UTILITY DISTRICT
of
Harris County, Texas

(Drought Stage 4)

_____
(Date)

Dear Customer:

KLEINWOOD MUNICIPAL UTILITY DISTRICT is experiencing critical water shortages conditions and is unable to provide water at the customary levels or pressure.

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage 4 of the Drought Contingency Plan is now in effect and the mandatory restrictions set forth in below are now in effect. The Board of Directors is aware of the inconvenience of these severe restrictions, but it is imperative that the water supply not only be available for drinking and bathing but also for fire fighters in the event of a house fire. Any person who violates the water use restrictions set forth below is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Operator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, as set forth in the District's Rate Order, and any other costs incurred by the District in discontinuing and re-connecting service. In addition, suitable assurance must be given to the District that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

WATER USE RESTRICTIONS

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage 4 of the Drought Contingency Plan is now in effect. The Board of Directors is aware of the inconvenience of these severe restrictions, but it is imperative that the water supply not only be available for drinking and bathing but also for fire fighters in the event of a house fire. The following mandatory restrictions are now in effect:

(a) Irrigation of residential areas shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9). Irrigation of residential landscaped areas shall be limited to designated watering days between the hours of 6:00 a.m. and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.

(b) Irrigation of green belts, esplanades and sports field shall be limited to Mondays and Fridays between 8:00 p.m. and 12:00 midnight.

(c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

(d) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

(e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(f) Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(g) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the District.

(h) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(i) The following uses of water are defined as non-essential and are prohibited:

(1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(3) use of water for dust control;
(4) flushing gutters or permitting water to run or accumulate in any gutter or street; and
(5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(j) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

The Board of Directors appreciates your cooperation and perseverance during this Conservation Condition. Once the Conservation Condition ends, we will notify you and you may then return to normal usage. If conditions should worsen, you will be notified of more stringent restrictions, to ensure the availability of water in your community.

Very truly yours,
Board of Directors

EXHIBIT 5
TO APPENDIX B

KLEINWOOD MUNICIPAL UTILITY DISTRICT
of
Harris County, Texas

(Drought Stage 5)

_____
(Date)

Dear Customer:

KLEINWOOD MUNICIPAL UTILITY DISTRICT is experiencing emergency water conditions and is unable to provide water at the customary levels or pressure.

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage 5 of the Drought Contingency Plan is now in effect and the mandatory restrictions set forth in below are now in effect.. The Board of Directors is aware of the inconvenience of these severe restrictions, but it is imperative that the water supply not only be available for drinking and bathing but also for fire fighters in the event of a house fire. Any person who violates the water use restrictions set forth below is guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than two hundred fifty dollars ($250) and not more than five hundred dollars ($500). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of three or more distinct violations of this Plan, the Operator shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, as set forth in the District's Rate Order, and any other costs incurred by the District in discontinuing or re-connecting. In addition, suitable assurance must be given to the District that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

WATER USE RESTRICTIONS

To ensure that an adequate supply of water is available for drinking and bathing, you are hereby notified that Stage 5 of the Drought Contingency Plan is now in effect. The Board of Directors is aware of the inconvenience of these severe restrictions, but it is imperative that the water supply not only be available for drinking and bathing but also for fire fighters in the event of a house fire. The following mandatory restrictions are now in effect:

(a) Irrigation of all residential landscaped areas is prohibited.

(b) irrigation of green belts, esplanades and sports fields is prohibited.

(c) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited.

(d) The filling, refilling, or adding of water to swimming pools, wading pools, and jacuzzi-type pools is prohibited.

(e) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.

(f) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare. The use of water for construction purposes from designated fire hydrants under special permit is to be discontinued.

(g) The watering of golf course tees is prohibited unless the golf course utilizes a water source other than that provided by the District.

(h) All restaurants are prohibited from serving water to patrons except upon request of the patron.

(i) The following uses of water are defined as non-essential and are prohibited:

(1) wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
(2) use of water to wash down buildings or structures for purposes other than immediate fire protection;
(3) use of water for dust control;
(4) flushing gutters or permitting water to run or accumulate in any gutter or street; and
(5) failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(j) No application for new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved, and time limits for approval of such applications are hereby suspended for such time as this drought response stage or a higher-numbered stage shall be in effect.

The Board of Directors appreciates your cooperation and perseverance during this Conservation Condition. Once the Conservation Condition ends, we will notify you and you may then return to normal usage. If conditions should worsen, you will be notified of more stringent restrictions, to ensure the availability of water in your community.

Very truly yours,
Board of Directors

EXHIBIT 6
TO APPENDIX B

KLEINWOOD MUNICIPAL UTILITY DISTRICT
Harris County, Texas

_____
(Date)

CITATION

Dear Customer:

You are hereby notified that you are violating the Water Use Restrictions of Kleinwood Municipal Utility District.

You have been observed:

_____
_____
_____

Attached is a copy of the letter we sent you regarding Drought Stage _____ and the restrictions imposed.

Unless the use of water in a prohibited manner is ceased immediately, water and sewer service to your property will be terminated, and service will be only restored upon payment of a $_____ disconnect/ reconnect fee.

Sincerely,

_____
Board of Directors

EXHIBIT 7
TO APPENDIX B

KLEINWOOD Municipal Utility District.
of
HARRIS County, Texas

CITATION

_____
(Date)

Dear Customer:

On _____, you were notified that you were violating the Water Use Restrictions of Kleinwood Municipal Utility District. This second violation has resulted in the termination of water and sewer service to your property. Service will be restored upon discontinuation of the prohibited use and upon payment of a $_____ disconnect/reconnect fee. In addition, you will have to sign a copy of the water use restrictions now in effect. To have service restored you should contact the operator of Kleinwood Municipal Utility District at _____.

In addition, if water service is restored and you again fail to comply with the water Use Restrictions, the District will consider filing a complaint in the Justice of the Peace Court where you will be directed to appear and enter a plea of guilty or not guilty for the violation of the Drought Contingency Plan. The Drought Plan provides that persons who violate the Drought Plan are guilty of a misdemeanor and , upon conviction shall be punished by a fine of not less than $250 and not more than $500. Each day that one or more provisions of the Drought Plan are violated shall constitute a separate offense.

Sincerely,
Board of Directors

EXHIBIT 8
TO APPENDIX B

Kleinwood Municipal Utility District
of
Harris County, Texas

CITATION

_____
(Date)

Dear Customer:

On _____, you were observed violating the Water Use Restrictions of Kleinwood Municipal Utility District. You are charged with violating the Drought Contingency Plan (the "Drought Plan") for Kleinwood Municipal Utility District. The Drought Plan provides that persons who violate the Drought Plan are guilty of a misdemeanor and, upon conviction shall be punished by a fine of not less than $250 and not more than $500. Each day that one or more provisions of the Drought Plan are violated shall constitute a separate offense.

YOU ARE DIRECTED TO APPEAR IN THE JUSTICE OF THE PEACE COURT ON _____ (WHICH THE DATE SHALL NOT BE LESS THAN 3 DAYS NOR MORE THAN 5 DAYS FROM THE DATE THE CITATION WAS ISSUED). WHERE YOU WILL BE ASKED TO ENTER A PLEA OF GUILTY OR NOT GUILTY FOR THE VIOLATION OF THE DROUGHT PLAN. IF YOU FAIL TO APPEAR IN THE JUSTICE OF THE PEACE COURT, A WARRANT FOR YOUR ARREST MAY BE ISSUED. A SUMMONS TO APPEAR MAY BE ISSUED IN LIEU OF AN ARREST WARRANT.

Sincerely,
Board of Directors

EXHIBIT 9
TO APPENDIX B

KLEINWOOD MUNICIPAL UTILITY DISTRICT
of
Harris County, Texas

_____
(Date)

Dear Customer:

The Drought Condition has ended. You may return to normal water usage. The Board of Directors of KLEINWOOD MUNICIPAL UTILITY DISTRICT appreciates your cooperation and perseverance during this period and would appreciate your continued attention to water use. Continued water conservation practices will help ensure water availability in the future. Thank you for your efforts.

Very truly yours,
Board of Directors

APPENDIX C

RULES AND REGULATIONS CONCERNING DOMESTIC AND COMMERCIAL WASTES

THE STATE OF TEXAS §

COUNTY OF HARRIS §

KLEINWOOD MUNICIPAL UTILITY DISTRICT §

I.
PURPOSE

The Rules and Regulations Concerning Commercial and Domestic Wastes set forth below is to govern all connections made to the sanitary sewer collection system within the District.

II.
DEFINITIONS

Definitions from the District's Order Adopting Consolidated Rate Order and Rules and Regulations; Establishing a Wastewater Control Order; and Providing Penalties for Violation Thereof are incorporated herein by reference. Unless the context requires otherwise, the terms and phrases used herein shall have meanings as follows:

A. "Amenable to treatment" shall mean susceptible to reduction in concentration by Treatment routinely provided in the District's wastewater treatment plant, to a level which is in compliance with federal and state effluent limitations for discharges into the waters of the State of Texas.

B. "B.O.D." (Biochemical Oxygen Demand) means the quantity of oxygen by weight expressed in milligrams per liter ("mg/l") utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of twenty (20) degrees centigrade as determined by the procedures specified in the latest edition of Standard Methods, or such other manual of operations as the District may adopt from time to time in accordance with the latest rules of the Texas Commission on Environmental Quality (the "TCEQ").

C. "Control Manhole" or "Control Point" means a manhole, sample well or other facility which provides access to a Customer's Sanitary Sewer Collection System and is located at a point before the Waste discharges in the Waste Disposal System.

D. "C.O.D." (Chemical Oxygen Demand) means the measure of the oxygen-consuming capacity of inorganic and organic matter present in water or waste, expressed in milligrams per liter as the amount of oxygen consumed from a chemical oxidant as determined by Standard Methods, or such other manual of operations as the District may adopt from time to time in accordance with the latest rules of the TCEQ.

E. "Commercial Waste" means the liquid and water-carried waste resulting from any process of industry, manufacturing, trade, business, or commercial enterprise, or any other process resulting in the discharge of waste other than normal domestic wastewater, including any mixture of industrial waste with water or normal domestic wastewater, and such other waste as the District deems appropriate.

F. "Commercial Waste Charge" means the charge made to persons who discharge or are responsible for the discharge of non-residential waste into the Waste Disposal System

which discharge is amenable to treatment but which exceeds the concentration levels of normal domestic wastewater.

G. "Customer" means any person who is served by the wastewater collection and treatment system of the District (the "Waste Disposal System").

H. "Customer's Sanitary Sewer Collection System" means the sanitary sewer system(s) now owned or operated or to be constructed or acquired by Customers of the District, including sanitary sewers (but excluding storm sewers), manholes, intercepting sewers, pumping works, and all other plants, works, and equipment for the collection and transportation of waste to the District's Waste Disposal System.

I. "Daily composite" means the composite of all samples of a Customer's wastewater that may be taken in any 24-hour period selected by the District. A daily composite shall be prepared from not less than three (3) grab samples collected no closer together than one (1) hour per sample.

J. "Discharge" includes the terms deposit, conduct, drain, emit, throw, run, seep, or otherwise release or dispose of, or to allow, permit, or suffer any of such acts or omissions.

K. "Grab sample" means an individual sample collected in less than 15 minutes.

L. "Grease" means fats, waxes, oils, and other similar volatile material and waste which are extracted by procedures specified in the latest edition of Standard Methods, or such other manuals as the District may adopt from time to time in accordance with the latest rules of the TCEQ.

M. "Infiltration water" means water which leaks into the District's Waste Disposal System or its customers' sanitary sewer collection systems.

N. "Interference" means the inhibition or disruption of the Waste Disposal System treatment process or operations which causes or contributes to causing a violation of the District's NPDES Permit or its permit issued by the Texas Commission on Environmental Quality.

O. "mg/l" means milligrams per liter.

P. "Monthly average" means, at the option of the District, either (i) the arithmetic average of all grab samples taken during a calendar month or (ii) the arithmetic average of all daily composite samples taken during a calendar month.

Q. "Normal domestic wastewater" means waste, excluding industrial waste, discharged by a person into the Waste Disposal System or into a Customer's sanitary sewer collection system in which the average concentration of total suspended solids is not more than 200 mg/l, B.O.D. is not more than 200 mg/l, and NH3-N is not more than 35 mg/l.

R. "Overload" means the imposition of organic or hydraulic loading on the Waste Disposal System in excess of either its designated hydraulic capacity, its installed rated capacity, or its organic loading capacity.

S. "Person" means any individual, public or private corporation, district, authority, political subdivision, or other agency or entity of the State of Texas or of the United States of America; any incorporated city, town, or village, whether operating under general law or under its home rule charter; and any copartnership, association, firm, trust, estate, or any other entity whatsoever.

T. "pH" means the common logarithm of the reciprocal of the hydrogen ion concentration expressed in molecules per liter of solution.

U. "Pollutant" means any dredged spoil, solid waste, incinerator residue, waste, garbage, sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

V. "Pretreatment" means the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of the Pollutant properties in the wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the Waste Disposal System.

W. "Properly shredded garbage" means solid waste from the preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half (½) inch in any dimension.

X. "Slug" means any discharge of water which in the concentration of any given constituent or in the quantity of the flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

Y. "Standard Methods" means the examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the America Water Works Association, and the Water Pollution Control Federation.

Z. "Storm sewer" means sewers which carry storm and surface waters and drainage and into which waste is not intentionally discharged.

AA. "Suspended solids" means those solids that either float on the surface or are in suspension in waste or other liquids, expressed in terms of milligrams per liter.

BB. "Trap" means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes, or other substances which may be harmful to either the Waste Disposal System or its treatment processes.

CC. "Waste" means normal domestic wastewater and commercial waste collected by a public sanitary sewer collection system, together with such infiltration water as may be present.

DD. "Waste Disposal System" means all or any part of any disposal system or disposal facilities constructed or acquired by the District for receiving, transporting, treating, and disposing of waste collected by the sanitary sewer collection systems of the District's customers, together with such extensions, enlargements, and modifications as may be required in the future or as may be necessary to comply with any regulatory requirements.

EE. "Wastewater service charge" means the charge to all users of the District's Waste Disposal System whose wastes do not exceed the concentrations established herein as representative of normal domestic wastewater.

III.
PROHIBITED DISCHARGE

A. DISCHARGES INJURING OR INTERFERING WITH WASTE DISPOSAL SYSTEM

All waste discharged into the Waste Disposal System shall conform to the requirements hereof and shall consist only of waste amenable to biological treatment or other processes employed by the District from time to time. No person may discharge into the Waste Disposal System any waste which by itself or by interaction with any other waste may (i) injure or interfere with the process or physical properties or facilities of the Waste Disposal System, (ii) constitute a hazard to humans or animals, and (iii) create a hazard in the receiving waters of the effluent of the Waste Disposal System. No person shall discharge any of the following substances into the Waste Disposal System:

1. Any inflows or infiltration, including but not limited to, storm water, groundwater, roof runoff, sub-surface drainage, non-contact cooling water, or from sources such as down spouts, yard drains, pool drains, yard fountains or ponds, or lawn sprinklers.

2. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the Waste Disposal System or to the operation of the Waste Disposal System. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketone, aldehydes, peroxides, chlorates, per chlorates, bromates, carbides, hydrides and sulfides and any other substances in concentrations which the District, the State or EPA has identified or hereafter identifies as a fire hazard or a hazard to the system.

3. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the Waste Disposal System including, but not limited to, garbage (other than properly shredded garbage) containing particles greater than one-half inch (½") in any dimension, animal guts or tissues, paunch manure, bones, hair hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, lettuce, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grindings or polishing wastes.

4. Any wastewater having a pH less than 6.0 or higher than 9.0, as determined from the average of at least four (4) grab samples taken at least one hour apart and measured instantaneously, or having a pH lower than 5.0 or higher than 10.0 for any single grab sample, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Waste Disposal System.

5. Any wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any wastewater treatment process, which constitute a hazard to humans or animals, which create a toxic effect in the receiving waters of the wastewater facilities, or which exceed the limitation set forth in a National Categorical Pretreatment Standard.

6. Any wastewater having a temperature which will inhibit biological activity in the wastewater treatment plant or result in the interference with the operations of such facility, but in no case wastewater with a temperature at the designated control point or sample well which exceeds 65°C (150°F) or which causes the temperature of waste at the entrance to the wastewater treatment plant to exceed 40°C (104°F). In addition, no wastewater with such a

temperature that will cause the temperature of wastewater at the entrance to the wastewater treatment plant to rise more than 10°F per hour.

7. Any Pollutants, including oxygen demanding Pollutants released at a flow rate and/or Pollutant concentration which will cause interference to the Waste Disposal System. No slug discharges are allowed.

8. A volume of flow which will cause the influent flow to the Waste Disposal System to exceed 1.5 times the average dry weather flow rate for a period longer than one hour. The design and installation of surge basins shall be subject to the review and approval of the District and to the requirements of all applicable laws.

9. Waste containing B.O.D. or suspended solids in excess of 200 mg/l, or ammonia in excess of 35 mg/l, based on a grab sample, unless a variance is first obtained from the District. B.O.D. or suspended solids in monthly average concentrations above 200 mg/l, and ammonia in a monthly concentration above 35 mg/l, shall be subject to payment of Commercial Waste Charges pursuant to Section VIII herein.

Discharges prohibited by the foregoing parameters include, but are not limited to, slugs and materials which exert or cause: excessive discoloration or concentrations of suspended solids, B.O.D., C.O.D., or chlorine demands in excess of the ability of the Waste Disposal System to treat adequately and dispose of such waste in compliance with applicable regulatory requirements.

B. CHEMICAL DISCHARGES

The following chemicals shall not be admissible into the Waste Disposal System:

1. Cyanide or cyanogen compounds capable of liberating hydrocyanic gas upon acidification when present in concentrations in excess of 0.5 mg/l by weight as cyanide (CN);

2. Fluorides other than those contained in the local public water supply for the area which is the source of the discharge;

3. Gasoline, cleaning solvents, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solids, or gases;

4. Substances causing C.O.D. in excess of 500 mg/l for any daily composite sample or 1,000 mg/l for any grab sample;

5. Acids or alkalis having pH values lower than 6.0 or higher than 9.0, iron pickling wastes, or concentrated plating solutions whether neutralized or not;

6. Grease, whether emulsified or not, containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 degrees and 65 degrees Centigrade) or which exceeds on analysis an average of 100 mg/l of soluble matter;

7. Dissolved sulfides whose concentrations exceed 30 mg/l;

8. Radioactive materials or isotopes of such half-life or concentrations which will permit a transient concentration higher than the maximum allowable as specified by the governing standards of all local, State and federal regulatory authorities;

9. Any other corrosive, explosive, malodorous, or objectionable chemicals in liquid, solid, or gaseous form.

C. HEAVY METALS AND TOXIC MATERIALS

The following metals and toxic materials shall not be admissible into the District's Waste Disposal System:

1. Objectionable or toxic substances exerting an excessive chlorine requirement to such a degree that any such material received in the composite waste at the wastewater treatment plant exceeds the limits established from time to time by the District for such materials.

2. Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of this Part III hereof.

3. Any substance having corrosive properties capable of causing damage or hazard to structures, equipment, or personnel operating the Waste Disposal System.

4. All waste or other substances containing phenols, hydrogen sulfide, or other taste or odor producing substances exceeding the concentration limits established from time to time by the District or which, after treatment of the composite waste, exceeds applicable regulatory requirements.

5. Antimony, beryllium, bismuth, boron, cobalt, molybdenum, tin, uranyl ion, uranium, rhenium, strontium, tellurium, and such other heavy metals as may be prohibited by the District.

6. The following heavy metals or the salts thereof in solution or suspension which upon analysis by Standard Methods exceed the concentrations listed below:

	Not to Exceed (mg/l)		
Metal	Monthly Average	Daily Composite	Grab Sample
Arsenic	1.000	1.500	3.000
Barium	5.000	7.500	15.000
Cadmium	0.083	0.125	0.250
Chromium	5.000	7.500	15.000
Copper	0.600	0.900	1.800
Lead	0.400	0.600	1.200
Manganese	2.000	3.000	6.000
Mercury	0.0005	0.0010	0.002
Nickel	5.000	7.500	15.000
Selenium	0.467	0.700	1.400
Silver	0.050	0.050	0.100
Zinc	2.000	3.000	6.000

7. Any other heavy metals or toxic materials except upon the conditions of pretreatment, concentration, volumes, and other applicable standards prescribed by the District or by applicable statutes, laws, rules, or regulations.

D. SOLID WASTE

No person may discharge solid waste into the Waste Disposal System unless it is properly shredded garbage. The District may review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourth (3/4) horsepower (0.76 H.P. metric) or greater.

IV.
MINIMUM PRELIMINARY TREATMENT CRITERIA FOR COMMERCIAL WASTE

It is not the intent of this Wastewater Control Order to cover all the possibilities for types of businesses that could potentially discharge wastes that can be adverse to the Waste Disposal System. However, the common commercial enterprises found in the vicinity of residential neighborhoods have been considered.

Section 4.01 Grease Traps/Sampling Wells. All Commercial Customers shall install a sampling well in accordance with the District's Engineer's specifications. A grease trap with sampling port when required by the District's Engineer and Operator shall be installed in accordance with the District's Engineer's specifications. If a grease trap is required, a minimum size of 500 gallons shall be installed, and the pavement above the grease trap is to be blocked out for 1,500 gallon grease trap in order to allow for expansion, if necessary. All flows, except restroom facilities shall be routed through the grease trap. The grease trap shall be cleaned at least once a month. Safeguards shall be taken against contamination of groundwater due to leakage from fuel tanks.

Each Commercial Customer requiring a grease trap shall (1) install such grease trap at the Commercial Customer's sole expense; (2) provide the District's Operator, prior to receiving service, with a copy of an effective and continuing contract between the customer and a licensed hauler, said contract to be for regular routine pumping and disposal of the grease trap; and (3) provide the District's Operator with a copy of a hauler's manifest to evidence regular pumping and disposal within ten (10) days after receipt by the Commercial Customer.

The District's Operator shall conduct an annual grease trap audit to ensure that all commercial accounts are being checked on a monthly basis.

Section 4.02 Sand and Oil Interceptor for Gasoline Sales/Car Repair/Motorized Equipment Repair Facilities. All gasoline sales/car repair/motorized equipment repair facilities shall install a sand and oil interceptor in accordance with the District's Engineer's specifications. A minimum size of 500 gallons shall be installed. All flows, except restroom facilities shall be routed through the sand and oil interceptor. The sand and oil interceptors shall be cleaned at least once a month. Safeguards shall be taken against contamination of groundwater due to leakage from fuel tanks. All piping and tankage for both oil and grease pretreatment facilities and product storage shall be of double wall construction and shall include integral leak detection monitors to preclude contamination of groundwater.

Each Commercial Customer requiring a sand and oil interceptor shall (1) install such sand and oil interceptor at the Commercial Customer's sole expense; (2) provide the District's Operator, prior to receiving service, with a copy of an effective and continuing contract between the customer and a licensed hauler, said contract to be for regular routine pumping and disposal; and (3) provide the District's Operator with a copy of a hauler's manifest to evidence regular pumping and disposal within ten (10) days after receipt by the Commercial Customer.

Section 4.03 Sand and Mud Interceptor for Car Wash Facilities. All car wash facilities shall install a sand and mud interceptor in accordance with the District's Engineer's specifications. A minimum size of 500 gallons shall be installed. All flows, except restroom facilities shall be routed through the sand and mud interceptor All car wash facilities shall recycle the maximum amount of wash water through the best commercially available systems Mud, sludge, and grease removal shall be required at least once a month. If the car wash facility has gasoline pump(s), then the car wash facility must also have floor drains in accordance with Section 2.05(B) of this Rate Order.

Each Commercial Customer requiring a sand and mud interceptor shall (1) install such sand and mud interceptor at the sole expense of the Commercial Customer; (2) provide the District's Operator, prior to receiving service, with a copy of an effective and continuing contract between the customer and a licensed hauler, said contract to be for regular routine pumping and disposal; and (3) provide the District's

Operator with a copy of a hauler's manifest to evidence regular pumping and disposal within ten (10) days after receipt by the Commercial Customer.

Section 4.04 Ground Water Monitoring Well Printing and Photo Processing. Printing and photo-processing facilities shall install a ground water monitoring well and shall discharge only domestic waste from sinks and restrooms. Unless waived in writing by the District, all printing and photo processing chemicals shall be collected in sealed containers and hauled away for reprocessing.

Section 4.05 Lint Interceptor for Laundry/Dry Cleaning. Laundry and dry cleaning facilities shall install a ground water monitoring well and shall incorporate a lint interceptor in accordance with the District's Engineer's specifications. A minimum size of 500 gallons shall be installed. All flows, except restroom facilities shall be routed through the lint interceptor. The lint interceptors shall be cleaned at daily.

Each Commercial Customer requiring a lint interceptor shall (1) install such lint interceptor at the Commercial Customer's sole expense.

Section 4.06 Landscaping/Nurseries. Landscaping and nurseries that use herbicides and pesticides shall install a ground water monitoring device and shall only discharge domestic waste from sinks and restrooms.

Section 4.07 Discharge of Waters or Wastes Containing Toxic or Poisonous Substances; Submission of Written Statement. Where the operation of a person, firm, or corporation entails the discharge of water or wastes containing toxic or poisonous substances, a written statement setting forth the nature of the operation contemplated or presently carried on shall be filed with the District. The statement shall specify the amount of water that will be used and its source, the proposed point of discharge of wastes into the Waste Disposal System of the District, and the estimated amount to be discharged; the statement shall include a laboratory statement setting forth the expected bacterial, physical, chemical, and other known characteristics of said wastes. Within thirty (30) days from receipt of such statement, the District shall issue an order stating minimum restrictions necessary in the judgement of the District's Engineer to protect the District's systems.

Where pretreatment or control is required by the District, it shall review and approve the design and installation of the equipment and processes in conformity with all applicable laws and regulatory requirements. Any person responsible for discharges requiring such pretreatment or control facilities shall provide and maintain such facilities in effective operating conditions.

V.
TRAPS; INTERCEPTORS

Grease, oil, and sand interceptors shall be provided for the proper handling of liquid wastes containing grease in amounts that will impair the proper functioning of any sanitary sewer line and for preventing any flammable wastes, sand, and other harmful ingredients from entering into the sanitary sewers. Interceptors shall not be required for premises used exclusively as private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and watertight. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Any facility with a mud and grease trap or grease trap or pretreatment system shall be required to remove grease, grit, sludge, or other residue at least once a month and shall maintain records at the site of the date, time, name of hauler, volume removed, destination, waste hauling permit number, and a copy of a hauler's manifest. Records shall be available

for inspection by District's representatives during normal working hours. A facility not complying shall be subject to having water service terminated until the facility is brought into compliance.

VI.
SAMPLING; TESTING; INSPECTION; RIGHT OF ENTRY

A. Control Manholes: Installation, Location, and Maintenance. The owner of any property served by a sewer carrying Commercial Waste shall install a suitable control manhole in the sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole shall be accessible and safely located and shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Owners of property served by a sewer carrying Commercial Waste and required to install a suitable manhole pursuant to this Article VI hereof and receiving water and sanitary sewer service from the District on the initial effective date of this Wastewater Control Order shall have 180 days from the initial effective date to install a suitable control manhole. Failure to install the manhole within 180 days as described herein shall result in the termination of water and sewer service to the property. All new connections served by a sewer carrying Commercial Waste shall have a suitable control manhole installed prior to receiving water and sewer service from the District.

B. Sampling/Testing. The District or its duly authorized agent or representative may enter at all reasonable times any lands or premises served or proposed to be served by the Waste Disposal System for the purposes of carrying out and determining compliance with the provisions hereof.

After the effective date hereof and upon completion of the installation of a suitable control manhole pursuant to Section VI(A) hereof, the Operator for the District shall conduct an initial test which shall consist of a minimum of one (1) grab sample and a maximum of three (3) grab samples, as determined by the District's Operator, from the control manhole of all sewers carrying Commercial Waste. If the results of the grab samples indicate that the waste being discharged into the Waste Disposal System is in accordance with this Wastewater Control Order, testing shall then be conducted on a periodic basis.

In the event the grab samples indicate that the waste being discharged into the Waste Disposal System is in violation of this Wastewater Control Order, then the owner of the property shall be notified and shall be required to submit a plan for the satisfactory correction of the violation in accordance with Subsection C of this Section, unless the violation presents an imminent danger to the health or welfare of the public, then service shall be terminated in accordance with Article IX hereof. The cost for all additional testing conducted as a result of the violation shall be billed to the Commercial Customer, and failure to the pay such cost will result in the termination of water and sewer service.

Sampling and testing shall be conducted on connections carrying Commercial Waste in accordance with customarily accepted methods, reflecting the effects of constituent wastes upon the Waste Disposal System and the existence of hazards to health, life, limb, or property. Examination and analysis of the characteristics of water and waste shall be conducted in accordance with Standard Methods or such other manual of operation as the District may adopt from time to time in accordance with the latest rules of the Texas Commission on Environmental Quality and shall be determined from suitable samples taken at control points selected by the District. The cost to take and analyze such samples shall be added to the Customer's water and sewer service bill, and failure to pay for such sample will result in the termination of the Customer's water and sewer service.

C. Notification of Violation/Submission of Plan. Whenever the District finds that any Customer has violated or is violating this Wastewater Control Order, except when such violation presents an imminent danger to the health or welfare of persons, as provided in Article IX, the District shall serve upon such person a written notice stating the nature of the violation. Within a period of not more than thirty (30) days from the date of the notice, as specified therein, a plan for satisfactory correction thereof shall be submitted in writing to the District. If such a plan is not timely submitted, or if such violation is not corrected, the District shall proceed with enforcement under Article XII. No prior notice shall be required for the imposition of the fine described in Article XI if such fine is assessed for a violation of this Wastewater Control Order.

VII.
SUPERVISION

If the District or its designated representative determines that a discharge or a proposed discharge into the Waste Disposal System may deleteriously affect the Waste Disposal System or receiving waters, or create a hazard to life or health, or create a public nuisance, it may require:

A. Discontinuation of the discharge into the District's sewer system in its entirety.

B. Pretreatment to an acceptable condition for discharge into the Waste Disposal System.

C. Control over the quantities and rates of discharge.

D. Waste surcharge payments sufficient to compensate the District for the cost of handling and treating the waste.

VIII.
COMMERCIAL WASTE CHARGES

In addition to the wastewater service charges made by the District, the District may charge customers discharging commercial waste into the Waste Disposal System the Commercial Waste Charges provided for herein where the waste discharge exceeds the parameters of normal domestic wastewater.

A. The Commercial Waste Charge shall be calculated by the following formula:

$$UC = Q[X + Y(BOD - 200) + Z(SS - 200) + n (N-35)]$$

Formula values are:

UC = Commercial Waste Charge (in dollars)

Q = Billable quantity (based on water billed or actual measurement of Wastewater discharged) of wastewater in thousands of gallons.

X = $0.50

Y = $0.0018

Z = $0.0022

n = $0.0125

BOD = Five-day, twenty (20) degrees Celsius, biochemical oxygen demand content of the waste delivered, in mg/l based on monthly average concentration.

SS = Suspended solids content of the waste delivered, in mg/l based on monthly average concentration.

N = Ammonia content of the Waste delivered, in mg/l based on monthly average concentration.

The District shall review and, if appropriate, adjust the Commercial Waste Charges to reflect changes in the characteristics of the commercial waste of each user based upon the results of sampling and testing. The District also shall review the basis for determining Commercial Waste Charges and shall adjust the unit treatment costs in the above formula to reflect increases or decreases in the wastewater treatment costs based upon the prior experience. Increases in Commercial Waste Charges shall continue for six (6) billing periods unless subsequent tests determine that the charges should be further increased. If another method of billing is determined by the District's Board to be a more effective method of allocating such costs to the Customer, based upon the particular facts of each case, the District may use such method in lieu of the above. The Commercial Waste Charges will be billed as a separate item from wastewater service charges. Failure to pay the Commercial Waste Charge shall result in termination of water and sewer service pursuant to provisions of the District's Order Adopting Consolidated Rate Order and Rules and Regulations; Establishing Policy Regulating Water Use During Emergencies; Establishing a Wastewater Control Order; Establishing Certain Other Policies; and Providing Penalties for Violation Thereof.

IX.
EMERGENCY RELIEF

The District may immediately suspend the wastewater treatment service of a user when such suspension is necessary, in the opinion of the Board of the District, in order to stop or prevent an actual or threatened discharge that presents an imminent or substantial endangerment to the health or welfare of persons, to the environment, or to the Waste Disposal System of the District, or which would cause the effluent from the plant to exceed discharge parameters. The District may immediately suspend the wastewater treatment service of a user when such suspension is necessary, in the opinion of the Board of the District, to prevent contamination of sludge from the plant. The District shall reinstate the wastewater service upon proof of the elimination of the non-complying discharge. Such disconnection and re-connection shall be at the expense of the user. The District may permanently disconnect any user showing a history of flagrant or habitual violation of this Wastewater Control Order.

X.
REVIEW

Any user objecting to a decision or order of the District under authority of this Wastewater Control Order shall have the right to a hearing before the Board of the District, at which time the contentions of both the District and user shall be reviewed. The Board President, or in his absence the Vice President, shall be the presiding officer and may, at his discretion, request other professional opinions prior to rendering his decision on the matter of review.

XI.
PENALTY FOR VIOLATION OF ARTICLE

All violations of this Wastewater Control Order, including any failure to observe any discharge parameter set forth herein or permit issued pursuant to this Wastewater Control Order, shall be punishable with the Civil Penalties set forth in and under the Enforcement Provisions of the District's Rate Order and as set forth in Article XII of this Wastewater Control Order. Each day of a violation of any parameter or requirement constitutes a distinct and separate offense.

XII.
ENFORCEMENT

Any or all of the following remedies may be employed by the District to abate and prevent any violation of the provisions of this Wastewater Control Order:

A. Discontinuance of water service.

B. Disconnection and sealing of sanitary sewer connection.

C. The District's attorney may and is hereby authorized to:
1. File suit in a court of competent jurisdiction to secure appropriate judicial relief, including, but not limited to, injunctive relief and the penalty provided in the District's Rate Order for the violation by such user of the provisions of this Wastewater Control Order.
2. Seek a resolution of the Board authorizing the filing of a lawsuit under the provision of Texas Water Code §26.124.

D. A user found in violation of this Wastewater Control Order shall be liable to the District for all expenses borne by the District including laboratory fees, legal fees, engineering fees and other costs incurred by the District in establishing the violation and resolving the cause of the violation.

E. A user found in violation of this Wastewater Control Order that causes or contributes to a violation by the District's Waste Disposal System of effluent parameters shall be liable to the District for all expenses borne by the District, including legal and engineering fees related to any lawsuit filed by federal, state, or local authorities regarding violations by the District of effluent parameters applicable to the District's sanitary sewer system.

F. Where a user discharges wastewater to the District's Waste Disposal System in violation of this Wastewater Control Order and such discharge causes or contributes to contamination of sludge from the wastewater treatment plant, the user shall be liable for all costs borne by the District in disposing of the contaminated sludge over and above costs regularly incurred in sludge disposal.

XIII.
SEVERABILITY

All orders or parts of orders in conflict herewith are hereby repealed to the extent of such conflict. The invalidity of any section, clause, sentence, or provision of this Wastewater Control Order shall not affect the validity of any other part or parts of this Wastewater Control Order, which other part or parts shall be given effect as though such invalid section, clause, sentence, or provision were omitted.

XIV.
SUPERSEDING REGULATION OR STATUTE

Whenever any applicable statute, regulation, or permit of any state, federal, or other agency having jurisdiction over the subject matter of this Wastewater Control Order is in conflict with this Wastewater Control Order, the stricter requirement shall apply, unless mandated otherwise.

XV.
REIMBURSEMENT TO DISTRICT

In the event that any person, as defined in Section II herein, discharges industrial wastes as defined in this Wastewater Control Order, either with or without authorization by the District, such person

shall be responsible for any extraordinary costs of operation of the wastewater treatment plant that might result from unauthorized wastes or improper handling of authorized wastes and shall also be responsible for any administrative fines, penalties or fees that may be assessed to the District for such discharge. Such charges may include, but not be limited to, the costs of determining the nature of the contaminant into the plant (a Toxicity Identification Evaluation), the costs of locating the source of the contaminant, and the costs of preventing the contaminant from entering the plant or eliminating the contaminant from the treatment units. Failure to pay such costs when billed may subject the entity to disconnection of services as set forth in Section XII above and to any other remedies available to the District.

XVI.
EFFECT OF REGULATION; AMENDMENT

The provisions hereof are to be deemed and construed as regulatory requirements supplementary and in addition to all laws, rules, regulations, ordinances, or licenses now in effect or hereafter passed, adopted, or promulgated by any regulatory agency, federal, state, or local, having jurisdiction over the District's Waste Disposal System. The provisions hereof are subject to amendment, repeal, or alteration from time to time by the Board of Directors of the District.