

## Exhibit A

### § 53.300 Scope.

The requirements of this subchapter are to establish the city's Reclaimed Water ordinances and billing rates.

### § 53.301 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Terms not defined herein shall be construed in accordance with customary usage.

- 1) BILLING CYCLE. The interval of approximately 30 days between successive meter reading dates.
- 2) COMMERCIAL FACILITY. A municipal, business, or industrial building and associated landscaping, but does not include the fairways, greens, or tees of a golf course.
- 3) CUSTOMER. Any person, company, or organization using reclaimed water supplied by the city.
- 4) DEVELOPMENT PROJECT. Construction of one or more multifamily, mixed use, or commercial buildings on one or more parcels in accordance with a phased plan or approved site plan.
- 5) 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, athletic fields, parks, and rights-of-way and medians.
- 6) MIXED USE BUILDING. A building developed for any combination of commercial and multi-family uses.
- 7) MULTIFAMILY BUILDING. Building containing five or more dwelling units.
- 8) RECLAIMED WATER means reclaimed municipal wastewater treated to Type I quality as defined by Texas Administrative Code Title 30 §210 that is under the direct control of the City of Pflugerville.

### § 53.302 Authorized Uses.

- (A) Reclaimed water service customers must use reclaimed water only for authorized uses as described in the Texas Administrative Code Title 30 §210 Use of Reclaimed Water.
- (B) Customers are responsible for constructing, operating and maintaining all on-site facilities in accordance with all city ordinances, regulations and policies, and in accordance with the Texas Administrative Code regulations.
- (C) Customers are responsible for using reclaimed water in accordance with all city ordinances, regulations, and policies, and in accordance with all Texas Administrative Code regulations.
- (D) The City is not responsible for any lack of compliance by a customer with any Texas Administrative Code regulations.

- (E) As a condition of providing service, each customer grants to the city a right of entry onto the property to which reclaimed water is supplied for the purposes of inspecting the uses to which the customer is being put, to inspect all on-site facilities for cross connections, or other potential hazards, and to inspect for compliance with all Texas Administrative Code regulations and city ordinances, regulations, and policies.
- (F) A minimum of an eight-inch by eight-inch sign, in English and Spanish, is prominently posted on/in the area that reads, “RECLAIMED WATER – DO NOT DRINK” and “AGUA DE RECUPERACION – NO BEBER”.

§ 53.303 Application for Service.

- (A) The city may limit the number of customers if the city determines that the needs of the city and other customers will exceed the anticipated production and distribution of reclaimed water from the treatment facilities. The city may adjust the quantity of reclaimed water available to customers from time to time, and may authorize additional connections, based on such factors as changes in output of the treatment facilities, actual usage by customers, and type of proposed use. Limitations may include the instantaneous usage rate, duration of take, as well as total water usage at a per minute, per hour, per day, per week and/or per month amount.
- (B) Each application for reclaimed water service must be made on the city’s standard application form, must be signed by an authorized representative of the applicant. The application must contain or be accompanied by all information required by the city regarding the use of reclaimed water, including, without limitation, the following:
  1. A description of the intended use of the reclaimed water, including quantity, usage rate, duration, frequency, location, and purpose of intended use.
  2. Detailed plans and specifications for all facilities on the applicant’s property (the “on-site facilities”) for the distribution, use and application of reclaimed water.
  3. An acknowledgement by the applicant that reclaimed water is not to be discharged by the applicant to waters of the State of Texas per Texas Administrative Code Title 30 §210.22(e).
- (C) The city, upon verifying the completeness of an application, will determine whether a reclaimed water line capable of providing service to the applicant is in place adjacent to the applicant’s property. If so, the city will either 1) notify the applicant of the fee amount for the labor, materials, and equipment necessary to be installed from the existing main to the applicant’s property line to initiate service to the applicant, and upon the applicant’s payment of the fee amount, the city will provide the labor, materials, and equipment necessary to be installed from the existing main to the applicant’s property line; or 2) require the applicant to provide the labor, materials, and equipment necessary to be installed from the existing main to the applicant’s property line. The city will determine the types of materials and equipment, including backflow preventative, flow control and remote monitoring and control equipment needed for the

safe and efficient provision of service to the applicant. If the work is provided by the applicant, it will be subject to design review, construction inspection and acceptance by the city.

- (D) If extension of mains is required for service to be provided to the applicant, the applicant must 1) submit plans and specifications for the extension and all related equipment, prepared by a professional engineer registered in the State of Texas for city approval and 2) bear all costs related to the extension, including any engineering and environmental assessment costs, and the cost of acquiring and dedicating all temporary and permanent easements for the facilities. The city may require a main extension or other equipment to be oversized to provide for future system needs. If oversizing is required by the city, the city will execute an agreement with the applicant under which the city will bear the increased cost of the facilities, with payment by the city to be made in a lump sum upon satisfactory completion and acceptance of the facilities. The applicant must submit to the city a signed copy of the bid tabulation sheet for the construction of the facilities to be eligible for reimbursement.
- (E) The applicant will be responsible for the installation of all on-site facilities. City plumbing permit and inspection requirements apply to the on-site facilities.
- (F) No cross-connections are permitted between reclaimed water line and any other type of water supply line.

#### § 53.304 Connection Requirements

- (A) A development project with a property boundary located within 250 feet in horizontal distance or a reclaimed waterline, measured based on the closest practicable access route, shall connect to a reclaimed waterline and use reclaimed water for landscape irrigation use, cooling, and other significant non-potable water uses.
- (B) The city may grant a variance for the requirements of this section for:
  1. Development projects if site conditions are such that compliance would represent a significant financial hardship to the applicant; or
  2. Uses associated with public health and safety.
- (C) A development is not required to connect to a reclaimed waterline or use reclaimed water when the development is participating in a city, state, or federal program that requires:
  1. A minimum of fifty percent on-site income-restricted dwelling units for 60% or lower median family income for rental units; or
  2. A minimum of fifty percent on-site income-restricted dwelling units for 80% or lower median family income for ownership units.

#### § 53.305 Meter Requirements, Readings and Testing.

- (A) All premises using the city reclaimed water supply must be equipped with adequate water meter(s). Meters up to 2-inches diameter will be furnished and paid for by the city, but meters larger than 2-inches diameter will be paid for and installed by the customer.
- (B) Meters shall be installed within the city right-of-way or within a dedicated easement adjacent to the right-of-way. The meter box shall be maintained by the customer to ensure that no obstacle will hinder or prevent adequate access to the meter for reading and servicing. Adequate access is a condition precedent to the receipt of utility services from the city and a requirement for continued service. The term "adequate access," for purposes of this section, shall be defined as the ability of an authorized city representative to get to a meter without visual aids, without the presence of the customer or without threat of bodily injury and must no be hindered by shrubs, trees, locked gates or any other obstruction. No authorized city representative shall be denied access to a meter.
- (C) The city shall read or cause to be read every reclaimed water meter used in the city at such times as are necessary that the bill may be sent out at the proper time. No person shall cause interference with reading a meter. Should an authorized city representative be unable to have adequate access, the city shall notify customer, in writing, of such obstruction and give customer ten days to provide adequate access. The city may, at its option, relocate the meter and charge customer for the actual costs of relocating the meter. Failure to comply within the ten-day period shall be grounds for termination of service and customer shall be charged.
- (D) Any customer requesting the reclaimed water meter to be tested shall pay, as a fee, the actual cost of testing the meter by a third party licensed meter tester. The city will retain the fee if the meter is within 3 percent of being accurate. If the meter is not within the 3 percent of being accurate, it shall be repaired or replaced and the fee returned to the customer or credited on the customer's account.

#### § 53.306 Billing; Delinquency.

- (A) Billing.
  - 1. A customer's bill for utility services shall be presented to such customer monthly and shall be due and payable to the city on or before the fifteenth day following its presentment.
  - 2. Any balance not paid by the due date set out in division (A), above, together with any penalty charge as required in division (B)(2) shall be carried forward to the next billing cycle and shall be added to the current charges. The entire balance shall be due and payable on or before the fifteenth day following its presentment.
- (B) Delinquency.
  - 1. Any bill for utility services not paid in full by the deadline established in division (A)(1) above, shall be considered delinquent and a penalty charge shall be added to the customer's billing account.

2. Payment of a penalty charge as determined in § 53.100(B) shall be required for all customers with delinquent accounts.

§ 53.307 Termination of Service.

(A) General.

1. If full payment of a customer's account is not made in accordance with the requirements of § 53.305(A)(2), such customer is subject to termination of his reclaimed water utility service.

(B) Notice.

1. It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all bills shall contain, in addition to the title, address, room number, and telephone number of the official in charge of billing, clearly visible and easily readable provisions to the effect:
2. That all bills are due and payable on or before the date set forth on the bill; and
3. That if any bill is not paid by or before that date, a second bill will be mailed containing a cutoff notice that if the bill is not paid within ten days of the mailing of the second bill, service will be discontinued for nonpayment; and
4. That any customer disputing the correctness of his bill shall have a right to a hearing at which time he may be represented in person and by counsel or any other person of his choosing and may present orally or in writing his complaint and contentions to the city official in charge of utility billing. This official shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.
5. Requests for delays or waiver of payment will not be entertained; only questions of proper and correct billing will be considered. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for at least 30 days.

(C) Disconnection.

1. The reclaimed water utility service of any customer with a delinquent account which is not paid in full by the deadline date set out in division (B)(2)(b) above, shall be disconnected.
2. Reclaimed water utility service disconnected for nonpayment will be restored after payment by the customer of the balance owed on his account as determined in § 53.305(A)(2), plus the disconnection and reinstatement charges and the deposit, as set out in the City's Master Fee Schedule.

(D) Waiver.

1. The failure of the city to comply with any time provision contained herein shall not be a waiver of the city's right to seek termination of reclaimed water utility service for the reasons specified in this subchapter.

§ 53.308 Rates, Fees, and Charges.

(A) The city's reclaimed water rates, fees, and charges will be as set forth in a separate ordinance. (See Table IX of the Table of Special Ordinances).

§ 53.309 Credits for Retrofit Costs.

(A) To the extent existing customers incur approved retrofit costs to bring their existing system in compliance with Texas Administrative Code Title 30 §210 and city ordinances, such existing customers shall be entitled to a credit against their recycled water bill. To the extent the existing customers are seasonal users of reclaimed water, the credit received pursuant to this section for retrofit costs shall be annualized and applied against reclaimed water during the months the water is used.