El Paso Water Utilities 2014 Water Conservation Plan
As per Rule 363.15 Required Water Conservation Plan
Texas Water Development Board

A. UTILITY PROFILE

The City of El Paso, the sociopolitical center of El Paso County and of West Texas, has a distinct culture, climate, and supply of resources that makes water consumption unique among similar municipalities in the desert southwest of the United States. El Paso is located in the northern extreme of the Chihuahuan Desert, and lies on the frontier of three states (Texas, New Mexico and Chihuahua Mex.), two countries (U.S. and Mexico) and three diverse water supplies; the Rio Grande and groundwater from two aquifers, the Hueco and Mesilla Bolsons. The region consisting of El Paso, Texas; Cuidad Juarez, Mexico; and Las Cruces, New Mexico, is home to slightly more than two million people.

El Paso enjoys an average daily temperature of almost 70° and over 300 days of sunshine each year and an average annual rainfall of eight inches. El Paso is the sixth largest city in Texas with an estimated population of 787,208. To serve our customers, El Paso uses ground water and surface water for its potable supply. In 2013 the city produced about 112,000 acre-feet of potable water for its customers. The Hueco Bolson provided 67% of total demand and the Mesilla Bolson, 24% of total demand with 9% from the Rio Grande River. El Paso also uses reclaimed water to supply non-potable demands. Over 8,000 acre-feet per year is distributed to customers for industrial uses and turf irrigation.

The groundwater capacity is approximately 164 MGD including desalinated brackish groundwater, and surface water capacity is 100 MGD. The amount of surface water that is available each year is variable depending drought condition. Despite not receiving full allotments from the Rio Grande Federal Reclamation Program for the past 4 years, EPWU has not implemented any additional mandatory restrictions and has been able to meet demand due to its strategic planning and management of diverse water sources. Utility Profile form included as Appendix (1).

Water Use Data

EPWU-PSB has successfully met the goals outlined in the 2009 and 2014 Water Conservation Plans. The current goal is to maintain overall per capita water consumption at or below 140 gpcd for the next 5 and 130 gpcd by 2019, the 10-year planning periods (CY 2020). This goal is formally adopted in the EPWU-PSB Strategic Plan on an annual basis.

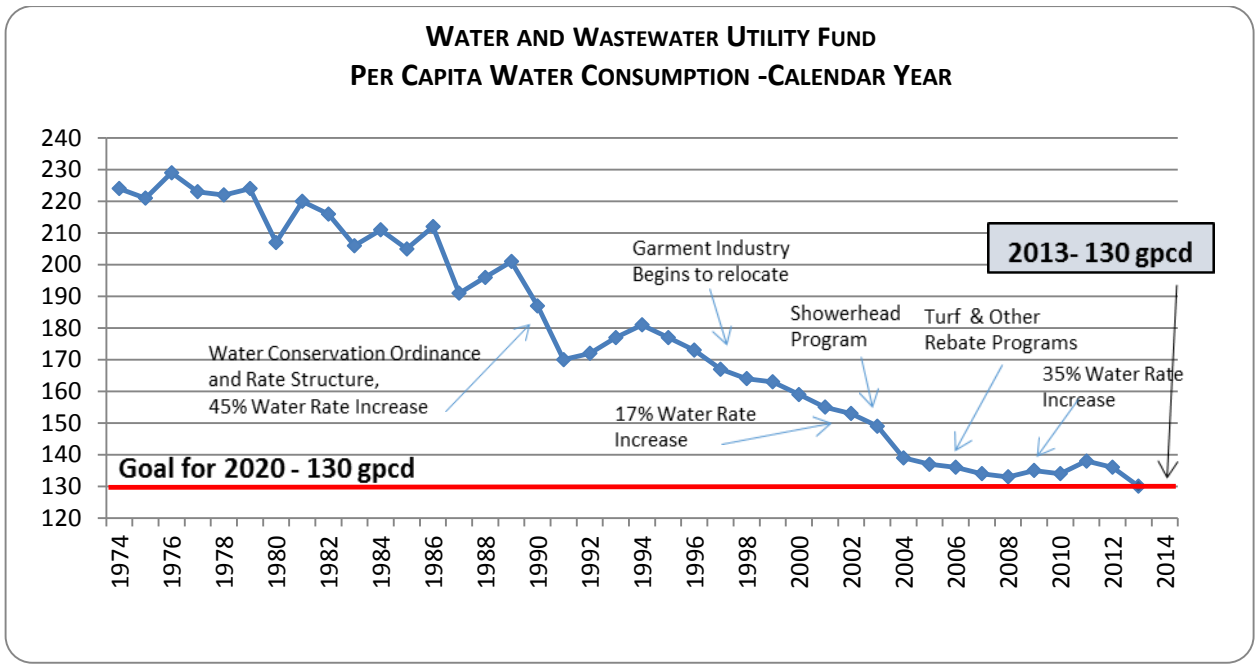
The table below summarizes key water use statistics for 2009-2013. Average per person usage is given in gallons per capita per day (gpcd). Total production per year in billion gallons (BG). Average and peak daily water demand is given in million gallons per day (MGD).

Table 1. Municipal Water Demand 2009-2014

Year	2009	2010	2011	2012	2013
Average GPCD*	135	134	138	136	130
Total Production (MG)	37,067	37,368	38,833	38,820	37,345
Peak Day (MGD)	152,643	158,510	163,463	163,158	161,145
Average Day (MGD)	101,552	102,396	106,362	104,334	99,781
Peaking Factor	1.50	1.55	1.54	1.56	1.61
Population	751,513	767,091	773,995	780,961	787,208

* Gallons per capita day

Chart 1. Per Capita Consumption



B. INCLUSION OF FIVE-YEAR AND TEN-YEAR TARGETS

El Paso Water Utilities current per capita use is 132 gpcd. In the 2011 Region E Plan the target goal of water conservation is to lower the per capita use to 118 gpcd by the year 2060. This is a decrease in per capita use of 3 gpcd per decade. El Paso will track the per capita use by calculating daily consumption numbers tracked by Operations. We also keep track of unaccounted and authorized consumption by obtaining fire hydrant flows during testing (from El Paso Fire Department) and for water use for line flushing. Unaccounted water loss due to main break is already covered on BMP's section and under **section G.**

Table 2. El Paso Water Utilities 5- and 10- YR Goals for Water Savings

	Historic 5-yr Average	Baseline	5-yr Goal for year 2014	10-yr Goal for year 2020
Total GPCD	132.7	133	130	130
Residential GPCD	83[1]	83	82	80
Water Loss (GPCD)	8.7	8.7	8.5	8.0
Water Loss (Percentage)	6.6%	6.5%	6.0%	6.0%

1. From TCEQ Water Conservation Implementation Report

C. A SCHEDULE FOR IMPLEMENTING THE PLAN

El Paso will track per capita use, In the event, the daily use doesn't decline according to our planning goals, EPWU will consider the implementation of various water conservation incentives to lower per capita use. Incentives used in the past include turf rebate, air conditioner conversions, low flow toilets and shower heads. The promotion of water conservation through public media campaigns and outlets will continue as they have in the past.

D. A METHOD FOR TRACKING THE IMPLEMENTATION AND EFFECTIVENESS OF THE PLAN.

The following BMP's have been implemented by EPWU for many years. They are currently acted upon as part of our daily operations. The established BMP's allows us to track and measure progress towards improving efficiency.

Conservation Analysis and Planning

Conservation Coordinator: Since 1990, EPWU has had a conservation department managed by a Water Conservation Manager. The fully-staffed conservation department is responsible for actively participating in collaborative educational efforts with other city department, governmental and educational agencies to promote and cultivate the understanding and importance of water conservation. Responsible for effectively coordinating the implementation of the Public Service Board's Water Conservation Program initiatives. Enforce the City's Water Conservation Ordinance in order to increase compliance and reduce water waste. The Conservation Manager oversees 9 full time staff that include a Water Conservation Education Specialist, (4) Water Conservation Technicians, (2) Water Conservation Enforcement Inspectors, (1) Building Maintenance and (1) Office Administrator. Conservation staff prepares section budget and develop public outreach programs. The current Conservation Manager was hired August 15, 1994.

Water Survey for Single-Family Customers: During September of 2012, a survey was taken for El Paso Water Utilities to determine the attitudes and information level of their customers regarding water issues and satisfaction with the Utility. The research is designed to reflect the knowledge and opinions of El Paso Water Utilities' customers within the city limits. Interviews were conducted by trained, bilingual telephone interviewers using a random sampling method.
The survey enables El Paso Water Utilities (EPWU) to review customer attitudes, set benchmarks, and incorporate the findings into future planning. El Pasoans have continuing and increasing confidence and satisfaction with El Paso Water Utilities. Over a nineteen year period, confidence in the safety of drinking water has shown a steady increase from 60% in 1993 to 84% in 2012. Research also shows that El Paso Water Utility customers express continued high satisfaction with the cost of water, customer service, communications and the management of water resources. Of note, however, is while the numbers of El Pasoans who have made water conserving changes to their landscape has steadily increased, those who feel they can reduce their water use by 10% or more has significantly decreased from 76% in 2000 to 24% in 2012.

Financial

Water Conservation Pricing: Please refer to **section J** for explanation of this BMP.

System Operations

Metering of All New Connections and Retrofit of Existing Connections: Please refer to **section F** for explanation regarding this BMP.

Hi/Low Meter Reading Reports: Every day, at the end of the day, once the meter reader's information is downloaded into the system, a Hi/Low report is produced. This report identifies accounts with either low or high consumptions compared to the previous month. The Hi/Low addresses are then assigned to Customer Service Field staff for three main reasons (1) to double check the meter reading for accuracy, (2) if a property leak is found, then to contact the customer before the bill is send out so that customer can fix the leak and (3) if the reading is low, to investigate if the customer is no longer occupying premises which might impact revenues if balances are not recuperated. EPWU reads meters by cycle and each cycle has approximately 10,000 meters. The average Hi/Low readings per cycle is 90. Meter readers record an average of 2.5 readings per year.

Meter Replacement Program: Please refer to **sections E and F and table 5** for additional information regarding this BMP. The El Paso Water Utilities system is 100% metered both for customer and public uses. As a part of our water conservation implementation strategy, our meter replacement program is a long-term plan to replace meters at a rate that maintains a ten year average meter age. A cost / benefit analysis was conducted in 2002 by EPWU staff in order to estimate the appropriate time to change out small meters. Based on the results, it is recommended that the optimal meter age of replacement is 10 to 11 years. This will capture low water flows and ultimately raise revenue.

Landscaping

For many years, EPWU offered a Turf Rebate program that was not only successful but very popular. The utilities discontinued such rebate along with other rebates because the per capita consumption goal was achieved. The rebates ended in 2007 and per capita consumption has been maintained as shown on Chart 1 above. We continue to offer educational programs in many topics including landscaping. In April 2013, the EPWU sponsored a Water Audit Certification class for city employees and local landscapers followed by a testing and certification program, 22 attendees to the course and test.

El Paso Water Utilities offers free irrigation audits upon request. Many of such requests are for city parks, school athletic fields. Indoor and Outdoor Water Use Reviews are free educational programs offered by El Paso Water Utilities Conservation Department designed to help residents and businesses save on their monthly bill by understanding how to efficiently use water indoors and outdoors. Indoor use review includes explanation of the water bill and the Average Winter Consumption (AWC), checking for toilet leaks, measure the flow of water from faucets and showerheads to determine how many gallons per minute are used, how to irrigate your lawn and apply water more efficiently, and explain the Water Conservation Ordinance.
The Outdoor Water Use Review includes a site evaluation which identifies any problem areas with the irrigation system and runoff. We test for irrigation distribution uniformity to help determine the irrigation schedule. A detailed report on system management recommendations is mailed. We provide brochures containing plant lists and other plant material watering guidelines. Both reviews include making recommendations on other water conservation practices and provide brochures with water conservation information.

Additionally, EPWU has implemented a Monthly Allotment for Local Government Yard meter Accounts (Per Acre), see Table 5, for the purpose of curtailing excess irrigation, especially during the hot summer months. A uniform rate of $2.01 per CCF is charged under the allotment figures, any usage by the local government turf irrigation account in excess of the monthly allotment is billed at the Block 3 rates, currently, $5.27 per CCF.

Education and Public Awareness

Public Information: Please refer to **section I** for explanation of this BMP.

School Education: Education is an important part of the EPWU Water Conservation Program. The El Paso Water Utilities' Carlos M. Ramirez TecH_2O Water Resources Learning Center is on its 7th year of operations. The Center serves educators, students, policy makers and the public by providing meeting places and resources to promote the understanding and study of water and water issues. It includes a 250-seat auditorium, a training center, interactive exhibits, and display and demonstration projects. The TecH_2O Center is ideal for regional, national and international symposiums and conferences.

El Paso Water Utilities is involved in many activities to increase public awareness about its water resources. The Water Conservation Education Department strives to increase water consciousness throughout the community and area schools. The El Paso area faces unique water challenges and it is our obligation to deliver this information throughout the area to help others understand how crucial it is to work collectively as a region to address the critical water issues. Our intent is to deliver the information in a meaningful and understanding way for all age groups. The El Paso Water Utilities Water Conservation program holds workshops and training sessions throughout the community on various subjects related to water conservation. The following table demonstrates the number of educational events and attendees held at the center; the number of outreach events to schools and other venues as well as attendees for such events. We don't foresee a substantial increment on presentations as currently we are fully staffed and there are no plans to increase staffing levels.

Table 3. Educational efforts by the Water Conservation Department

	Presentations at TecH$_2$O Center	TecH$_2$O Attendees	Outreach Presentations	Outreach Attendees
FY 2008-09	195	6,531	305	12,540
FY 2009-10	213	8,391	405	14,641
FY 2010-11	184	8,141	127	10,854
FY 2011-12	197	6,344	120	7,302
FY 2012-13	230	12,170	171	28,117

The mission of the center is to provide education and training to foster the understanding and appreciation of total water management in the Chihuahuan Desert. We accomplish this through education programs and tours offered on site as well as outreach programs throughout the community. This combined effort helps us to spread our conservation message to thousands of people throughout the year. Below are some of these platforms used to educate the general public.

- Trainings and Conferences – Teachers and Professional Development
- Field trips and tours – Grades 5th and higher, Careers in STEM, tours for international visitors, elected officials, general public, and EPWU staff
- Public events- Science Cafés, Drinking Water Week, Summer Camp, Water Festival, and workshops for gardening, landscape, desert plants & wildlife
- Outreach – Head Start to adults, and community events
- Volunteer Program – Docents trained to help us educate others

Partnerships with Nonprofit Organizations: For more than 20 years, EPWU has collaborated with community partners to not only promote conservation but to increase the effectiveness of our message, by such collaborations we have been able to reach substantial number of residents. In addition, we have handled such relations to obtain educational grants. In 2013, the Conservation Department secured a $6,000+ grant from EPA and BECC for the installation of the "Urban Gardens Using Rain Water Harvesting Techniques" demonstration site, and a $12,000+ from Texas Parks and Wildlife for an educational program to increase understanding of urban wetlands. This grant is geared to middle school students and the keyhole garden grant is geared to the general public. The following list provides a glimpse of the different community organizations that we partner with to offer educational events.

- Project Wet Host Institute
- Region 19 Education Service Center
- El Paso Zoo - El Paso Water Utilities Discovery Education Center
- Keystone Heritage Park – Desert Botanical Gardens
- City of El Paso Parks & Recreation
- Texas Parks & Wildlife
- University of Texas at El Paso
- El Paso Community College
- Texas Agri-Life County Extension

Rebate, Retrofit, and Incentive Programs

From 1991 to 2007 EPWU customers were given the opportunity to participate in voluntary rebates and incentive programs that included the following:

- Cash for your commode – rebate ran for 11 years
- Clothes Washing Machine – rebate ran for 5 years
- Central Refrigeration System – rebate ran for 4 years
- Turf Rebate Program – rebate ran for 4 years

- Low-flow Showerhead distribution – EPWU had two large programs one in 2001 the other started in 2008 to present
- Faucet aerators for bathrooms and kitchens – available since 1991 to present
- Evaporative Air Conditioner Bleed-off Clamps – available since 1991 to present
- Waterless Urinals for commercial and governmental accounts – distribution of free urinals ran for 3 years
- Hot Water On Demand – Pilot program only ran for 2 years. This was stopped due to low participation.
- Leak Adjustment for Low Income – Pilot program only ran for a couple of years and it was stopped due to community partnership paperwork complicated process.

Conservation Technology

Rainwater Harvesting: A rain water harvesting tank was installed, as a demonstration site at the center, in 2008. Several public workshops have taken place to promote the use of rainwater. Additionally, this tank is part of the Keyhole demonstration project. We are planning on installing 2 more tanks at the center to take advantage of rainwater to water our landscape areas. Because the center is registered as a Texas Parks Wildscape, the tanks will help us provide water to the native wildlife.

Water Reuse: Wastewater within the EPWU service area is collected and treated at one of four EPWU wastewater reclamation plants using advanced secondary or tertiary treatment. The following table lists each wastewater treatment plant with the corresponding TCEQ number.

Table 4. Wastewater Treatment Plants

Wastewater Treatment Plan	Northwest WWTP	Haskell St. WWTP	Roberto Bustamante WWTP	Fred Hervey WWTP
TCEQ No.	WQ0010408009	WQ0010408004	WQ0010408010	WQ0010408007
Reuse Distribution	361 MG / year	273 MG / year	40.4 MG / year	1,823 MG / year

The result is high water quality that earned EPWU the reputation of operating the first wastewater treatment plant in the world to meet drinking water standards for its reclaimed water. EPWU supplies golf courses, city parks, school grounds, apartment landscapes, construction, and industrial sites with over 5.25 million gallons per day of reclaimed water. Reclaimed water is also used for the operation of treatment plants (in-plant use) and to recharge the Hueco Bolson through injection wells and infiltration basins. The goal for reuse water – as outlined in the EPWU-PSB Strategic Plan is to increase water reuse from 10% of total wastewater to 15% during the next ten year planning period (CY 2020).

E. A MASTER METER TO MEASURE AND ACCOUNT FOR THE AMOUNT OF WATER DIVERTED FROM THE SOURCE OF SUPPLY.

Metering Devices: All metering devices used in the El Paso Water Utilities system meet AWWA C702 standards for cold water meters, NSF/ANSI 61 Standard Annex G & F, and accurate within 5% of designated flow range of the device. For FY 12-13, meter reading accuracy was 99.93% with goal of 99.97%, which is less than one inaccurate reading for every 1,500 meter read.

F. A PROGRAM OF UNIVERSAL METERING

Universal Metering: All customers and public uses of water are metered in the El Paso Water Utilities system. Meter accuracy is maintained by ongoing testing, repairing and by a replacement program of aged meters. EPWU has a complete meter shop with full testing facilities. We have over 50 customer classifications to insure that our entire customer base is in a billing and metered category. Additionally, EPWU maintains an ongoing meter exchange program to minimize revenue loss due to aged meters not recording consumption properly.

Table 5. Meter Exchange, Meter Accuracy, Meters Repaired and Tested.

	FY 2007-08	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Meter exchange program	4,912	1,252	7,325	12,211	11,347	12,800
Meter Reading Accuracy	99.91%	99.91%	99.93%	99.92%	99.92%	99.93%
Meters repaired	1,428	1,470	1,424	1,426	1,911	1,888
Meters tested*	1,610	1,650	1,606	1,528	1,877	1,927

Note: * Number of 1 ½" to 12" meter tested

G. MEASURES TO DETERMINE AND CONTROL WATER LOSS AND CONTINUOUS PROGRAM OF LEAK DETECTION.

The El Paso Water Utilities – Public Service Board is dedicated to reducing the loss of water, improving the efficiency in the use of water and increasing the use of reuse water. Unaccounted for water and gallons per capita day (gpcd) figures are sourced in the Water Conservation Utility Profile (TWDB form WRD-264).

Table 6. Unaccounted for Water

Year	Water Produced (MG)	Total Water Billed (MG)	Unaccounted for Water (MG)	Unaccounted for Water (%)
2009	37,067	34,147	2,920	7.9%
2010	37,348	34,407	2,941	7.9%
2011	38,833	37,022	1,811	4.7%*
2012	38,820	36,322	2,498	6.4%
2013	37,345	35,083	2,262	6.1%

Note* - Meters on some wells were not properly calibrated. Steps have been taken to properly calibrate such meters and/or verify and/or replace faulty flow meter since then.

Unaccounted-for Water Use: Since 2004, El Paso Water Utilities has utilized leak detection loggers on its distribution mains to detect leaks (see Table 3 above). This program has saved more than 1.80 BG between 2004 and 2013. This program involved the installation of over 10,000 Permalog leak detection throughout the water distribution system over a 6 month period. These units are installed on the water main vales of the distribution mains and monitor the system for leaks using acoustic-based monitoring techniques.

Any leaks found with these units are typically repaired within 3 days. Once a leak is exposed for repair, an estimate of the leak flow rate is made and the estimated water savings is computed based on the assumption that the leak would remain undetected for 2 year. In accordance with AWWA guidelines. These 10,000 loggers have now reached the end of their service life and are currently being replaced with 12,000 leak detection loggers from Metrotech. El Paso Water Utilities has maintained a water loss rate of less than 10% for the last 7 years, which is considered "exceptional" by AWWA standards. The El Paso Water Utilities intends to maintain a water loss level below 10%, and a gpcd level of consumption below 135 gpcd, consistently through the next ten year planning period (CY 2020).

Additionally, the EPWU provides preventive and emergency maintenance of all water distribution system, including over 2,500 miles of water mains, over 190,000 water service connections, fire hydrants, and valves. The following table shows the percentage of large main breaks (>12 inches) isolated in less than 2 hours (calendar year).

Table 7. System Distribution Lines Data

Year	Main Brakes Per Mile Per Year	Miles Per Employee	Percentage of large main breaks (>12 inches) isolated in less than 2 hours (Calendar Year	Number of Main Breaks (Calendar Year)
FY2008-09	0.06	11.7	10.1%	168
FY2009-10	0.06	11.6	7.8%	166
FY2010-11	0.06	11.7	14.8%	155
FY2011-12	0.06	11.7	20%	217
FY2012-13	0.08	12.3	19%	193

H. A PROGRAM OF CONTINUING EDUCATION AND INFORMATION REGARDING WATER CONSERVATION.

Continuing Public Education and Information: The El Paso Water Utilities has been promoting conservation for more than 20 years. In 2007, the EPWU open up a state-of-the-art education facility in 2007. The Carlos M. Ramirez TecH_2O Water Resources Learning Center. The 30,450 square-foot center provides educational and training opportunities to foster the understanding an appreciation of total water management in the Chihuahuan Desert. On average, the center host 300+ events such as school field trips, public and teacher workshops and conferences, Science Café's, and the annual water festival. More than 8,000 attendees visit the center on a yearly basis. The center has 16-themed exhibits including information about the wildlife and flora of the desert, Xeriscape principles, water management challenges, meeting water demands, reclaimed water, and utility water sustainability efforts.

Additionally, EPWU public awareness efforts include monthly conservation messages on the back of the bills, periodic bill stuffers, billboards, TV, radio, newspaper, social media messages, and displays at citywide shows, fairs, and music festivals as well as presentations to civic groups and other organizations. The Conservation Department makes presentations to schools; presentations include a visit by or "Willie the Water Drop" mascot or are customized to the specific target audience. The outreach educational efforts surpass 180 presentation per year reaching more than 20,000 people.

Number of television, radio, social media and bill messages during the high-use season to expand the public information measure. The following table summarizes EPWU public information efforts.

Table 8: EPWU Public Information Efforts for 20013

Brochures distributed	20,000 +
Messages provided on utility bills	10
Press releases	12
TV public service announcements	352
Radio public service announcements	358
Social media campaigns	weekly

I. A WATER RATE STRUCTURE.

The current water rate structure is an increasing block rate structure. Charges for water service are based on the customer's average winter consumption (AWC), which is the average of the amount of water used during the previous December, January, and February billings. (Customers who have not established an AWC are assigned an AWC based on meter size for their classification.) Up to 4 hundred cubic feet (CCF) are included in the minimum charge for residential customers. Copy of rate structure as Appendix (2).

Table 9. EPWU Rate Structure for FY 2014-15

Block	Charge per CCF	Volume Charge
1	$1.56 per CCF	Over 4 CCF's to 150% of AWC**
2	$3.68 per CCF	Over 150% to 250% of AWC
3	$5.27 per CCF	Over 250% of AWC

**Non-residential customer rates do not include 400 cubic feet allotment in minimum monthly charges. Rates are current as of March 1, 2008.

Under the increasing block rate structure, irrigation accounts tend to have an extremely low Average Winter Consumption (AWC), which is used to calculate block thresholds. Accordingly, the vast majority of the water use in the summer by these accounts was billed at the higher block 2 and 3 rates. Some irrigation accounts were increasing their Average Winter Consumption (AWC) in order to avoid the summer excess rate.

The Utilities established a "Local Government Turf Irrigation Accounts" rate that bills water use based on monthly allotment levels. These levels are based on evapotranspiration measurements and allows for enough watering to replenish evaporation loss. Water use within the allotment is charged at $1.85 per CCF, usage above such allotments is charged at block 3 rates. Agencies such as public schools, universities and colleges are included in this rate.

Table 10. Monthly Allotment for Local Government Yard meter Accounts (Per Acre)

Month	Maximum CCF Per Acre	Month	Maximum CCF Per Acre
January	40	July	280
February	40	August	200
March	50	September	180
April	180	October	120
May	200	November	50
June	280	December	40

J. A MEANS OF IMPLEMENTATION AND ENFORCEMENT.

Copy of city ordinance is included as Appendix 3.

The following is a summary of the City Water Conservation Ordinance - Residential Watering is not allowed on Mondays, even numbered addresses are allowed to water on Tuesdays, Thursdays and Saturdays while odd numbered addresses, as well as schools, parks, cemeteries and industrial sites are allowed to water on Wednesdays, Fridays and Sundays. From April 1 through September 30, outdoor watering is allowed only before 10:00 a.m. or after 6:00 p.m. **Generally, municipalities will adopt restrictions on outdoor watering as a stage one restriction under a drought management plan. Lawn and Landscape watering restrictions are defined under the Mandatory Compliance section of the El Paso Conservation Ordinance, which means that this policy must be adhered to at all times, regardless of drought conditions.**

Any water activity that causes water to spray or flow into the street or public right-of-way is prohibited and considered a violation. Violations are a class C misdemeanor in nature. Although the El Paso Water Conservation Ordinance does not require written warnings before a citation is given, the Conservation Department introduced the ordinance via warnings as part of their public education campaign. Washing of sidewalks, driveways, patios and other non-porous surfaces with a hose are prohibited except to eliminate

dangerous conditions. These provisions are stated in the El Paso City Code, section 15.13. The enforcement of the conservation ordinance has been the responsibility of the El Paso Water Utilities since June of 1992 and allows for fines from $50 to $500 for each violation. Table 6 below illustrates the Water Conservation Department efforts in implementing and enforcing the water conservation plan and all plan elements.

Table 11. Water Conservation Enforcement 5 Year History (2009-2013)

Year	Direct Calls to Customers	D-hangers	Verbal, Phone and Written Warnings	Citations
FY 2008-09	599	365	401	40
FY 2009-10	642	477	1,053	34
FY 2010-11	592	429	920	20
FY 2011-12	726	380	1,023	14
FY 2012-13	880	568	1,065	25
FY 2013-14	772	569	820	34

K. IF THE APPLICANT WILL UTILIZE THE PROJECT FINANCED BY THE TWDB TO FURNISH WATER OR WASTEWATER SERVICES TO ANOTHER SUPPLYING ENTITY THAT IN TURN WILL FURNISH THE WATER OR WASTEWATER SERVICES TO THE ULTIMATE CONSUMER, THE REQUIREMENTS FOR THE WATER CONSERVATION PLAN ALSO PERTAIN TO THESE SUPPLIER ENTITIES.

Periodic Reviews and Implementation: The El Paso Water Utilities is obligated to the TWDB (under 31 TAC §363.71) to submit an annual report describing the implementation, status, and quantitative effectiveness of the water conservation program. This annual report is due within 60 days after the anniversary date of the loan closing for each year that the El Paso Water Utilities – Public Service Board is under financial obligation to the TWDB.

Wholesale customers have specific instructions in their contract with regards to water conservation:
El Paso Water Utilities obligation to provide water under Contract may be limited in the same manner and to the same extent that water service is limited to other customers of the Utility, and such obligation to supply is subject to curtailment, in accordance with all applicable local, state, and federal laws, including, without limitation, El Paso's Water Conservation Ordinance (9 15.1 3, El Paso Municipal Code), as amended, the PSB's Rules and Regulations, the PSB's Drought and Water Emergency Management Response Plan, and any other drought management plan, or moratorium, which may be imposed by the Texas Commission on Environmental Quality ("TCEQ"), the Utility, or the City of El Paso.
Seven (7) days written notice shall be provided by the Utility to wholesale customer, or in the event of an emergency, as soon as is practicable, when in the operation and maintenance of its water service facilities it is determined that a cut-off or curtailment in water deliveries to the wholesale customer will be occasioned. The Utility will undertake its best efforts to restore water deliveries, as soon as is practicable, under the specific circumstances occasioning the cut-off. The wholesale customer understands and agrees that its water supply hereunder is subject to cut-off or curtailment in the event of a water emergency being declared under El Paso's Water Conservation Ordinance or Drought and Water Emergency Management Response Plan.

L. DOCUMENTATION THAT THE REGIONAL WATER PLANNING GROUP FOR THE SERVICE AREA OF THE APPLICANT HAS BEEN NOTIFIED OF THE APPLICANT'S WATER CONSERVATION PLAN.

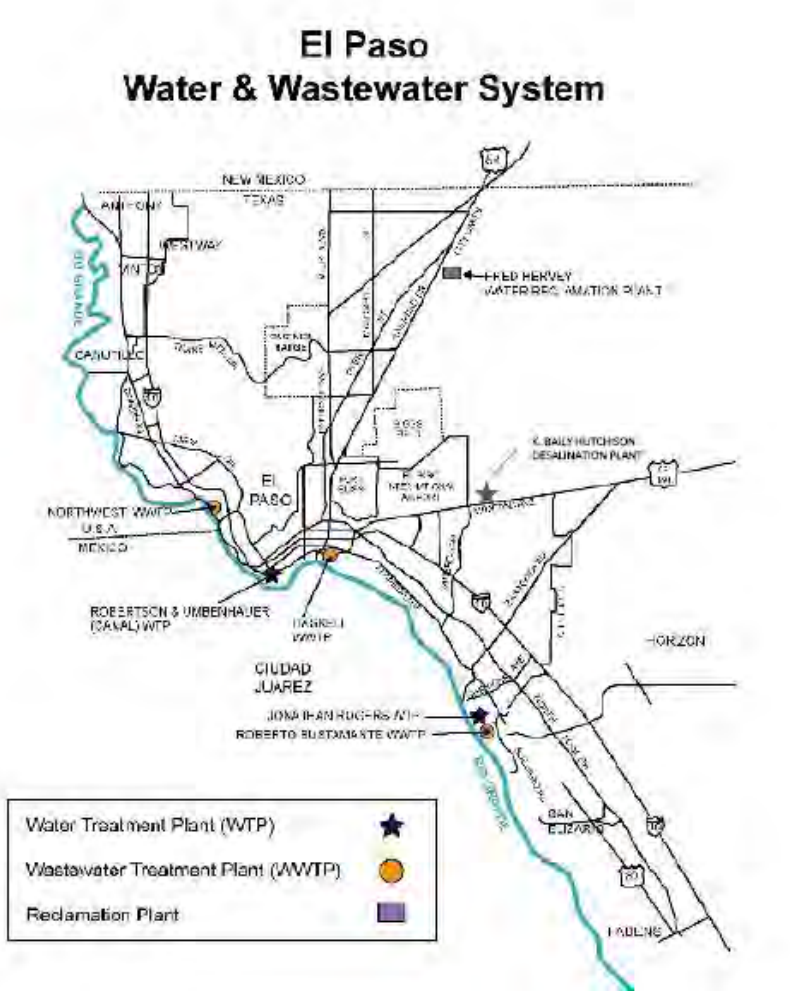
The service area of the County of El Paso is located within the Region E Water Planning Area and the El Paso Water Utilities has provided a copy of the Plan to the Region E Water Planning Group. The 2009 conservation plan presented to the Region E Planning Group was approved and is included on the State Water Plan.

The planning group is in process of completing the 2016 Region E Water Plan. The 50 year plan is updated every five years to include analysis of population, demand, supplies and costs. In the event, existing supplies are not enough to meet demands of the future, water management strategies are included in the plan. The 2016

will include current supplies of surface water and groundwater, reclaimed water, and conservation. New supplies to be included in the 2016 plan include: importation of water from the Dell City area, expansion of the Jonathan Rogers Surface Water plant, additional local ground water, and advanced purification of waste water effluent to meet potable supply requirements.

Exhibit A is a map showing the water and wastewater system for the El Paso Water Utilities, Water and Wastewater System descriptions can be found in the Utility Profile.

EXHIBIT A



M. THE DROUGHT CONTINGENCY PLAN

Please see Appendix (4) - RULES AND REGULATIONS NO.17 - DROUGHT AND WATER EMERGENCY MANAGEMENT RESPONSE RULE

Trigger conditions.

The Drought and Water Emergency Management Response Rule is triggered as the result of reductions in surface water allotment from the Rio Grande Federal Reclamation Project or as a result of the inability to satisfy system water demands for any other reason. The Rule sets out response Stages based on allotment of surface water or when demand for water is projected by the Public Service Board to exceed supply. Each Stage is associated with a menu of possible response measures. Each successive Stage being from Stage I to Stage III represents a response to an increasingly severe condition and includes an increasingly stringent list of response measures. **Please refer to Appendix (4) for complete information regarding Drought and Water Emergency Management Response Rule.**

WHOLESALE WATER CUSTOMERS

In accordance with Texas Water Code Section 11.039, when necessary as determined by the EPWU, water deliveries to wholesale water customers shall be curtailed on a pro-rata basis. Every wholesale water contract entered into or renewed after adoption of this Rule, including contract extensions, shall include a provision that in the case of a drought or water emergency declaration, water to be distributed shall be divided in accordance with Texas Water Code Section 11.039.

Measures to inform and educate the public.

Involving the public in the preparation of the drought contingency plan provides an important means for education the public about the need for the plan and its content. EPWU is prepared to launch a comprehensive public campaign to notify the public regarding the different states of the drought and/or emergency situation included but not limited to television and radio spots, newspaper articles, messages on the water bill and all social media platforms as well as "message on hold" on our telephone system. z

N. ADOPTION.

There are no changes to the Drought and Water Emergency Management Response Plan (November 2002), therefore, approval by the Public Service Board is not necessary for this update.

O. REPORTING REQUIREMENTS.

Identify who will be responsible for preparing the annual report on the utility profile from TWDB-1965. Loan/Grant Recipients must maintain an approved water conservation program in effect until all financial obligations to the state have been discharge and shall **report annually** to the executive administrator of the TWDB on the progress in implementing each of the minimum requirements in its water conservation plan and the status of any of its customer's water conservation plan required by contract. The content and format for the annual reporting is included in the forms: ***Water Conservation Plan Annual Report, TWDB-1966 for retail water suppliers, TWDB-1967 for non-water suppliers and TWDB-1969 for wholesale water suppliers.*** The final requirement is to report annually on the effectiveness of your Plan by submitting a Water Conservation Plan Annual report every year. The Annual Report (AR) is due May 1st of every year. There are three different AS form; one for retail water suppliers, one for wholesale water suppliers, and one for non-water suppliers. The AR should be submitted using the **online forms.** AR tutorials are provided to assist with submitting these forms.

Once your plan is submitted, TWDB staff will review your Plan for completeness. Additional comments or questions should be directed to wcpteam@twdb.texas.gov

For information and assistance for utilities requesting TWDB financial assistance contact:

Water Conservation Plans
Texas Water Development Board
P.O. Box 13231
Austin, Texas 78711-3231
wcpteam@twdb.texas.gov
(512) 463-7955

APPENDIX LIST

I. 2014 Utility Profile form that was submitted to the TCEQ for El Paso Water Utilities

II. Current Rate Structure

III. City of El Paso Water Conservation Ordinance

IV. Rules and Regulation NO.17 – Drought and Water Emergency Management Response Rule

Texas Commission on Environmental Quality

UTILITY PROFILE AND WATER CONSERVATION PLAN REQUIREMENTS FOR MUNICIPAL WATER USE BY RETAIL PUBLIC WATER SUPPLIERS

This form is provided to assist retail public water suppliers in water conservation plan development. If you need assistance in completing this form or in developing your plan, please contact the conservation staff of the Resource Protection Team in the Water Availability Division at (512) 239-4691.

Name:	El Paso Water Utilities
Address:	1154 Hawkins El Paso, TX 79925
Telephone Number:	(915) -5945407 Fax: (915) -5442539
Water Right No.(s):	Texas Permit No. 1535, EPCWID #1 Permit No. 14-06-500-762
Regional Water Planning Group:	Far West Texas Regional Planning Group, Region E
Form Completed by:	Ruben Rodriguez
Title:	Water Supply Manager
Person responsible for implementing conservation program:	John E. Balliew Phone: (915) 594-5501
Signature:	Date: 5/1/14

NOTE: If the plan does not provide information for each requirement, include an explanation of why the requirement is not applicable.

UTILITY PROFILE

I. POPULATION AND CUSTOMER DATA

A. *Population and Service Area Data*

1. Attach a copy of your service-area map and, if applicable, a copy of your Certificate of Convenience and Necessity (CCN).

2. Service area size (in square miles): 250 square miles

   (Please attach a copy of service-area map)

3. Current population of service area: 787,208

4. Current population served for:

   a. Water 217,406 accounts including wholesale customers

   b. Wastewater 202,068 accounts including wholesale customers

5. Population served for previous five years:

Year	*Population*
2009	760,249
2010	767,091
2011	773,995
2012	780,961
2013	787,208

6. Projected population for service area in the following decades:

Year	*Population*
2020	1,000,651
2030	1,141,414
2040	1,262,817
2050	1,384,220
2060	1,505,622

7. List source or method for the calculation of current and projected population size.

   Years 2009 – 2013 were obtained from the Border Region Modeling Project at the University of Texas at El Paso. Figures for 2020, 2030, 2040, 2050 and 2060 were obtained from the Far West Texas Regional Growth Plan for Region E, January 2011.

B. *Customers Data*

Senate Bill 181 requires that uniform consistent methodologies for calculating water use and conservation be developed and available to retail water providers and certain other water use sectors as a guide for preparation of water use reports, water conservation plans, and reports on water conservation efforts. A water system must provide the most detailed level of customer and water use data available to it, however, any new billing system purchased must be capable of

reporting data for each of the sectors listed below. http://www.tceq.texas.gov/assets/public/permitting/watersupply/water_rights/sb181_guidance.pdf

1. Current number of active connections. Check whether multi-family service is counted as ☒ Residential or ☐ Commercial?

Treated Water Users	*Metered*	*Non-Metered*	**Totals**
Residential	180,297	0	180,297
Single-Family	178,209	0	178,209
Multi-Family	2,088	0	2,088
Commercial	11,367	0	11,367
Industrial/Mining	161	0	161
Institutional	2,941	0	2,941
Agriculture	0	0	0
Other/Wholesale	22,782	0	22,782

2. List the number of new connections per year for most recent three years.

Year	Mar '11 -Feb '12	Mar '12 -Feb '13	Mar '13 -Feb '14
Treated Water Users			
Residential	2,902	2,056	1,944
Single-Family	2,884	2,055	1,955
Multi-Family	18	0	(11)
Commercial	(155)	(952)	1,199
Industrial/Mining	2	0	(9)
Institutional	(239)	30	64
Agriculture	0	0	0
Other/Wholesale	1,970	1,180	931

3. List of annual water use for the five highest volume customers.

	Customer	*Use (1,000 gal/year)*	*Treated or Raw Water*
1.	Lower Valley Water District	1,828,944	Treated
2.	City of El Paso	1,725,323	Treated
3.	Federal Government	1,328,798	Treated
4.	El Paso Electric Company	1,132,746	Treated
5.	County of El Paso	517,989	Treated

II. WATER USE DATA FOR SERVICE AREA

A. Water Accounting Data

1. List the amount of water use for the previous five years (in 1,000 gallons). Indicate whether this is ☐ diverted or ☒ treated water.

Year	2009	2010	2011	2012	2013
Month					
January	2,228,324	2,191,028	2,270,331	2,264,969	2,215,928
February	2,179,825	2,021,574	2,147,359	2,199,686	2,097,126
March	3,000,943	2,756,349	3,105,746	2,824,763	2,756,935
April	3,254,007	3,170,445	3,459,099	3,441,501	3,197,430
May	3,951,803	3,788,192	3,886,246	3,790,094	3,858,167
June	4,016,543	4,405,780	4,489,931	4,365,101	4,350,764
July	4,154,573	4,000,489	4,383,575	4,026,590	3,912,802
August	4,316,389	4,177,344	4,285,448	4,309,907	3,963,299
September	3,466,885	3,623,243	3,542,979	3,542,403	3,283,506
October	3,000,330	3,062,252	3,202,663	3,181,823	3,068,964
November	2,484,740	2,455,295	2,460,665	2,545,428	2,403,431
December	2,176,546	2,283,145	2,161,274	2,325,757	2,237,316
Totals	38,230,908	37,935,134	39,395,314	38,818,020	37,345,667

Describe how the above figures were determine (e.g, from a master meter located at the point of a diversion from the source, or located at a point where raw water enters the treatment plant, or from water sales).

2. Amount of water (in 1,000 gallons) delivered/sold as recorded by the following account types for the past five years.

Year	Mar '09 - Feb '10	Mar '10 - Feb '11	Mar '11 - Feb '12	Mar '12 - Feb '13	Mar 13 - Feb '14
Account Types					
Residential	21,689,206	22,168,543	23,225,177	22,568,244	21,663,841
Single-Family	19,072,000	19,464,655	20,505,492	19,898,330	19,100,887
Multi-Family	2,617,206	2,703,888	2,719,685	2,669,914	2,562,954
Commercial	4,282,076	4,508,676	4,712,315	4,565,117	4,498,996
Industrial/Mining	1,083,637	1,223,695	1,387,122	1,810,834	1,805,988
Institutional	4,033,567	4,045,340	3,892,169	4,305,154	3,875,349

Agriculture	0	0	0	0	0
Other/Wholesale	2,425,340	2,551,375	3,371,783	3,318,601	3,305,090

3. List the previous records for water loss for the past five years (the difference between water diverted or treated and water delivered or sold).

Year	*Amount (gallons)*	*Percent %*
2009	2,920,000,000	7.9
2010	2,941,000,000	7.9
2011	1,811,000,000	4.7
2012	2,498,000,000	6.4
2013	2,262,000,000	6.1

B. Projected Water Demands

If applicable, attach or cite projected water supply demands from the applicable Regional Water Planning Group for the next ten years using information such as population trends, historical water use, and economic growth in the service area over the next ten years and any additional water supply requirements from such growth.

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

List all current water supply sources and the amounts authorized (in acre feet) with each.

Water Type	*Source*	*Amount Authorized*
Surface Water	Rio Grande River	15,000 acreft
Groundwater	Hueco Bolson and Mesilla Bolson	105,000 acreft
Contracts	El Paso County Water Improvement District #1 and U.S Bureau of Reclamation	Additional purchased surface water as needed.
Other	N/A	

B. Treatment and Distribution System

1. Design daily capacity of system (MGD):214 MGD

2. Storage capacity (MGD):
   a. Elevated 17.5 MGD
   b. Ground 210.7 MGD

3. If surface water, do you recycle filter backwash to the head of the plant?

☒ Yes ☐ No If yes, approximate amount (MGD): 3 MGD

IV. WASTEWATER SYSTEM DATA

A. *Wastewater System Data (if applicable)*

1. Design capacity of wastewater treatment plant(s) (MGD): 96.2 MGD

2. Treated effluent is used for ☒ on-site irrigation, ☒ off-site irrigation, for ☒ plant wash-down, and/or for ☐ chlorination/dechlorination.

   If yes, approximate amount (in gallons per month): 98 million gallon/month

3. Briefly describe the wastewater system(s) of the area serviced by the water utility. Describe how treated wastewater is disposed. Where applicable, identify treatment plant(s) with the TCEQ name and number, the operator, owner, and the receiving stream if wastewater is discharged.

   Please see attachment C.

B. *Wastewater Data for Service Area (if applicable)*

1. Percent of water service area served by wastewater system: 99.0 %

2. Monthly volume treated for previous five years (in 1,000 gallons):

Year	2009	2010	2011	2012	2013
Month					
January	1,568,168	1,584,133	1,665,100	1,836,754	1,645,271
February	1,431,385	1,462,840	1,485,332	1,668,383	1,514,902
March	1,526,145	1,551,585	1,693,081	1,789,373	1,636,898
April	1,495,619	1,556,454	1,668,270	1,692,296	1,568,311
May	1,607,050	1,619,083	1,679,498	1,726,680	1,645,881
June	1,597,778	1,654,387	1,647,272	1,670,489	1,622,099
July	1,723,611	1,722,916	1,766,226	1,774,635	1,742,928
August	1,740,810	1,750,719	1,830,731	1,795,368	1,778,235
September	1,654,647	1,705,605	1,722,777	1,733,104	1,830,435
October	1,679,366	1,738,451	1,675,295	1,679,657	1,677,210
November	1,582,293	1,617,771	1,611,749	1,612,300	1,604,152
December	1,612,764	1,595,213	1,821,227	1,618,431	1,634,130
Totals	19,219,636	19,559,157	20,266,558	20,597,470	19,900,452

V. ADDITIONAL REQUIRED INFORMATION

See attachments

In addition to the utility profile, please attach the following as required by Title 30, Texas Administrative Code, §288.2. Note: If the water conservation plan does not provide information for each requirement, an explanation must be included as to why the requirement is not applicable.

A. *Specific, Quantified 5 & 10-Year Targets*

The water conservation plan must include specific, quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal use in gallons per capita per day. Note that the goals established by a public water supplier under this subparagraph are not enforceable

B. *Metering Devices*

The water conservation plan must include a statement about the water suppliers metering device(s), within an accuracy of plus or minus 5.0% in order to measure and account for the amount of water diverted from the source of supply.

C. *Universal Metering*

The water conservation plan must include and a program for universal metering of both customer and public uses of water, for meter testing and repair, and for periodic meter replacement.

D. *Unaccounted- For Water Use*

The water conservation plan must include measures to determine and control unaccounted-for uses of water (for example, periodic visual inspections along distribution lines; annual or monthly audit of the water system to determine illegal connections; abandoned services; etc.).

E. *Continuing Public Education & Information*

The water conservation plan must include a description of the program of continuing public education and information regarding water conservation by the water supplier.

F. *Non-Promotional Water Rate Structure*

The water supplier must have a water rate structure which is not "promotional," i.e., a rate structure which is cost-based and which does not encourage the excessive use of water. This rate structure must be listed in the water conservation plan.

G. *Reservoir Systems Operations Plan*

The water conservation plan must include a reservoir systems operations plan, if applicable, providing for the coordinated operation of reservoirs owned by the applicant within a common watershed or river basin. The reservoir systems operations plan shall include optimization of water supplies as one of the significant goals of the plan.

H. *Enforcement Procedure and Plan Adoption*

The water conservation plan must include a means for implementation and enforcement, which shall be evidenced by a copy of the ordinance, rule, resolution, or tariff, indicating official adoption of the water conservation plan by the water supplier; and a description of the authority by which the water supplier will implement and enforce the conservation plan.

I. *Coordination with the Regional Water Planning Group(s)*

The water conservation plan must include documentation of coordination with the regional water planning groups for the service area of the wholesale water supplier in order to ensure consistency with the appropriate approved regional water plans.

J. *Plan Review and Update*

A public water supplier for municipal use shall review and update its water conservation plan, as appropriate, based on an assessment of previous five-year and ten-year targets and any other new or updated information. The public water supplier for municipal use shall review and update the next revision of its water conservation plan not later than May 1, 2009, and every five years after that date to coincide with the regional water planning group. The revised plan must also include an implementation report.

VI. ADDITIONAL REQUIREMENTS FOR LARGE SUPPLIERS

Required of suppliers serving population of 5,000 or more or a projected population of 5,000 or more within ten years

A. *Leak Detection and Repair*

The plan must include a description of the program of leak detection, repair, and water loss accounting for the water transmission, delivery, and distribution system in order to control unaccounted for uses of water.

B. *Contract Requirements*

A requirement in every wholesale water supply contract entered into or renewed after official adoption of the plan (by either ordinance, resolution, or tariff), and including any contract extension, that each successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements in this chapter. If the customer intends to resell the water, the contract between the initial supplier and customer must provide that the contract for the resale of the water must have water conservation requirements so that each successive customer in the resale of the water will be required to implement water conservation measures in accordance with the provisions of this chapter.

VII. ADDITIONAL CONSERVATION STRATEGIES

A. *Conservation Strategies*

Any combination of the following strategies shall be selected by the water supplier, in addition to the minimum requirements of this chapter, if they are necessary in order to achieve the stated water conservation goals of the plan. The commission may require by commission order that any of the following strategies be implemented by the water supplier if the commission determines that the strategies are necessary in order for the conservation plan to be achieved:

1. Conservation-oriented water rates and water rate structures such as uniform or increasing block rate schedules, and/or seasonal rates, but not flat rate or decreasing block rates;

2. Adoption of ordinances, plumbing codes, and/or rules requiring water conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modification or addition;

3. A program for the replacement or retrofit of water-conserving plumbing fixtures in existing structures;

4. A program for reuse and/or recycling of wastewater and/or graywater;

5. A program for pressure control and/or reduction in the distribution system and/or for customer connections;

6. A program and/or ordinance(s) for landscape water management;

7. A method for monitoring the effectiveness and efficiency of the water conservation plan; and

8. Any other water conservation practice, method, or technique which the water supplier shows to be appropriate for achieving the stated goal or goals of the water conservation plan.

Best Management Practices

The Texas Water Developmental Board's (TWDB) Report 362 is the Water Conservation Best Management Practices (BMP) guide. The BMP Guide is a voluntary list of management practices that water users may implement in addition to the required components of Title 30, Texas Administrative Code, Chapter 288. The Best Management Practices Guide broken out by sector, including Agriculture, Commercial, and Institutional, Industrial, Municipal and Wholesale along with any new or revised BMP's can be found at the following link on the Texas Water Developments Board's website: http://www.twdb.state.tx.us/conservation/bmps/index.asp

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact 512-239-3282.

V. ADDITIONAL REQUIRED INFORMATION

A. Specific, Quantified 5 & 10-Year Targets

El Paso Water Utilities current per capita use is 132 gcpd. In the 2011 Region E Plan the target goal of water conservation is to lower the per capita use to 118 gcpd by the year 2060. This is decrease in per capita use of 3 gcpd per decade. El Paso will track the per capita use. In the event, the daily use doesn't decline according to our planning goals, EPWU will consider the implementation of various water conservation incentives to lower the per capita use. Incentives used in the past include turf rebate, air conditioner conversions, low flow toilets and shower heads.

B. Metering Devices

All metering devices used in the El Paso Water Utilities system meet AWWA C702 and C702 Standards for cold water meters, NSF/ANSI 61 Standard Annex G & F, and accurate to within 5% within the designated flow range of the device. FY 13-14 meter reading accuracy was 99.96% with a goal of 99.97%, which is less than one inaccurate reading for every 1,500 meters read.

C. Universal Metering

All customers and public uses of water are metered in the El Paso Water Utilities system. Meter accuracy is maintained by ongoing testing, repairing and an aged meter replacement program. EPWU has a complete meter shop with full testing facilities.

D. Unaccounted-For Water Use

Since 2004, El Paso Water Utilities has utilized leak detection loggers on its distribution mains to detect leaks (see response in Section VI.A.) Main breaks are repaired immediately and main leaks are typically repaired within 3 days.

E. Continuing Public Education & Information

The El Paso Water Utilities open up a state-of-the-art educational facility in 2007. The Carlos M. Ramirez TecH_2O Water Resources Learning Center. The 30,450 square-foot center provides education and training opportunities to foster the understanding and appreciation of total water management in the Chihuahuan Desert. On average, the center hosts 300+ events such as school field trips, public and teacher workshops and conferences, Science Café's, and the annual water festival. More than 8,000 attendees visit the center on a yearly basis. The 16-themed exhibits include information about the wildlife and flora of the desert, Xeriscape principles, water management challenges, meeting water demands, reclaimed water, and utility water sustainability efforts.

Additionally, the El Paso Water Utilities public awareness efforts include monthly conservation messages on the back of bills, periodic bill stuffers, billboards, TV, radio, newspaper, social media messages, and displays at citywide shows, fairs, and music festivals as well as presentations to civic groups and other organizations. The Conservation Department makes presentations to those schools that can't come to the center. The presentations often include a visit by our "Willie the Water Drop" mascot. The outreach educational efforts surpass 180 presentations per year reaching more than 20,000 people.

F. Non-Promotional Water Rate Structure

Please see **Attachment D**: Monthly Minimum Water Rates.

G. Reservoir Systems Operations Plan

El Paso Water Utilities and El Paso County Water Improvement District #1 work together to effectively manage levels at Elephant Butte Reservoir.
Please see **Attachment E**: El Paso, TX Rules and Regulations No. 17: Drought and Water Emergency Management Response Rule, Section V

H. Enforcement Procedure and Plan Adoption

Please see **Attachments F** and **Attachment G**: El Paso, TX Code of Ordinances, Title 15 – Public Services; Chapter 15.13 - Water Conservation and Chapter 15.12 - Water and Sewer System

I. Coordination with the Regional Water Planning Group(s)

El Paso Water Utilities is represented in Region E (Far West Texas Regional Water Planning Group). The planning group is in process of completing the 2016 Region E Water Plan. The 50 year plan is updated every five years to include analysis of population, demand, supplies and costs. In the event, existing supplies are not enough to meet demands of the future, water management strategies are included in the plan. The 2016 will include current supplies of surface water and groundwater, reclaimed water, and conservation. New supplies to be included in the 2016 plan include: importation of water from the Dell City area, expansion of the Jonathan Rogers Surface Water plant, additional local ground water, and advanced purification of waste water effluent to meet potable supply requirements.

J. Plan Review and Update

El Paso Water Utilities reviews and updates its Water Conservation Plan to coincide with the Far West Texas Regional Planning Group, Region E and to include an Implementation Report.

VI. ADDITIONAL REQUIREMENTS FOR LARGE SUPPLIERS

A. Leak Detection and Repair

Beginning in 2004, the El Paso Water Utilities implemented a comprehensive leak detection program which has saved more than 1.80 billion gallons of water between 2004 and 2013. This program involved the installation of over 10,000 Permalog leak detection throughout the water distribution system loggers over a 6 month time period. These units are installed on the water main valves of the distribution mains and monitor the system for leaks using acoustic-based monitoring techniques. Any leaks found with these units are typically repaired within 3 days. Once a leak is exposed for repair, an estimate of the leak flow rate is made and the estimated water savings is computed based on the assumption that the leak would remain undetected for 2 years, in accordance with AWWA guidelines. These 10,000 loggers have now reached the end of their service life and are currently being replaced with 12,000 leak detection loggers from Metrotech. El Paso Water Utilities has maintained a water loss rate of less than 10% for the last 7 years, which is considered "exceptional" by AWWA standards.

B. Contract Requirements

Wholesale customers have specific instructions in their contract with regards to water conservation:

El Paso Water Utilities obligation to provide water under Contract may be limited in the same manner and to the same extent that water service is limited to other customers of the Utility, and such obligation to

supply is subject to curtailment, in accordance with all applicable local, state, and federal laws, including, without limitation, El Paso's Water Conservation Ordinance (9 15.1 3, El Paso Municipal Code), as amended, the PSB's Rules and Regulations, the PSB's Drought and Water Emergency Management Response Plan, and any other drought management plan, or moratorium, which may be imposed by the Texas Commission on Environmental Quality ("TCEQ"), the Utility, or the City of El Paso.

Seven (7) days written notice shall be provided by the Utility to wholesale customer, or in the event of an emergency, as soon as is practicable, when in the operation and maintenance of its water service facilities it is determined that a cut-off or curtailment in water deliveries to the wholesale customer will be occasioned. The Utility will undertake its best efforts to restore water deliveries, as soon as is practicable, under the specific circumstances occasioning the cut-off. The wholesale customer understands and agrees that its water supply hereunder is subject to cut-off or curtailment in the event of a water emergency being declared under El Paso's Water Conservation Ordinance or Drought and Water Emergency Management Response Plan.

VII. ADDITIONAL CONSERVATION STRATEGIES

A. Conservation Strategies

1. See **Attachment D**: Monthly Minimum Water Rates.
2. The city of El Paso follows the International Plumbing Code which requires water conserving plumbing fixtures to be installed in new structures and existing structures undergoing substantial modifications or addition; please see **Attachment H**: El Paso, TX Code of Ordinances, Title 18 – Building and Construction; Chapter 18.20 – Plumbing Code
3. Currently, the El Paso Water Utilities does not offer a replacement or retrofit of water-conserving plumbing fixtures in existing structures. The only incentive that EPWU has is the distribution of free low-flow shower heads.
4. The city of El Paso, under the International Plumbing Code allows for the installation of gray water systems.
5. The EPWU has a program for pressure control and reduction in the distribution system and for customer connections.
6. Currently, the city of El Paso is reviewing the city's landscape requirements that only apply to commercial sites; Please see **Attachment I**: El Paso, TX Code of Ordinances, Title 18 – Building and Construction; Chapter 18.46 - Landscape
7. EPWU measures effectiveness and efficiency of the water conservation plan by the annual per capita consumption figures and system-wide water loss report. Currently per capita use is 130 gpd.
8. El Paso Water Utilities current per capita use is 132 gcpd. In the 2011 Region E Plan the target goal of water conservation is to lower the per capita use to 118 gcpd by the year 2060. This is decrease in per capita use of 3 gcpd per decade. El Paso will track the per capita use. In the event, the daily use doesn't decline according to our planning goals, EPWU will consider the implementation of various water conservation incentives to lower the per capita use. Incentives used in the past include turf rebate, air conditioner conversions, low flow toilets and shower heads.

Attachment A: EPWU CCN No. 10211

Texas Commission On Environmental Quality

By These Presents Be It Known To All That

El Paso Water Utilities Public Service Board

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

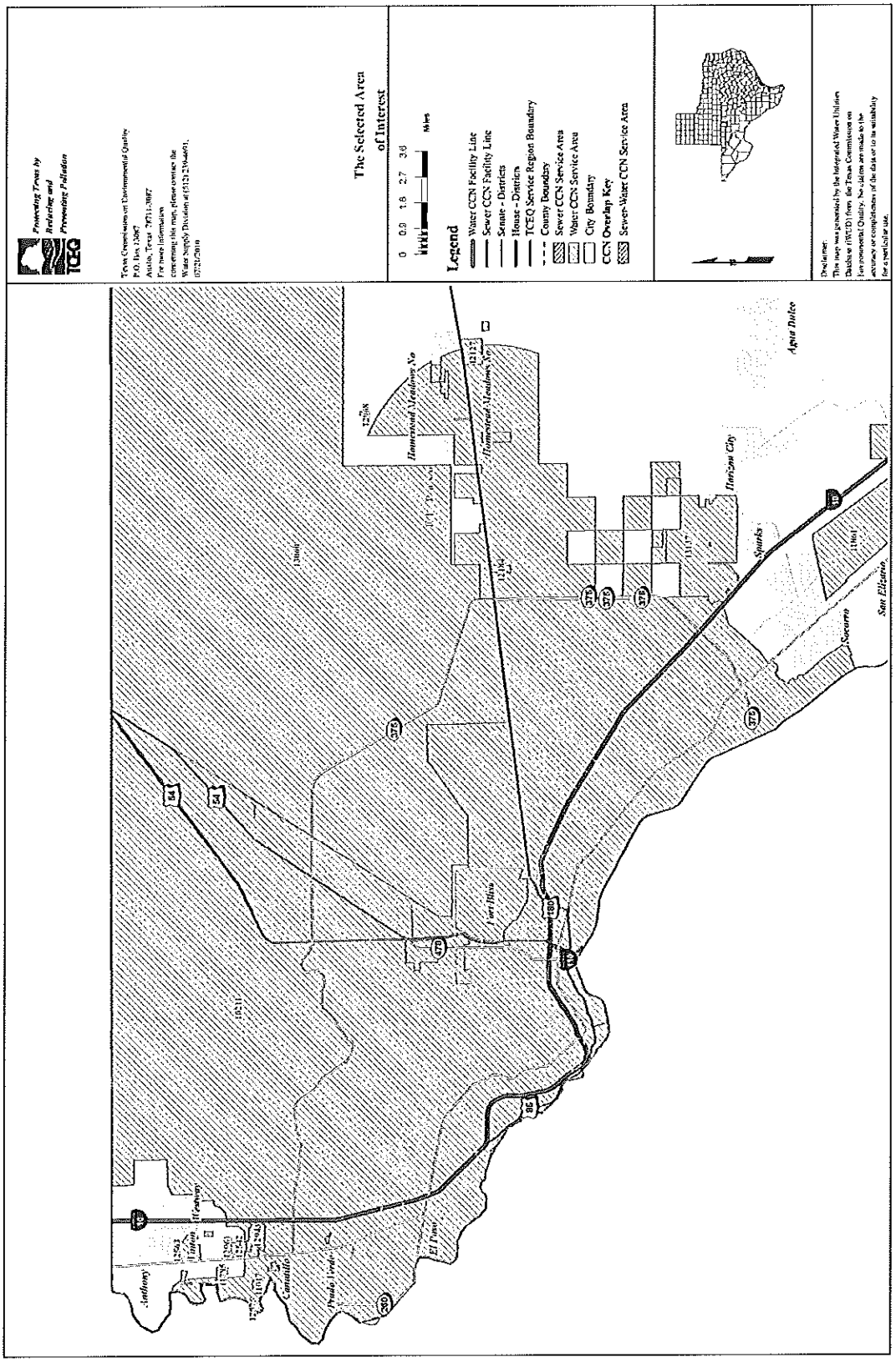
Certificate of Convenience and Necessity No. 10211

to provide continuous and adequate water utility service to that service area or those service areas in El Paso County as by final Order or Orders duly entered hy this Commission, which Order or Orders resulting from Application No. 35471-C is on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of El Paso Water Utilities Public Service Board to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this JUL 30 2008

For the Commission

Attachment B: EPWU Service Area Map



Attachment C

Wastewater System

Haskell R. Street Wastewater Treatment Plant

The Haskell R. Street plant was built in 1923 and is the oldest wastewater facility in El Paso. It has since undergone several expansions and upgrades, including a $22,000,000 upgrade in 1999 to improve effluent quality and operational efficiency. This plant has won and continues to win awards for perfect compliance with regulatory permit requirements from the **National Association of Clean Water Agencies (NACWA)**. The plant has received NACWA Peak Performance Gold and Platinum Awards for perfect permit compliance. In 2004, the plant received the NACWA Platinum Award for five consecutive years of perfect permit compliance, and in 2007, the plant received the Platinum Eight award for eight consecutive years of perfect compliance. In 1994, it was selected as the Texas State and USEPA Region VI winner of the Operations and Maintenance Excellence Award, Large Advanced Plant Category.

Construction of the first phase of the Central El Paso Reclaimed Water Project was completed in 2003 and included building a 1 million gallon elevated storage tank, a pumping station, treatment filters, and about four miles of purple pipe. This project provides reclaimed water services to Modesto Gomez Park, Orchard Park, Washington Park, Lincoln Park, Bowie High School, Jefferson High School, Burleson Elementary, El Paso Zoo, and Evergreen Cemetery. In addition, Ascarate Golf Course continues to use reclaimed water. The project saves 325 million gallons of drinking-quality water annually.

The project is valued at $9 million, which is being funded with grants from the U.S. Bureau of Reclamation, Texas Water Development Board low-interest loans, and City of El Paso Water and Sewer revenue bonds from El Paso Water Utilities.

Phase IA was constructed in 2005, adding over 6 miles of pipeline to the system. Several sites were added to the customer list and include Concordia Cemetery, 3 parks, a storm drain station, city medians and parkways. Phase IA also included the installation of a dispensing station to provide a permanent reclaimed water standpipe location. The dispensing station provides reclaimed water for construction activities, street sweeping, car washing and other nonpotable uses.

The reclaimed water project was the recipient of an Award of Merit from the WateReuse Association in 2006.

Northwest Wastewater Treatment Plant

Serving the West side of the Franklin Mountains into the Upper Valley, this plant began operations in 1987 and has since been expanded to its current 17.5 MGD of treatment capacity. Highly treated effluent is either safely discharged into the Rio Grande or transmitted through the Northwest Reclaimed Water Distribution System. This plant has been nominated for six EPA Operations and Maintenance Excellence Awards, and in 2008 received 1st Place in the National Clean Water Act Recognition Awards for Operations and Maintenance Excellence in the Large Advanced Plant Category. It has received NACWA Peak Performance Gold and Platinum Awards for perfect compliance. In 2003, the plant received the NACWA Platinum Award for having received five consecutive Gold Awards. In 2013, the plant received the NACWA Platinum 14 Award for 14 consecutive years of perfect compliance. In 1992, the plant and its personnel were also recognized for their commitment to safety by being awarded the Water

Environment Federation's George W. Burke Award for Safety. In 2008, the plant also received the Texas State, Regional and National winner of the Clean Water Act O&M Awards Program in the Large Advanced Category.

The Northwest plant provides reclaimed water to west side customers thru a multi-phase project serving more than 300 million gallons of reclaimed water per year to a golf course, seven schools, ten parks, several condominium associations, townhomes, apartments, and residential customers for irrigation of landscapes. The system currently consists of 26 miles of "purple pipelines" in Northwest El Paso. The project is valued at $23 million and is paid for by grants from the U.S. Bureau of Reclamation, the Texas Water Development Board and through City of El Paso Water and Sewer revenue bonds from EPWU.

Subsequent phases of the project are serving additional school grounds in Canutillo, new parks, schools and recreational areas with reclaimed water for irrigation of landscapes. The system also includes a fully automated Dispensing Station that operates continuously to provide on-demand service to water haulers for construction and other non-potable water users.

Roberto R. Bustamante Wastewater Treatment Plant

The Roberto R. Bustamante plant is the newest plant in the system and began operating in 1991 with 39 MGD capacity. Using traditional technology for treatment, it along with its neighboring water plant, the Jonathan Rogers WTP, serves east El Paso. This plant has been honored by NACWA for its perfect compliance as well. Since the plant's inception and through 2007, it has received NACWA Gold and Platinum Awards for perfect compliance. In 2002, the plant was one of 17 Platinum Award recipients in the nation for five consecutive years of perfect permit compliance. In 1994, the plant received second place in the National USEPA Operations and Maintenance Excellence Awards. In 2005, the plant won the Water Environment Association of Texas Plant of the Year Award. Effluent is discharged into either the Riverside Canal or Riverside Drain for use downstream.

The Roberto Bustamante Wastewater Plant in the Mission Valley supplies reclaimed water through 8,000 linear feet of pipe and an elevated tank to irrigation customers. The project currently provides approximately 40 million gallons of reclaimed water per year for irrigation of Mt. Carmel Cemetery, a 10-acre city-owned tree farm and street medians. Reclaimed water for construction and other non-potable uses is also available through a stand pipe located outside the plant.

Fred Hervey Water Reclamation Plant

This 10 MGD plant has won not only awards, but also worldwide attention. The plant is essentially a combined water and wastewater treatment plant, which treats wastewater to drinking water quality standards. The treated effluent from this plant is sold to El Paso Electric Company for cooling water, to the nationally renowned Painted Dunes Desert Golf Course for irrigation, Bowen Ranch, a regional city park, and the remainder replenishes the Hueco Bolson through a series of injection wells and several groundwater recharge infiltration basins. Tours are regularly provided to industry, utility, and academic representatives as one of the model plants of the system. The plant became operational in 1985 and was significantly financed with EPA assistance. The plant is also a crucial part of the EPWU plan to reduce dependence on groundwater and was featured on the internationally acclaimed PBS series "Water: The Drop of Life". The plant has received numerous awards including: the 1994 AMSA Public Information and Education Award: second place in the 1994 national USEPA Operations and Maintenance Excellence Award, No Discharge category; and the 1998 American Water Works Association's

Conservation and Reuse Award. In 1999, the plant received special recognition by El Paso Del Norte Region Mission Possible-Survival Strategies in the category "Protection and Preservation of the Environment". The plant has also been recognized by NACWA Peak Performance Gold and Platinum Awards for perfect permit compliance.

Wastewater Collection System

The Utility operates and maintains 76 lift stations and maintains over 2,230 miles of wastewater collection lines to keep the sewer system running at peak reliability and provides excellent customer service. The wastewater collection system maintenance section won the Medal of Honor for Heroism from the Water Environment Association of Texas (WEAT) in 2007 for their response to major flooding in 2006. In 2007, the wastewater lift station group was awarded the George W. Burke, Jr. award for their active and effective safety programs.

Attachment D

Monthly Minimum Water Rates

The following rates are effective with meter readings taken after February 28, 2013.

Monthly minimum charges for water service, based on size of meter with a 400 cubic feet (4CCF's) volume allowance:

Meter Size Minimum Monthly Bill

Less than 1" $5.18

1" $8.06

1.5" $13.82

2" $16.63

3" $33.21

4" $49.58

6" $75.18

8" $128.77

Charges for water service are based on the customer's average winter consumption (AWC), which is the average of the amount of water used during the previous December, January, and February billings. (Customers who have not established an AWC are assigned an AWC based on meter size for their classification.) Up to 4 hundred cubic feet (CCF) are included in the minimum charge for residential customers.

Block Charge per CCF Volume Charge

1 $1.56 per CCF Over 4 CCF's to 150% of AWC**

2 $3.68 per CCF Over 150% to 250% of AWC

3 $5.27 per CCF Over 250% of AWC

Non residential customer rates to not include 400 cubic feet allotment in minimum monthly charges.

**Average Winter Consumption (AWC) is the average amount of water used during the most recent, December, January and February billing periods. Any Customer that at the time of service has not established an AWC will be assigned the class average AWC by meter size for their customer classification.

All single family residential accounts with ¾" to 2" meters who have an AWC lower than the average AWC for ¾" single family residential class will be assigned the ¾" single family residential class AWC.

Properties located outside the El Paso city limits are charged 1.15 times the rate for the same service to customers whose property is inside the city limits.

Attachment E

El Paso, TX Rules and Regulations No. 17: Drought and Water Emergency Management Response Rule

RULES AND REGULATIONS NO.17
DROUGHT AND WATER EMERGENCY MANAGEMENT RESPONSE RULE

PURSUANT TO THE AUTHORITY VESTED IN THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, TRUSTEES, UNDER TEXAS GOVERNMENT CODE SECTION 1502.070, CITY ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS MAY 22, 1952, 30 TEXAS ADMINISTRATIVE CODE SECTION 288.20, DROUGHT CONTINGENCY AND CHAPTER 15.13 WATER CONSERVATION OF THE EL PASO MUNICIPAL CODE; BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING RULE AND REGULATION NO. 17 CONCERNING A DROUGHT AND WATER EMERGENCY MANAGEMENT RESPONSE RULE IS ESTABLISHED AND EFFECTIVE.

SECTION I GENERAL

The Drought and Water Emergency Management Response Rule for the City of El Paso and the El Paso area served by the El Paso Water Utilities Public Service Board (Public Service Board) is an integral part of the overall Water Resources Management Plan for the El Paso area in compliance with State and Local law. The City of El Paso, El Paso Municipal Code Section 15.12.010, sets out that the Public Service Board is authorized to promulgate Rules and Regulations on all subjects relevant to the operation of the City's water and sewer systems, which Rules and Regulations shall have like effect as if adopted by ordinance.

Drought is a naturally occurring climate condition in the West and has occurred in varying severity numerous times and will occur again. The purpose of Rules and Regulations No. 17 is to provide a management framework for dealing with severe drought. In addition, these Rules and Regulations will be used to manage temporary or sudden water emergencies which result in temporary loss or reduction in water or wastewater service due to other non-climate-related factors or conditions.

As El Paso becomes more dependent on the Rio Grande River as a renewable water source, it becomes more vulnerable to long-term, drought-induced water shortages. In the event surface water deliveries to water treatment plants are curtailed, water deliveries to customers may be required to be curtailed. Rules and Regulations No. 17 have as one of its major purposes to provide an equitable management framework to deal with curtailed water deliveries.

The Drought and Water Emergency Management Response Rule is triggered as the result of reductions in surface water allotment from the Rio Grande Federal Reclamation Project or as a result of the inability to satisfy system water demands for any other reason. The Rule sets out response Stages based on allotment of surface water or when demand for water is projected by the Public Service Board to exceed supply. Each Stage is associated with a menu of possible response measures. Each successive Stage being from Stage I to Stage III represents a response to an increasingly severe condition and includes an increasingly stringent list of response measures.

Although the President/CEO of El Paso Water Utilities (EPWU) may ask at any time he or she deems necessary for a voluntary reduction in water consumption by customers, the Drought and Water Emergency Response Rule is intended to provide a structured framework of responses in Stages that is available and noticed to the public in advance of the need to implement such emergency measures.

SECTION II PURPOSE

The purpose of this Drought and Water Emergency Response Rule is:

1. To provide for measured, contingency plans to manage a drought or water emergency.

2. To continue to deliver to the maximum extent possible during a drought or water emergency a cost-effective, adequate, safe and reliable supply of high quality water to the customers.
3. To identify successful public information strategies which will inform and motivate the community to reduce normal water consumption to drought allowances.
4. To evaluate water emergency and drought management practices in various similar sized cities around the United States and recommend the best practices use in El Paso.
5. To identify critical points of change which would result in an acute or long-term water outage in the service area and to establish preemptive measures to address such conditions.
6. To recommend a programmed response for each Stage which would most effectively reduce water consumption to the available supply level with the least adverse impact to El Paso Water Utilities customers.
7. To comply with local, state and federal laws for drought or water emergency contingencies.

SECTION III PUBLIC SERVICE BOARD WATER RESOURCES MANAGEMENT

Since the beginning of the 20th Century, El Paso County has relied on both surface water and groundwater wells for its municipal water supply. Currently, El Paso Water Utilities supplies approximately 90% of all water used for municipal purposes in El Paso County. Surface water is supplied from the Rio Grande Federal Reclamation Project. The Rio Grande River flows that are diverted to El Paso are primarily derived from snowmelt runoff in southern Colorado and northern New Mexico. Historically, there are also occasional flood surges associated with major storms during the summer monsoon season. Spring runoff is stored in the Elephant Butte Reservoir in southern New Mexico before releases by the Federal Bureau of Reclamation are made for irrigation and municipal uses in southern New Mexico and the El Paso area.

EPWU is a customer of the local irrigation district (El Paso County Water Improvement District No. 1) and obtains water based on its ownership of water rights land in the Rio Grande Federal Reclamation Project area and the leasing of water rights from agricultural irrigation water rights holders in El Paso County.

EPWU surface water treatment plants have a combined capacity of 100 million gallons per day. Under normal river flow conditions, the plants operate seven months during the year, i.e., during the programmed irrigation season. Currently, El Paso has water rights of about 70,000 acre feet per year from the Rio Grande Federal Reclamation Water Project.

Groundwater supplies are pumped by wells from the Mesilla Bolson and the Hueco Bolson. The Mesilla Bolson is an underground water aquifer located in the Canutillo area and is used to provide water for the western part of El Paso. The Hueco Bolson is an underground water aquifer located on the eastern side of the Franklin Mountains and is used as a primary water supply for northeast and east El Paso. Both aquifers are regional in their extent and underlie portions of New Mexico, Texas and Chihuahua, Mexico.

El Paso Water Utilities conjunctively uses surface water and groundwater to meet water demands. Based on a full Rio Grande River allotment, use of surface water will be maximized and pumping from the Hueco Bolson is minimized. Conversely, during times of protracted drought with resulting low Rio Grande River allotment, pumping from the Hueco Bolson must be maximized. This includes maximizing the use of the Kay Bailey Hutchison Desalination Plant. During a severe drought, pumping from the Mesilla Bolson will also increase.

Conjunctive use management of surface water and groundwater resources recognizes that there are limits to surface water supplies and limits to groundwater supplies. The management of local groundwater use requires

the recognition of limits with respect to the ability of local groundwater basins to supply water readily over the long term, measured in decades.

As the Regional Water Supply Planner, El Paso Water Utilities is a member of the Far West Texas Regional Water Planning Group. As a member of this group and as required by State law, EPWU prepares and updates a 50-year water plan. The plans from the various regions of the State provide an evaluation and projection of current and future populations, water demands, water supply sources, water management strategies and costs. Planning and implementation of future water supply projects will allow the City to meet future water demands. However, such projects will not negate the need for the City to reduce its water usage over time and, in some instances, mandate certain drought contingencies during times of severe drought or water emergencies.

In addition to water supply projects, it may be necessary from time-to-time for EPWU to seek variances from the Texas Commission on Environmental Quality (TCEQ) to utilize groundwater supplies that, while still potable, may not meet maximum contaminant levels for sulfate, chloride, iron, manganese or other total dissolved solids. Such measures will utilize groundwater of secondary drinking water standards, which, although the water will be safe to drink, it may not be as palatable as customers are used to.

SECTION IV NOTIFICATION, INITIATION AND TERMINATION OF DROUGHT AND WATER EMERGENCY ACTION OR STAGES

At the request of the President/CEO of El Paso Water Utilities and based on his or her assessment of the situation, the Mayor may declare a drought or water emergency in the event of any condition that significantly interrupts the ability of the Public Service Board to supply water to its customers. Initially, actions based on this declaration may include any measure the President/CEO deems necessary to respond to the drought or water emergency, to include any part of the drought and water emergency stages listed herein.

The President/CEO will be responsible for notifying the Director of the Texas Commission on Environmental Quality within five (5) days following the implementation of any mandatory water use restriction. In the event that the drought or water emergency is expected to continue for more than five (5) days, the President/CEO shall make a report to the Chair of the Public Service Board and the Mayor setting out the nature and expected severity of the drought or water emergency. The Mayor shall call a City Council meeting to have the City Council adopt the continuing use of the Rule.

During the period of time covered by the drought or water emergency, the President/CEO will implement and direct such measures as he or she may deem necessary to be taken as set forth herein to include, but not by way of limitation, the implementation of the set out Stages. Such other measures may be implemented as the President/CEO may deem necessary or appropriate to respond to the drought or water emergency to bring the emergency to a close with the minimum loss of property and due consideration for the public health and safety. The Public Service Board shall be responsible to see that all public notification and outreach education measures and activities related to the drought or water emergency and such restrictions and Stages as have been implemented shall be taken.

In a declared drought or water emergency, any combination of management response options may be used system-wide or in any section of the region as circumstances may require in the judgment of the President/CEO. Any of the measures provided for in this Rule shall be implemented conditioned that they will not adversely affect public safety, hospitals or sanitary uses.

The Public Service Board through the President/CEO will monitor the drought or water emergency and promptly recommend that the President/CEO request the Mayor declare the drought or water emergency to be concluded.

The termination of the declaration of a drought or water emergency lasting more than five (5) days shall be by the City Council resolution after receiving and reviewing a report from the President/CEO of El Paso Water Utilities.

SECTION V DROUGHT AND WATER EMERGENCY RESPONSE MANAGEMENT RULE STAGES

A. STAGE I

When El Paso County Water Improvement District No. 1 declares a surface water allotment that is less than 0.5 acre foot per acre on or before April 1 of any year, or water demand is projected to exceed available capacity as determined by El Paso Water Utilities, Stage I. will be implemented as follows:

EPWU will ask customers for a voluntary reduction in water usage and do the following:

1. Request customers to reach a voluntary reduced water use goal of 25% in indoor and outdoor use.
2. Increase public education and outreach regarding water use reduction.
3. Request all restaurants to voluntarily discontinue serving water except upon customer request.
4. Urge hotels and motels to implement water conservation measures, including the reduction of laundry water usage.
5. Request manufacturing industries using water provided by EPWU to reduce their consumption by 25%.
6. Request all other water purveyors to comply voluntarily with all drought management response measures as set forth by EPWU. However, if such have contracts, wholesale or retail, with EPWU and if such contracts have drought and water emergency provisions, they are exempt from this Stage.
7. The President/CEO shall authorize additional personnel to issue citations for violations of the Water Conservation Ordinance and the Drought and Water Emergency Response Rule, consistent with local, state and federal law.

B. STAGE II

When El Paso County Water Improvement District No. 1 declares a surface water allotment of less than 1.0 acre foot per acre after April 1 but before May 1 of any year, or there is not enough continuous release of surface water, or water demand is projected by EPWU to exceed available capacity Stage II will be implemented as follows:

All Stage I options remain in effect. Additionally:

1. Outdoor watering by commercial or residential customers will be limited to once per week in accordance with the following schedule: Watering will be permitted before 9:00 a.m. and after 7:00 p.m. for no more than two hours each day. The last number of the street address will determine the watering days for each customer based on the following schedule:

Day of the Week	Mon	Tue	Wed	Thurs	Fri	Sat	Sun
Last # of Address	No Watering	0	1,3	2,4	5	6,8	7,9

(Outdoor watering performed with a reclaimed water system is exempt. Using a bucket to water trees, shrubs and flowers is permitted. Use of household grey water is encouraged.)

2. Parks and schools served by EPWU shall water in accordance with a special permit issued by EPWU and shall reduce water consumption by a specific amount per month based on reduction targets as set by EPWU to meet basic demands. (Parks and schools irrigating with reclaimed

water are exempt.)

3. Private and municipal golf courses irrigating with potable water supplied by EPWU shall water in accordance with a special permit issued by EPWU and will reduce consumption by a specific amount per month based on reduction targets set by EPWU to meet basic demands. (Golf courses irrigating with reclaimed water are exempt.)
4. Plant, grass or tree nurseries shall water plant stock in accordance with the special permit issued by EPWU.
5. No new landscaping shall be installed or planted in the City and no new landscape watering permits will be issued except for Xeriscapes that are irrigated with reclaimed water or brackish groundwater. New landscaping watering permits shall be granted for a 7-day period for landscaping that incorporates compost in the area at the rate of 5 cubic yards per 1,000 square feet of turf.
6. All evaporative coolers that require a bleed-off system must have a restricted bleed-off line or an automatic drainage system.
7. All Water Conservation Ordinance variances are automatically suspended and no new variances will be issued.
8. Routine fire hydrant flushing and testing shall cease.
9. Existing swimming pools cannot be drained and filled with potable water supplied by EPWU after May 1. Single-family residential swimming pools must be covered when not in use.
10. Upon the second violation of any part of the Drought and Water Emergency Management Response Rule, the President/CEO may order the installation of a restriction device or downsizing of the water line or water meter at the customer's cost.
11. Restaurants shall only serve water upon request.
12. Water misters shall not be operated except by special permit for health and safety reasons.
13. Water can be used for aesthetic purposes, such as ornamental fountains, in accordance with a special permit issued by EPWU.
14. Impervious surface cleaning with potable water shall be prohibited, except where conducted by order of the City Department of Public Health, Police or Fire Department.
15. Hotels and motels must implement water conservation measures, including the reduction of laundry water usage.
16. Apartment complexes and large turf water users shall water in accordance with a special permit issued by EPWU and will reduce water consumption based on reduction targets as set by EPWU.

C. STAGE III

When El Paso County Water Improvement District No. 1 declares a surface water allotment of less than 1.5 acre foot per acre after May 1 but before May 15 of any year, or there is not a continuous release of surface water, or water demand is projected by EPWU to exceed available capacity, Stage III will be implemented as follows:

All Stage I and Stage II drought management response options shall remain in effect. Additionally:

1. All outdoor watering is prohibited, except when performed with a bucket or where reclaimed water or brackish groundwater is used.
2. The irrigation of golf courses with potable water supplied by EPWU is prohibited.

3. All car, trailer, truck or boat washing is prohibited, except in facilities certified by EPWU and displaying approved signage.
4. No swimming pools shall be filled.
5. All water use for construction, dust control and/or compaction is prohibited, except with reclaimed or brackish groundwater.
6. New water meters shall be approved for connection to the water system only as required for military expansion or use and/or high priority economic development projects, as determined by President/CEO and the Public Service Board in consultation with the Mayor and City Manager.
7. All street sweeping shall be discontinued, except that performed with reclaimed or brackish groundwater.

SECTION VI VARIANCES

Customer-specific variances may be granted in cases of hardship or special conditions. After recommendation by the Water Conservation Manager, an EPWU review board will consider a hardship or special conditions case to determine whether a particular circumstance warrants a variance. A variance shall be granted only for reasons of severe economic hardship, medical hardship or for a legitimate public health concern. A fee of $50.00 shall be assessed per application to defray administrative costs. The fee may be waived by the review board upon the execution of an affidavit that the applicant for the variance is unable to pay any fee or is indigent.

SECTION VII WHOLESALE WATER CUSTOMERS

In accordance with Texas Water Code Section 11.039, when necessary as determined by the EPWU, water deliveries to wholesale water customers shall be curtailed on a pro-rata basis. Every wholesale water contract entered into or renewed after adoption of this Rule, including contract extensions, shall include a provision that in the case of a drought or water emergency declaration, water to be distributed shall be divided in accordance with Texas Water Code Section 11.039.

SECTION VIII ENFORCEMENT

Any person violating any provision of this Rule and Regulation No. 17 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine as prescribed in Section 15.13.080 of the El Paso City Code.

SECTION IX DEFINITIONS

All words shall have their usual meaning unless otherwise provided for herein.

Acre-Feet or Acre-Foot:

The amount of water required to cover an acre of land to a depth of one foot and equivalent to 325,850 gallons of water.

Aesthetic Use:

The use of water for fountains, waterfalls, golf course water hazards, and landscape lakes or ponds where such use is predominately ornamental and serves no other purpose.

Automatic Drainage System:

An electric water pump driven system that periodically (every 6, 8 or 12 hours) pumps all water from an air-conditioner tank, thereby allowing the tank to be replenished with fresh water.

Available Capacity:

The projected firm capacity of the EPWU system to deliver water based on the number of wells in service,

water treatment plant production capacity and available river supplies and/or allotments, in-service booster pumping capacity impacted by equipment outages and/or other factors. The capacity is usually expressed in available million gallons per day and shall be as stated or expressed by the EPWU Water Systems Division Manager.

Bucket:

A container which holds no more than five gallons to be used singly by one person.

Existing Landscaping Plant:

A landscaping plant existing in an area after such period of time as to accomplish an establishment and maintenance of plant growth.

Greywater:

Wastewater that has not been contaminated by fecal material; examples of such include wastewater from lavatories, bathtubs, showers and other plumbing fixtures.

Impervious Surface Area:

Any structure, street, driveway, sidewalk, patio or other surface area covered with brick, asphalt paving, tile or other impervious or nonporous material.

Landscaping Plant:

Any member of the horticultural kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted outdoors for such purpose.

Landscape Watering:

The application of water to landscape trees, shrubs, plants or grass to promote the health and/or growth of existing landscape plants.

New Landscape Plant:

Any landscaping plant, shrub or tree which has been planted in or transplanted to an area after a Drought or Water Emergency has been declared.

Restriction Device:

A pipe or valve which has an orifice designed to restrict the flow of water from a water supply line through a water meter serving a customer.

Swimming Pool:

Any structure, basin, chamber, tank or large tub, including hot tubs, containing water for swimming purposes, diving or recreational bathing and having a depth of two feet or more at any point.

Water Emergency:

A water system failure due to weather, electrical or mechanical failure, contamination of source, extremely low river water allotment, or act of God or force majeure.

Xeriscape:

A landscape design concept that uses the implementation of drought-tolerant plant material or trees, efficient irrigation utilizing drip or subsurface irrigation, limited turf area with adequate soil depth, mulching of all plant beds and proper maintenance.

SECTION X APPEALS

The Property Owner or applicant for a new development has the right of appeal Pursuant to the El Paso Water Utilities Public Service Board Rules and Regulations No. 8 of any adverse determination.

SECTION XI SEVERABILITY

If any provision, paragraph, word or section of this Rules and Regulations No. 17 is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words or sections shall remain in full force and effect and shall be read or interpreted so as to give effect to the purpose of this Rules and Regulations as set forth in Section II.

SECTION XII SAVINGS

This Rules and Regulations No. 17 is a part of the other Rules and Regulations adopted by the El Paso Water Utilities Public Service Board, and, save and except as amended hereby, the remaining provisions of the El Paso Water Utilities Public Service Board's Rules and Regulations shall remain in full force and effect.

SECTION XIII EFFECTIVE DATE

This Rules and Regulations No. 17 shall be and become effective from and after its adoption hereby and shall remain in effect until otherwise amended by the El Paso Water Utilities Public Service Board or operation of law.

PASSED, APPROVED and ADOPTED RULES AND REGULATIONS NUMBER 17 CONCERNING DROUGHT AND WATER EMERGENCY RESPONSE RULE at a regularly scheduled meeting of the El Paso Water Utilities Public Service Board, this 14th day of March, 2012, at which meeting a quorum was present, said meeting being held in accordance with the provisions of V.T.C.A., Government Code, Sections 551.001 et. seq.

EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD

_____
Edward Escudero, Chair

ATTEST:

_____
Richard T. Schoephoerster, P.E., PhD.
Secretary-Treasurer

APPROVED AS TO FORM:

_____
Robert D. Andron
General Counsel

Attachment F

El Paso, TX Code of Ordinances, Title 15 – Public Services; Chapter 15.13 - Water Conservation

Chapter 15.13 - WATER CONSERVATION

Sections:

15.13.005 - Definitions.
15.13.010 - Water conservation compliance.
15.13.020 - Mandatory compliance—Lawn and landscape watering.
15.13.030 - Nonessential water use restrictions.
15.13.040 - Declaring of nuisance of exist.
15.13.050 - Large and very large users.
15.13.060 - Variances and permits.
15.13.070 - Appeal to public service board and city council.
15.13.080 - Penalty.
15.13.090 - Other enforcement action.
15.13.100 - Exceptions to enforcement.
15.13.110 - Issuance of citations.
15.13.120 - Water emergency—Restriction of water use.
15.13.130 - Turf grass prohibited.
15.13.140 - Drought and water emergency management response plan.

15.13.005 - Definitions.

All definitions contained in Section 15.12.005, Definitions, of Chapter 15.12 "Water and Sewer System" are incorporated into this chapter by reference.

(Ord. 14805 (part), 2001)

15.13.010 - Water conservation compliance.

No person who uses water from the city water supply system, the management and control of which the city council delegated to the El Paso water utilities public service board (public service board) by Ordinance No. 752, shall make, cause, use or permit the use of water received from the public service board for residential, commercial, industrial, agricultural, governmental or any other purposes in a manner contrary to any provisions of this chapter. Provided further, that no person shall make, cause, use or permit the use of water in a manner contrary to Section 15.12.075 of the city code or Section 15.13.040 of this chapter, regardless of whether that water is received from the El Paso water utilities public service board. When used in this chapter, the terms "commercial," "industrial," and "residential" shall have the meaning and usage consistent with the usage of those terms under Title 20, Zoning, of the city code.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.020 - Mandatory compliance—Lawn and landscape watering.

The following mandatory restrictions shall apply to all customers of, or persons who use or receive water from the public service board:

A. All outdoor irrigation of grass, trees, plants or other vegetation on residential and commercial property on the side of the street on which building addresses are even numbered, may be done only Tuesdays, Thursdays and Saturdays; and on the side of the street on which buildings are odd numbered, such vegetation may be irrigated only on Wednesdays, Fridays and Sundays. In case of corner buildings having both odd and even numbers, the number carried on the books of the public service board shall control.

B. All outdoor irrigation of grass, trees, plants or other vegetation on industrial properties, parks, golf

courses, schools and cemeteries may be permitted only on Mondays, Wednesdays and Fridays. All other properties, not falling within the industrial classifications described in this subsection, shall be considered residential and shall be watered in accordance with the requirements of subsection A of this section.

C. From April 1st to September 30th, all outdoor irrigation of vegetation is prohibited between the hours of ten a.m. and six p.m.

D. The review board of the public service board shall have the authority to review special situations and hardship cases upon application of any person in accordance with the procedures set forth in Section 15.13.060 of this chapter.

(Ord. 14805 (part), 2001: Ord. 10942 § 2, 1992; Ord. 10503 § 2 (part), 1991)

15.13.030 - Nonessential water use restrictions.

The following restrictions shall apply to all customers of or persons who use or receive water from the public service board:

A. 1. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment shall be done only with a hand-held bucket or a hand-held hose equipped with a shut-off nozzle that completely shuts off the flow of water, even if left unattended. This restriction does not apply to the washing of the above-listed vehicles or mobile equipment when conducted on the premises of a commercial car wash or a commercial service station. When used in this chapter, "bucket" means a bucket or other container holding five gallons or less;

2. The washing of automobiles, trucks, trailers, boats, and other types of mobile equipment for fund-raising purposes must be conducted at a commercial car wash.

3. Prior to connection of water service to any commercial car wash issued building permits for construction after June 1, 2002, a certification shall be provided to the El Paso Water Utilities that the car wash uses no more than fifty gallons of water per vehicle washed. Absent such certification, no water service will be provided.

B. The following uses of water are defined as "wasting water" and are absolutely prohibited:

1. Irrigating any turf grass, tree, plant, or other vegetation, or otherwise utilizing the city water supply system to permit or cause water to pond, or to flow, spray or otherwise move or be discharged from the premises of any person responsible for any property within the corporate limits of the city, or which receives water from the public service board to or upon any street, alley, gutter or ditch, or other public right-of-way, or into a storm water drainage system or facility;

2. Failing to repair a leak within five working days of the discovery of same;

3. Washing sidewalks, driveways, parking areas, tennis courts, patios or other impervious surface areas with a hose, except in emergencies to remove spills of hazardous materials or to eliminate dangerous conditions which threaten the public health, safety, or welfare. "Impervious surface area" means any structure, street, driveway, sidewalk, patio or other surface area covered with brick, paving, tile or other impervious or nonporous material.

C. When referred to in this subsection, "swimming pool" shall mean any portable or permanent structure containing a body of water twenty-four inches or more in depth and containing one thousand one hundred twenty-two gallons or more of water and intended for recreational purposes, including a wading pool and as more fully defined under Sections 20.02.1064 and 20.02.1066 of the City Code. All swimming pools, which are constructed after the effective date of the ordinance codified in this chapter, must be equipped with filtration, pumping and recirculation systems. All existing swimming pools not equipped with such shall, within five years of April 1, 1991, be converted to filtration, pumping and recirculation systems, unless the review board, upon application of the pool owner or operator for a variance under Section 15.13.060 of this chapter, grants such a variance or extension of time. It is unlawful to drain swimming pools into the street, alley, gutter or other public right-of-way, ditch, or storm water drainage system or facility. Swimming pools may be drained into the sanitary sewer system only in coordination with El Paso Water Utilities' Wastewater System Division Manager.

D. New or replacement bleeder lines from evaporative coolers shall not be larger than one eighth-inch

inside diameter. Bleeder lines shall be conducted outside and discharged so that the effluent can be used for water landscaping and other outdoor vegetation, except where this would be impractical or unfeasible.

E. No person shall use water for non-residential single pass cooling or heating purposes unless the water is reused for other purposes. "Single pass cooling or heating" means the use of water without recirculation to increase or decrease the temperature of equipment, a stored liquid or a confined airspace.

(Ord. 15106 § 1, 2002; Ord. 14805 (part), 2001: Ord. 10505 § 2 (part), 1991)
(Ord. No. 17393, § 9, 8-24-2010, eff. 9-1-2010)

15.13.040 - Declaring of nuisance of exist.

The flow of produced water from property into streets, alleys, gutters, and other public rights-of-way, ditches, or into a stormwater drainage system or facility is contrary to the public health, safety and welfare of the citizens of El Paso and is therefore declared to be a nuisance. "Produced water" shall have the same meaning as set forth in Section 15.12.005 (A) of the City Code. Both the city attorney's office and the attorney for the public service board are authorized to take legal action to abate such a nuisance, including but not limited to seeking injunctive relief. This authorization to seek injunctive relief, or other legal action to abate such a nuisance shall not preclude prosecution for a violation of this chapter.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)
(Ord. No. 17393, § 10, 8-24-2010, eff. 9-1-2010)

15.13.050 - Large and very large users.

A. For the purpose of this section, a large water user is defined as "any person who uses an average of ten thousand gallons per day or more from the water supply system under the management and control of the public service board." A very large water user is defined as "any person who uses an average of one hundred thousand gallons per day or more from the water supply system under the management and control of the public service board."

B. All new very large water users, or existing very large water users, who apply for new service or an expansion of an existing service shall obtain approval from the public service board before being permitted to connect to the system or to expand within the system. Such large water users shall submit a water conservation plan to the Water Conservation Manager which contains a water use justification report that relates the water consumption to recycling potential and meets the requirements of subsection C of this section. The water conservation manager shall submit a recommendation, based upon this submittal to the public service board which shall render its decision within thirty days of the receipt of the recommendation from the water conservation manager. The water conservation manager shall review all water conservation plans submitted to determine whether the plan meets the requirements of this section. The public service board may approve the application for service with or without conditions, deny the application, or take any other action consistent with the policies expressed in this chapter.

C. All large water users who use more than an average of twenty-five thousand gallons per day shall prepare and submit to the water conservation manager, within six months of April 1, 1991, a water conservation plan, in accordance with this section as a condition for continued use or new service. All large water users, who use more than an average of ten thousand gallons per day but less than twenty-five thousand gallons per day, shall prepare and submit to the water conservation manager, within one year of April 1, 1991, a water conservation plan, in accordance with this section as a condition for continued use or new service. The water conservation plan must demonstrate that reasonable diligence will be used to avoid waste and achieve water conservation. The water conservation plan shall include techniques and technologies that will 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. All conversion to recycling and reuse of water, if required, shall be accomplished within five years from the date of submittal of the water conservation plan. The water conservation manager may require additional information to be submitted which he/she deems necessary. If the water conservation plan demonstrates that the large water user will use reasonable diligence to avoid

waste and achieve water conservation, the water conservation manager shall approve the plan. All approved water conservation plans shall be revised every five years. A fee of twenty-five dollars per plan submittal shall be assessed to defray administrative costs.

D. In considering approval of a water conservation plan, the water conservation manager and the public service board shall consider the climatic conditions, best management practices, best available techniques and technologies, the financial capacity of the applicant, and any other such factors which affect the policy of the city as expressed in the water resource management plan or the conservation policy of the State of Texas, as expressed in Section 1.003 of the Texas Water Code or applicable water conservation regulations providing for the conservation and development of the state's water resources adopted by the Texas Commission on Environmental Quality.

E. Any person whose water conservation plan is disapproved by the water conservation manager may appeal the decision to the review board, the public service board and the city council in accordance with the procedure set forth in Sections 15.13.060 and 15.13.070 of this chapter.

(Ord. 16822 § 1 (part), 2008; Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.060 - Variances and permits.

A. Owners of newly seeded or sodded turf grass and landscaping and new residential and commercial developments may receive a landscape watering permit upon application and approval by the water conservation manager allowing for daily watering of the same until the turf grass and landscaping are established, which shall not exceed thirty days.

B. The planning and development manager, water supply manager and general manager of the public service board, or his designee, shall be immediately established as a review board to review hardship and special cases which cannot fully comply with the provisions of this chapter after recommendation by the water conservation manager. The review board will review hardship or special cases to determine whether a particular case warrants a variance or permit and shall hear appeals from any person whose water conservation plan is rejected by the water conservation manager. The review board shall consider the facts of each case separately and decide whether to grant a variance or permit within ten working days of the receipt of a properly completed "Application for Variance/Permit" form which shall be developed by the water conservation manager. A variance shall be granted only for reasons of economic hardship, medical hardship, or if there is a legitimate public health or safety concern that will be promoted or fulfilled as a result of granting the permit or variance. An "economic hardship" is defined as a threat to an individual's or business' primary source of income, and where not granting the variance would result in material structural damage to the person's property. A "medical hardship" is defined as a situation where it is determined that a person's ill health or medical condition requires a dependency upon others to water or irrigate. Under no circumstances shall inconvenience or the potential for damages of landscaping be considered an economic hardship or significant damage to property which justifies a variance. The review board shall authorize only the implementation of equitable water use restrictions which further the intent of the public service board's water conservation plan. Any special water use restrictions authorized by the review board in each hardship or special case shall be set forth on the face of the variance or the permit. A fee of twenty-five dollars shall be assessed per application to defray administrative costs. The fee may be waived upon the execution of an affidavit stating that applicant for the variance is unable to pay the fee and such affidavit shall be sworn before a notary public. Final determination of an applicant's inability to pay shall be made by the water conservation manager.

C. A variance or permit issued under this section expires under its own terms and conditions, but in no event shall a variance or permit be issued for a period of more than five years from the date of issuance. Any person issued a variance or permit must fully comply with all the provisions of this chapter as an express condition of that person's variance or permit.

D. Any person who is issued a variance or permit and uses water supplied or delivered by the public service board shall provide proof of such variance or permit upon demand by any person authorized to enforce this chapter. Upon conviction of violating any provision of this chapter, the review board may revoke or suspend any permit or variance previously granted. Provided, however, the review board shall notify the permittee of the proposed revocation five working days before taking such action, and if within that time the permittee

requests a hearing in writing, the permittee shall be given an opportunity to be heard by the review board prior to taking such action.

E. No prosecution for a violation of any provision of this chapter may be suspended for the sole purpose of allowing a person to obtain a variance or permit.

(Ord. 14805 (part), 2001: Ord. 10942 § 3, 1992; Ord. 10503 § 2 (part), 1991)

15.13.070 - Appeal to public service board and city council.

A. Any person who applies for a permit or variance under Section 15.13.060 and is denied such permit or variance by the review board, or whose permit or variance is revoked or suspended by the review board, or whose water conservation plan is disapproved by the review board, may appeal the decision of the review board by filing an intention to appeal in writing with the general manager of the public service board within five working days of the review board's decision. If a proper appeal is timely filed, the public service board will hear the appeal within thirty days of the time the appeal is filed with the general manager. The public service board may take any action it deems necessary with regard to the appeal including denying same, granting same, or granting the requested permit or variance with conditions, or approving the water conservation plan. The decision of the review board shall be final and binding if there is no timely filing of an appeal in accordance with this section.

B. Any person, whose appeal to the public service board is denied, may appeal the decision of the public service board by filing an intention to appeal in writing with the city clerk within five working days of the public service board's decision. If a proper appeal is timely filed, the city council will hear the appeal within thirty days of the time the appeal is filed with the city clerk. The city council may take any action it deems necessary with regard to the appeal including denying same, granting same or granting the requested permit or variance with conditions, or approving the water conservation plan. The decision of the city council shall be final and binding. The decision of the public service board shall be final and binding if there is no timely filing of an appeal in accordance with this section.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.080 - Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine not less than fifty dollars and not to exceed five hundred dollars. The violation of each provision of this chapter, and each separate violation thereof, shall be deemed a separate offense and shall be punished accordingly.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.090 - Other enforcement action.

Nothing contained in Section 15.13.080, or any other provision of this chapter, shall prevent either the public service board or the city from seeking compliance with or enforcement of this chapter, from seeking injunctive relief in a court of competent jurisdiction, or from utilizing any other civil or equitable remedy to enforce the provisions of this chapter. Both the city attorney's office and the public service board's attorney are authorized to institute injunctive relief or any other civil action deemed necessary to enforce compliance with the provisions of this chapter. The public service board's attorney has no authority for criminal enforcement under this chapter.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.100 - Exceptions to enforcement.

The following shall constitute exceptions from compliance with the provisions of this chapter:

A. The water is a result of natural events such as rain or snow;

B. The flow is a result of temporary failures or malfunctions of the water supply system;

C. The flow is a result of water used for firefighting purposes including the inspection and pressure testing

of fire hydrants or the use of water for firefighting training activities;

D. The use of water is required for the control of dust or the compaction of soil as may be required by this code;

E. The water is used to wash down areas where flammable or otherwise hazardous material has been spilled and creates a dangerous condition;

F. The water is used to prevent or abate public health, safety or accident hazards when alternate methods are not available;

G. The water is used for routine inspection or maintenance of the water supply system;

H. The water is used to facilitate construction within public right-of-way in accordance with the requirements of the city and good construction practices;

I. The use of water is permitted under the terms of a variance, permit or compliance agreement granted by the review board or the public service board;

J. The water that is used for street sweeping, sewer maintenance or other established utility and public works practices;

K. Watering contrary to the even/odd watering requirements, under Sections 15.13.020(A) and 15.13.020(B), and from the time of day watering requirements under Section 15.13.020(C), may be permissible for one day only where application of chemicals requires immediate watering to preserve an existing lawn. In cases of commercial application, a receipt from a commercial lawn treatment company indicating the date of treatment, the address of the property treated, the name and address of the commercial contractor, and the chemical treatment required shall constitute evidence that the owner or person responsible for the property is entitled to this exception. Where treatment with a noncommercial application of chemicals requires immediate watering to preserve an existing lawn, the owner or person responsible for the property must contact the water conservation department prior to the application of chemicals and provide evidence satisfactory to the water conservation manager for approval of this exception;

L. Outdoor irrigation necessary for the establishment of newly seeded or sodded turf grass and landscaping in new residential and commercial developments;

M. Plants which cannot be kept alive without daily watering may be permitted to be watered from a bucket but not from the use of a hose on the days when watering is prohibited.

(Ord. 14085 (part), 2001: Ord. 10942 § 4, 1992; Ord. 10503 § 2 (part), 1991)

15.13.110 - Issuance of citations.

The water conservation manager or designee, or any other personnel authorized to issue class C misdemeanor citations are authorized to issue citations for violations of this chapter.

(Ord. 14805 (part), 2001: Ord. 13152 § 129, 1997: Ord. 10503 § 2 (part), 1991)

15.13.120 - Water emergency—Restriction of water use.

The general manager may implement the following additional restrictions and regulations curtailing water use upon the declaration of a water emergency by the mayor upon recommendation of the public service board:

A. Prohibit all restaurants from serving water to their customers except when specifically requested by the customer;

B. Prohibit the operation of any ornamental fountain or similar structure;

C. Suspend the issuance of all variances or permits hereunder;

D. Prohibit the filling, refilling or adding of water to all swimming pools;

E. Prohibit the washing of all vehicles and equipment except upon the premises of a commercial car wash;

F. Require that the washing of motor vehicles, airplanes, boats or other types of mobile equipment, upon the immediate premises of a commercial car wash or a commercial service station, shall occur only

between the hours of twelve noon and five p.m.

The mayor may declare a water emergency in case of a severe drought, in the event of any condition which interrupts the ability of the public service board to supply water, where curtailment of the use of water is necessary due to war, a natural disaster, to protect the public health, safety or welfare, or to preserve the water supply. In the event such water emergency is to continue for more than five days, such measures must be passed by resolution by majority of city council in order for the declaration of emergency to continue beyond the initial five day period. During such a water emergency, the general manager may impose any additional restrictions on the use of water from the city's water supply system in all or in any part of the city as the city council may authorize.

(Ord. 15106 § 3, 2002: Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.130 - Turf grass prohibited.

A. Turf grass is prohibited in all parkways, narrow strips of land and sloped areas within new residential or commercial sites for which a building permit is issued after June 1, 2002, unless irrigated with sub-surface irrigation. For purposes of this section, "sloped areas" means an area with a slope ratio of one to three or greater from the horizontal. "Sub-surface irrigation" means a low pressure irrigation system installed below the surface of the ground or mulch, consisting of a water distribution system equipped with pre-installed water emitters that are rated by gallons per hour, and that is suitable for turf grass irrigation.

B. Turf grass for residential sites after June 1, 2002, shall not be used for more than fifty percent of the total area to be landscaped (front and back yard).

C. Turf grass for commercial sites after June 1, 2002, shall not be used for more than thirty-three and one-third of the total area to be landscaped (front and back yard).

(Ord. 15106 § 2, 2002: Ord. 14805 (part), 2001)

15.13.140 - Drought and water emergency management response plan.

It shall be unlawful to violate the imposed provisions of the drought and water emergency management response plan, dated November, 2002, after the declaration of a drought or water emergency and imposition of restrictions in accordance with the plan.

(Ord. 15375, 2003: Ord. 14805 (part), 2001)

Attachment G

El Paso, TX Code of Ordinances, Title 15 – Public Services; Chapter 15.12 - Water and Sewer System

Chapter 15.12 - WATER AND SEWER SYSTEM

Sections:

15.12.005 - Definitions.
15.12.010 - Rules and regulations.
15.12.020 - Unauthorized interference with mains.
15.12.030 - Storm drain work—Permit required.
15.12.040 - Storm drain construction—Permit required.
15.12.050 - Storm drain work or construction permit—Application—Contents—Fee—Issuance.
15.12.055 - Discharge to storm sewer system from treatment of petroleum fuel contaminated waters.
15.12.060 - Ordering removal or alteration of unauthorized work.
15.12.070 - Water contamination in vicinity of water treatment plant.
15.12.075 - Permitting flow of water onto public rights-of-way unlawful.
15.12.120 - Penalty.
15.12.120-1 - Civil penalty.
15.12.120-2 - Enforcement by public service board.
15.12.130 - Issuance of citations.

15.12.005 - Definitions.

For the purpose of this chapter, and Chapter 15.13, the following definitions apply:

A. "Produced water" means any water that is supplied by a public or private water system or that is pumped from the ground or diverted from the flows of the Rio Grande.

B. "Public right-of-way" means a paved or unpaved street, alley or other public easement, including the sidewalk, parkway, curb, gutter or ditch of any street, alley or other public easement.

C. "Responsible party" means the owner, manager, supervisor, person whose name is on the water bill, person whose signature is on the water service contract, person who receives the water bill, or person in charge of the property, facility or operation during the period of time the violation is observed.

D. "Water flowing" from a property means and includes:

1. Water applied for irrigation of landscaping when the application of the water or the device used for applying the water is such that allows a portion of the water to leave the property and enter a public right-of-way;

2. When water used for washing of hard surfaces, vehicles or other objects is used in such a manner that all or a portion of the water so used flows from the property into such public right-of-way; and

3. When water is used on a property for any other purpose in such a manner that a portion or all of the water leaves the property and enters a public right-of-way.

E. "Public service board rules and regulations" means rules and regulations promulgated by the public service board pursuant to Section 15.12.010, a certified copy of which shall be authenticated by the signature of the mayor and the city clerk and made a public record by resolution of city council and on file in the city clerk's office as provided for in Section 3.13 of the city charter.

F. "Shut-off nozzle" means a device attached to the end of a hose that completely shuts off the flow of water, even if left unattended.

G. "Fugitive water" means the pumping, flow, release, escape or leakage of any water from any pipe, valve, faucet, connection, diversion, well or any facility for the purposes of water supply, transport, storage, disposal or delivery onto adjacent property or the public right-of-way.

H. "Turf grass" means a surface of earth containing mowed grass with its roots. Examples are: Annual bluegrass, Kentucky bluegrass, Perennial rye grass, Red fescue, and Tall fescue are cool-season grasses. Common Bermuda grass, Bermuda Hybrids, St. Augustine grass, Zoysia grass and Buffalo grass warm-season grasses.

(Ord. 14805 (part), 2001: Ord. 10240 § 1, 1990; Ord. 8391 (part), 1985: prior code § 23-32)

15.12.010 - Rules and regulations.

The public service board is authorized to promulgate rules and regulations on all subjects relevant to the operation of the city's water and sewer systems, which rules and regulations shall have like effect as if adopted by ordinance.

(Ord. 14805 (part), 2001: prior code § 23-1)

15.12.020 - Unauthorized interference with mains.

Any person, except an employee or agent of the department of water and sewerage of the city, who shall cut, damage or make any connection with any city water main or sewer main shall be deemed guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030.

(Ord. 14805 (part), 2001: prior code § 23-2)

15.12.030 - Storm drain work—Permit required.

No person shall fill, improve or create any obstruction to, or interference with, any ditch or natural drainage channel that will in any manner obstruct the flow of water or change the direction, volume or force of water discharged through such ditch or drainage channel carrying stormwater, except upon the issuance of a permit from the city engineer.

(Ord. 14805 (part), 2001: Ord. 13152 § 125, 1997: prior code § 23-3)

(Ord. No. 17393, § 7, 8-24-2010, eff. 9-1-2010)

15.12.040 - Storm drain construction—Permit required.

No person shall construct, reconstruct, alter, repair or install any drainage structure in any ditch or natural drainage channel carrying stormwaters except on the issuance of a permit by the city engineer.

(Ord. 14805 (part), 2001: prior code § 23-4)

(Ord. No. 17393, § 7, 8-24-2010, eff. 9-1-2010)

15.12.050 - Storm drain work or construction permit—Application—Contents—Fee—Issuance.

A. Any person desiring to obtain a permit required under Sections 15.12.030 or 15.12.040 shall file

with the city engineer a written application containing the following information:

1. The name and address of the applicant;

2. The place where such construction, reconstruction, repair, alteration or installation of a structure is to take place; or where a drainage course is to be obstructed, filled, improved or changed;

3. The type of construction and materials to be used in such construction, reconstruction, repair, alteration or installation of the proposed drainage structure, or the manner in which the drainage channel or ditch is to be filled, obstructed or improved;

4. A plan of the proposed work prepared by a professional engineer registered in the state;

5. A verification number confirming that the applicant has contacted a "one call" notification system servicing the area as required by this chapter. Applicant shall pay a filing fee of twenty dollars, which is assessed to pay part of the cost of enforcing Sections 15.12.030 through 15.12.060

B. If the city engineer finds that the proposed structure, fill, obstruction, alteration or improvement will not interfere with the natural flow of stormwaters so as to damage other property, and will not create or increase any hazard thereto, he shall issue a permit to do the proposed work in the manner specified in the application and plan, or amendments thereto which he may require in the interest of safety; otherwise he shall refuse the permit. A permit may be denied for the failure of the applicant to contact a "one call" notification system servicing the area and to provide a verification number confirming that such a "one call" notification system has been contacted by the applicant. This requirement however, shall create no duty, express or implied, on the part of the city to verify that such a "one call" has been made by the applicant.

(Ord. 15654 § 1, 2004; Ord. 14805 (part), 2001: Ord. 13152 § 126, 1997; Ord. 11708 § 1, 1993: prior code § 23-5)

(Ord. No. 17393, § 7, 8-24-2010, eff. 9-1-2010)

15.12.055 - Discharge to storm sewer system from treatment of petroleum fuel contaminated waters.

A. Permit Required. Where discharge of petroleum-contaminated water to the city storm sewer system is proposed, a petroleum-contaminated water discharge permit (discharge permit) shall be required. A petroleum-contaminated water discharge permit shall be required for each discharge location. If additional discharges are requested for the same location subsequent to a permit having been issued, a new discharge permit application shall be required.

B. Period of Validity of Permit. A discharge permit issued under the provisions of this section shall expire within twelve months of the date of issuance of the permit. Two twelve-month extensions for completion of the work may be granted by the city engineer, provided that a written request for extension is submitted no later than thirty days before the expiration of the permit. The permit shall become void and a new permit application shall be required after expiration of the permit or permit extension.

C. Permit Fee.

1. A petroleum-contaminated water discharge permit application shall be accompanied by a one hundred twenty-five dollar application fee. Such fee shall be to defray the costs of processing such applications and shall be nonrefundable. The application fee shall be paid to the city cashier through the city engineering department.

2. If any person discharges petroleum-fuel contaminated waters into the city storm sewer system without first having obtained a discharge permit, a discharge permit shall be required subject to a late application fee of two thousand seventy-five dollars. In cases where an emergency is declared by a competent authority, and where the city is properly notified through the emergency 911 system or through a facsimile to the city engineer, a late application fee shall not be assessed for work commenced prior to issuance of a discharge permit.

D. Permit Contents. The discharge permit application shall be submitted to the city engineer and shall include the following information:

1. A copy of the discharge approval by the Texas Commission on Environmental Quality;

2. A site map of the proposed discharge location;

3. A narrative to include the following:

a. Description of the need for the discharge,

b. Rate of discharge in cubic feet per second, and

c. Duration of discharge;

4. A detailed construction plan to include splash pads;

5. Effluence limitations and water analysis, to include the minimum monitoring requirements as specified in Title 31 Texas Administrative Code Section 321.135. The applicant shall be required to provide copies of the discharge permit application and accompanying information to the director of the department of environmental services.

E. Permit Issuance.

1. Upon verification by the applicant that the above-described information has been provided to the director of the department of environmental services, the application shall be accepted for processing.

2. When the discharge requires construction, it shall be the responsibility of the applicant to obtain clearance from all affected utility agencies prior to start of construction. When construction is to be within public right-of-way, the applicant shall meet the insurance requirements of Section 13.16.010 and the bond requirements of Section 13.08.030 of this code.

F. Exception to Permit Requirement. A petroleum-contaminated water discharge permit shall not be required where discharges of petroleum-contaminated water into the city storm sewer system is associated with a city public works project under the direction of the director of public works. Provided, however, that all other requirements of this section and of other city, state and federal regulations shall be observed, expressly including the notification procedures to the Texas Commission on Environmental Quality and the city-county health district.

(Ord. 16822 §§ 1 (part), 2, 2008; Ord. 15657, 2004; Ord. 14805 (part), 2001: Ord. 13152 § 127, 1997; Ord. 11144 § 1, 1992)

(Ord. No. 17393, § 8, 8-24-2010, eff. 9-1-2010)

15.12.060 - Ordering removal or alteration of unauthorized work.

If any work for which a permit is required under Sections 15.12.030, 15.12.040 and 15.12.050 is done without such permit, and is of such design or nature that a permit would have been refused under Section 15.12.050, the city council may, after five days' notice to the owner and opportunity to be heard, order such work removed, or so altered as to avoid damage or hazard to other property. The city council shall fix a reasonable time for compliance with such order and give the owner written notice thereof.

(Ord. 14805 (part), 2001: prior code § 23-6)

15.12.070 - Water contamination in vicinity of water treatment plant.

Within the area between a line directly across the irrigation canal and the Rio Grande at the downstream end of the intakes into the city water treatment plant and a line directly across the canal and the river one-half mile upstream therefrom, no person shall:

A. Bathe, swim or wade in the river or canal; or

B. Throw or place in the river or the canal any waste or refuse, or any substance or thing which may contaminate the water; or

C. Throw or place such waste, refuse, substance or thing within one hundred fifty feet of the banks of the canal or within one hundred fifty feet of the normal high water mark of the river; or

D. Keep or bring any animal within such distance from the banks of the canal or the normal high water mark of the river (except animals passing over a public road or in transit on any railroad), or wash or clean within such distance thereof any vehicle which has been used for the transportation of any animal.

(Ord. 14805 (part), 2001: prior code § 23-7)

15.12.075 - Permitting flow of water onto public rights-of-way unlawful.

It is unlawful for any party responsible for any property within the corporate limits of the city to permit or cause water to flow, spray or otherwise move or be discharged from the premises of such responsible party to or upon any street, alley, gutter or ditch, or other public right-of-way, or into a stormwater drainage system or facility.

(Ord. 14805 (part), 2001: Ord. 8391 (part), 1985: prior code § 23-31)

15.12.120 - Penalty.

Any person violating any provisions of this chapter or any provision of the public service board rules and regulations shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed two thousand dollars per violation, and if such violation is a continuous one, each day's violation shall constitute a separate offense. In addition to any penalty provided for in

this section, this chapter and the public service board rules and regulations are enforceable by injunction or any other legally available means.

(Ord. 14805 (part), 2001: Ord. 10240 § 2, 1990: Ord. 9975 § 1, 1990: Ord. 8391 (part), 1985: prior code § 23-34)

15.12.120-1 - Civil penalty.

Any person who violates any provision of the public service board rules and regulations shall be subject to a civil penalty up to a maximum of two thousand dollars per violation. Provided, however, if a different penalty is specifically provided for, such penalty shall apply. Any person who violates a provision of public service board rules and regulations the relating to point source effluent limitations or the discharge of a pollutant, other than from a nonpoint source, into a sewer system, including a sanitary or stormwater sewer system, owned or controlled by the city, shall be subject to a civil penalty up to a maximum of five thousand dollars per violation. If the violation is a continuous one, each day's violation shall constitute a separate offense.

(Ord. 14805 (part), 2001: Ord. 11531 § 1, 1993: Ord. 10240 § 3, 1990)

15.12.120-2 - Enforcement by public service board.

Whenever it appears there is a violation of any of the public service board rules and regulations, the public service board may institute suit, through its own attorney, for the recovery of civil penalties, as provided for in this chapter, or injunctive relief, or the public service board may pursue any other legally available remedy or any combination of the foregoing.

(Ord. 14805 (part), 2001: Ord. 10240 § 4, 1990)

15.12.130 - Issuance of citations.

Any water and sewerage inspector or any other personnel authorized to issue class C misdemeanor citations is authorized to issue citations for violations of this chapter.

(Ord. 14805 (part), 2001: Ord. 13152 § 128, 1997: Ord. 9975 § 2, 1990: Ord. 8429, 1985: prior code § 23-35)

Attachment H

El Paso, TX Code of Ordinances, Title 18 – Building and Construction; Chapter 18.20 – Plumbing Code

Chapter 18.20 PLUMBING CODE [6]

Sections:

18.20.010 Short title.

18.20.020 Adoption.

18.20.030 Section 312.10.3 Backflow Inspection Records, added.

18.20.040 Section 403.3 Required public toilet facilities, exception added.

18.20.050 Section 412.5 Floor drains in mechanical rooms and boiler rooms, added.

18.20.060 Section 417.5.3 Shower receptor, added.

18.20.070 Section 604.8.3 Accessibility, added.

18.20.080 Table 605.3 Water Service Pipe, amended.

18.20.090 Table 605.4 Water Distribution Pipe, amended.

18.20.100 Section 605.4 Water Distribution Pipe, amended.

18.20.110 Section 608.16.5 Connections to lawn irrigation systems, amended.

18.20.120 Section 701.2 Sewer required, amended.

18.20.130 Table 702.2 Underground building drainage and vent pipe, amended.

18.20.140 Table 702.3 Building Sewer Pipe, amended.

18.20.150 Section 705.3, Asbestos cement, deleted.

18.20.160 Section 708.3.5 Building drain and building sewer junction, amended.

18.20.170 Section 802.1.9 Condensate and Evaporative Cooler Waste, added.

18.20.180 Section 1003.2.1 No water-jacketed grease trap, added.

18.20.190 Table 1003.3.4.1 Capacity of Grease Interceptors, amended.

18.20.200 Section 1003.5 Sand interceptors in commercial establishments, amended.

18.20.210 Appendix C, Gray Water Recycling Systems, adopted.

18.20.220 Appendices.

18.20.230 Conflicting ordinances.

18.20.240 Section 603.1.1 Protection of Water Service Entrance, added.

18.20.250 Section 603.1.2 Plumbing within exterior walls, added.

18.20.010 Short title.

This chapter may be cited as the "Plumbing Code."

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.020 Adoption.

The book entitled "International Plumbing Code," 2009 Edition, a copy of which authenticated by the city clerk is on file in the city clerk's office, is adopted as the Plumbing Code of the city, as fully as if copied at length in this chapter, but with the changes set forth in this chapter and Chapter 18.02, the Building and Administrative Code of the City of El Paso.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.030 Section 312.10.3 Backflow Inspection Records, added.

International Plumbing Code, 2009 Edition, Section 312.10.3 Backflow Inspection Records, is hereby added to read as follows:

312.10.3 Backflow Inspection Records. Records of inspections, tests and maintenance of the backflow assemblies shall be kept and made available to the building official upon request and to the El Paso Water Utilities in accordance with the rules and regulations of the public service board. Records shall indicate the procedure performed (inspection, test or maintenance), the organization that performed the work, the results and the date. Records shall be maintained by the owner, tenant or responsible person.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.040 Section 403.3 Required public toilet facilities, exception added.

International Plumbing Code, 2009 Edition, Section 403.3 Required public toilet facilities, is hereby amended to add the following exception at the end of the section:

Exception: Small tenancies and areas located in stand-alone buildings or tenancies. Customers, patrons, visitors and employees need not be provided with public toilet facilities in small tenancies located in stand-alone buildings, structures or facilities when all of the following conditions are met:

1. The gross floor area of the tenancy does not exceed 200 square feet; and

2. The building, or structure is not used for the preparation, storage handling and sale of potentially hazardous food as defined in the Texas Food Establishment Rules of the Texas Department of State Health Services; and

3. Toilet facilities are provided elsewhere on the same site within 200 lineal feet of travel distance from the exempted tenancy; and

4. The site is provided with the minimum number of facilities required by International Plumbing Code, 2009 Edition, Section 403 and Table 403.1, and the owner or tenant in control of the toilet facilities required in condition 3, shall furnish to the building official a written and notarized statement that customers, visitors, patrons and employees of the exempted tenancy will have access to and use of these facilities; and

5. Except for "outdoor markets" as defined in Title 9.12 of the City Code, building and structures used for the preparation, storage, handling and sale of food shall be connected to a water supply and provided with utensil and hand washing facilities as required by Title 9.12 of the City Code.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.050 Section 412.5 Floor drains in mechanical rooms and boiler rooms, added.

International Plumbing Code, 2009 Edition, Section 412.5 Floor drains in mechanical rooms and boiler rooms is hereby added to read as follows:

412.5 Floor drains in mechanical rooms and boiler rooms. Mechanical equipment rooms, boiler rooms and all similar equipment rooms shall have an approved floor drain for disposing of accumulation of liquid wastes incident to cleaning or recharging such equipment. Such floor drains shall be equipped with an approved automatic priming device as required in Section 1002.4.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.060 Section 417.5.3 Shower receptor, added.

International Plumbing Code, 2009 Edition, Section 417.5.3 Shower Receptor, is hereby added to read as follows:

417.5.3 Shower Receptor. Shower receptors shall have a finished curb, dam or threshold not less than one (1) inch below the sides and back of the receptor. The curb shall be not less than two (2) inches nor more than nine (9) inches in depth when measured from the top of the curb to the top of the drain. The finished floor shall slope uniformly toward the drain not less than one-fourth (1/4) inch per foot nor more than one-half (½) inch, and floor drains shall be flanged to provide a watertight joint in the floor.

417.5.3.1 Receptor Linings. All shower receptors shall be provided with an approved lining, except as noted herein. The adjoining walls and floors, enclosing field-constructed shower receptors shall be lined with copper or other approved materials listed in this Code, extending not less than three (3) inches beyond or around the rough jambs and not less than three (3) inches above finished thresholds. Recessed shower compartments need not be lined, provided the compartment is formed of concrete, is recessed a minimum of four (4) inches below the adjacent floor level, and the concrete is not less than three and one-half (3½) inches thick with an ultimate compressive strength of not less than two thousand (2000) pounds per square inch.

417.5.3.2 Liner Materials. Plasticized polyvinyl chloride (PVC) sheets shall be a minimum of 0.040 inch (1.02 mm) thick and shall meet the requirements of ASTM D4551. Non-plasticized chlorinated polyethylene sheets shall be a minimum 0.040 inch (102 mm) thick, and shall meet the requirements of ASTM D 4068. Sheet copper shall conform to ASTM B 152 and shall not weigh less than 12 ounces per square foot. Copper linings shall be isolated from conducting substances other than the connecting drain by fifteen (15) pound asphalt felt or its equivalent. Joints in copper pans or liners shall be silver brazed. Joints in PVC and CPE liner materials shall be jointed per the manufacturer's recommendations.

417.5.3.3 Receptor Drains. An approved flanged drain shall be installed with shower subpans or linings. The flange shall be flush with the sub-base and be equipped with a clamping ring or other device to make a water-tight connection between the lining and the drain. The flange shall have weep holes to insure constant drainage of water to sanitary drainage system. Shower receptacle waste outlets shall be not less than two (2) inches in diameter and shall have a removable strainer.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.070 Section 604.8.3 Accessibility, added.

International Plumbing Code, 2009 Edition, Section 604.8.3 Accessibility, is hereby added to read as follows:

604.8.3 Accessibility. Installation shall be such as to make the regulator accessible without excavating or removing permanent structural or finished portions of the structure.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.080 Table 605.3 Water Service Pipe, amended.

International Plumbing Code, 2009 Edition, Table 605.3, Water Service Pipe, is hereby amended to delete all references to asbestos-cement pipe and polybutylene (PB) plastic pipe and tubing.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.090 Table 605.4 Water Distribution Pipe, amended.

International Plumbing Code, 2009 Edition, Table 605.4, Water Distribution Pipe, is hereby amended to delete all references to polybutylene (PB) plastic pipe and tubing.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.100 Section 605.4 Water Distribution Pipe, amended.

International Plumbing Code, 2009 Edition, Section 605.4 Water distribution pipe, is hereby amended to read as follows:

605.4 Water distribution pipe. Water distribution pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.5. Copper or copper alloy tubing used in inaccessible water distribution piping under slabs shall be minimum Type L. Any material subject to corrosion shall be protected when used in corrosive soils. All hot water distribution pipe and tubing shall have a minimum pressure rating of 100 psi at 180°F.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.110 Section 608.16.5 Connections to lawn irrigation systems, amended.

International Plumbing Code, 2009 Edition, Section 608.16.5, Connections to lawn irrigation systems, is hereby amended to read as follows:

608.16.5 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced pressure principle backflow-preventer. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow-preventer.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.120 Section 701.2 Sewer required, amended.

International Plumbing Code, 2009 Edition, Section 701.2, Sewer required, is hereby amended to read as follows:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer.

Exception: When a public sewer is not available within 300 feet of the building for use, an individual or private sewage disposal system may be utilized provided that such system is designed, installed and maintained in accordance with the requirements of Chapter 18.21 of the City Code.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.130 Table 702.2 Underground building drainage and vent pipe, amended.

International Plumbing Code, 2009 Edition, Table 702.2, Underground building drainage and vent pipe, is hereby amended to delete all references to asbestos-cement pipe, cellular core pipe and composite wall pipe.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.140 Table 702.3 Building Sewer Pipe, amended.

International Plumbing Code, 2009 Edition, Table 702.3, Building Sewer Pipe, is hereby amended to delete all references to asbestos-cement pipe, cellular core pipe and composite wall pipe.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.150 Section 705.3, Asbestos cement, deleted.

International Plumbing Code, 2009 Edition, Section 705.3, Asbestos cement, is hereby deleted in its entirety.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.160 Section 708.3.5 Building drain and building sewer junction, amended.

International Plumbing Code, 2009 Edition, Section 708.3.5, Building drain and building sewer junction, is hereby amended to read as follows:

708.3.5 Building drain and building sewer junction. There shall be a cleanout near the junction of the building drain and the building sewer. The cleanout shall be outside the building and shall be brought up to the finished ground level within ten (10) feet of the structure. An approved two-way cleanout is allowed as an alternative at this location to serve as a required cleanout for both the building drain and building sewer.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.170 Section 802.1.9 Condensate and Evaporative Cooler Waste, added.

International Plumbing Code, 2009 Edition, Section 802.1.9 Condensate and Evaporative Cooler Waste, is hereby added to read as follows:

802.1.9 Condensate and Evaporative Cooler Waste. Waste from evaporative cooler's automatic water draining systems and condensate from air conditioner units, when approved by the building official, shall discharge into the building drainage system through an indirect waste line, except such waste may be directly connected to a lavatory tailpiece or to an approved accessible inlet on a bath tub overflow when the connection is located in an area controlled by the same person or entity controlling the space served by the evaporative cooler or discharged so that the effluent is used for watering landscaping or other vegetation.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.180 Section 1003.2.1 No water-jacketed grease trap, added.

International Plumbing Code, 2009 Edition, Section 1003.2.1 No water-jacketed grease trap, is hereby added to read as follows:

1003.2.1 No water-jacketed grease trap. No water-jacketed grease trap or grease interceptor shall be approved or installed.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.190 Table 1003.3.4.1 Capacity of Grease Interceptors, amended.

International Plumbing Code, 2009 Edition, Table 1003.3.4.1 Capacity of Grease Interceptors, is hereby amended to read as follows:

Table 1003.3.4.1
Capacity of Grease Traps

Total Flow-Through Rating (gpm)	Grease-Retention Capacity (pounds)
20 or less	40
25	50
35	70
50	100

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.200 Section 1003.5 Sand interceptors in commercial establishments, amended.

International Plumbing Code, 2009 Edition, Section 1003.5 Sand interceptors in commercial establishments, is hereby amended to read as follows:

1003.5 Sand Interceptors in Commercial Establishments. Sand and similar Interceptors or traps for heavy solids shall have a water seal of not less than six (6) inches. Traps shall have a minimum of two compartments. Each compartment shall be a minimum of 30 inches by 30 inches with a minimum depth of three (3) feet, covered with a removable grating that will allow the free entrance of waste. Trap walls and bottom shall be of concrete made watertight.

Exception: Sand traps are not required in commercial facilities containing less than 4 washing machines.

1003.5.1. Waste Line shall be a minimum of four (4) inches for uses other than residential swimming pools in which case the waste line may be three (3) inches. Outlet pipe shall leave the trap at a point not less than six (6) inches nor more than twelve (12) inches above the bottom and must rise vertically outside to the top of the trap where a properly sized cleanout shall be provided and formed by an inverted wye (y) so installed that the point of intersection of the wye (y) branches shall form the seal. Such seal shall be no less than twelve (12) inches in depth.

1003.5.2. Sand Traps installed within thirty (30) feet from a 3 or 4 inch stack shall have a two (2) inch vent; sand traps installed over thirty (30) feet from a 3 or 4 inch stack shall have a three (3) inch vent.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.210 Appendix C, Gray Water Recycling Systems, adopted.

International Plumbing Code, 2009 Edition, Appendix C, Gray Water Recycling Systems, is hereby adopted in its entirety.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.220 Appendices.

International Plumbing Code, 2009 Edition, Appendices, unless specifically adopted or referenced, are retained as administrative guidance aids.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.230 Conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed as follows: Ordinance No. 014730 dated 12-12-2000 and Ordinance No. 15966 dated 12-14-2004.

(Ord. No. 17418, § B, 9-21-2010, eff. 1-1-2011)

18.20.240 Section 603.1.1 Protection of Water Service Entrance, added.

International Plumbing Code, 2009 Edition, Section 603.1.1 Protection of Water Service Entrance is hereby added to read as follows:

603.1.1 Protection of Water Service Entrance. Water service entrance and risers to all structures shall be on the heated side of a conditioned space.

(Ord. No. 17660, § 1, 10-18-2011)

Editor's note—

Section 3 of Ord. No. 17660 states that this ordinance shall be applicable to all permit applications received on and after October 18, 2011.

18.20.250 Section 603.1.2 Plumbing within exterior walls, added.

International Plumbing Code, 2009 Edition, Section 603.1.2 Plumbing within exterior walls is hereby added to read as follows:

603.1.2 Plumbing within exterior walls. Placement of plumbing within exterior walls is prohibited unless the walls are at minimum, 2 by 6 walls and adequate provision is made to protect such pipes from freezing in accordance with Section 305.6 of the International Plumbing Code. Placement of water lines in ceiling areas is prohibited unless the water lines are placed on the warm side with a minimum of 10 inch insulation on the exterior/roof side of the structure.

Exceptions:

a. A service entrance may enter a non-conditioned space provided that the riser/service entrance is within an approved, heated valve protective enclosure also know as a "hot box", or

b. Cross linked polyethylene, also known as PEX, or approved equal, is used as the service entrance material, and

c. Any hose bibs installed shall be freeze proof.

(Ord. No. 17660, § 1, 10-18-2011)

Editor's note—

Section 3 of Ord. No. 17660 states that this ordinance shall be applicable to all permit applications received on and after October 18, 2011.

FOOTNOTE(S):

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Editor's note— Ord. No. 17418, § B, adopted September 21, 2010, effective January 1, 2011, amended chapter 18.20 in its entirety to read as herein set out. Former chapter 18.20, §§ 18.20.010—18.20.300, pertained to similar subject matter. See Ordinance List, Code Comparative Table and Disposition List for history. (Back)

Note— Section C of Ord. No. 17418 states all references to the NEC, National Electrical Code, shall be construed to mean the Electrical Code of the City of El Paso. (Back)

Attachment I

El Paso, TX Code of Ordinances, Title 18 – Building and Construction; Chapter 18.46 – Landscape

Chapter 18.46 - LANDSCAPE*

Sections:

Article I. - General Provisions
Article II. - Design Requirements
Article III. - Standards
Article IV. - Street Trees
Article V. - Administration

Article I. - General Provisions

18.46.010 - Title.
18.46.020 - Purpose.
18.46.030 - Rules of construction.
18.46.040 - Interpretation.
18.46.050 - Definitions.
18.46.060 - Application.

18.46.010 - Title.

This chapter shall be known as the landscape ordinance for the City of El Paso, Texas.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.020 - Purpose.

A. The purpose of this chapter is to set forth the minimum requirements for irrigation and landscape for both residential and commercial property development within the corporate limits of the city. The regulations herein are designed to enhance the quality of life, increase property values and aesthetics of the city; while helping to improve air purification, reduce stormwater run-off, noise reduction and heat abatement while conserving energy, water and other natural resources.

B. In addition, landscape designers and property owners are encouraged to design and place landscaping materials in a good, economically viable, and environmentally sensitive manner as to improve the aesthetics of development, construction, and the quality of life for all citizens. This chapter encourages the use of quantifiable, generally recognized, scientific standards and methods as well as local and state regulations and manufacturer's recommendations in evaluating all designs. This chapter shall be used to stimulate creativity and innovation in such designs.

C. This chapter is also designed to prevent soil erosion, reduce the hazards of flooding, enhance the absorption of carbon dioxide and supply of oxygen; reduce the effects of noise, glare, dust and other

Comment [AJP1]: The new landscape ordinance it does include residential.
For residential sites, the summarized requirement is as follow:
Residential landscape is required on all new homes that are built after Jan. 1, 2012 unless vested. For every new home one tree for every 30 feet of frontage is required with the minimum on one tree and an automatic irrigation system. The system can be battery, solar or electric powered but nut manual. The minimum irrigation system consist of one drip emitter, backflow and a valve.
Turf is not required under this ordinance only trees, shrubs and ground covers. However it can be used as a substitute.

objectionable activities generated by some land uses; promote the pleasant appearance and character of neighborhoods and high intensity commercial and industrial corridors; provide shade; to cool superheated urban areas, and thus reduce water consumption in cooling units, as well as other energy consumption related to environmental cooling; and facilitate the safe movement of traffic in vehicular use areas.

D. This chapter is also designed to promote water conservation and water efficiency by requiring the planting of water-thrifty plants and other landscape materials. To assist in ensuring adequate supplies of water exist for El Paso's future, it is important that water conservation be promoted in landscape watering policies. Water conservation should be promoted through techniques such as the proper design of landscaped areas and plant selection, education of the public, and the proper use of irrigation of systems.

Comment [AJP2]: The ordinance promotes the use of water efficient plants and techniques. Only plants found on approved list can be used.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.030 - Rules of construction.

The following rules of construction shall apply:

A. The singular number includes the plural and the plural the singular, unless the context clearly indicates the contrary;

B. Words used in the present tense include the past and future tenses, and the future the present;

C. The word "shall" is always mandatory. The word "may" is permissive.

D. Words and terms not defined herein shall be interpreted in accord with Webster's Third New International Dictionary, Copyright 1986.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.040 - Interpretation.

A. The provisions of this chapter shall be interpreted and applied, as the minimum requirements for landscaping and irrigation in the city and shall control over all other landscape requirements in any other ordinance in the El Paso City Code, except Chapter 15.13 (Water Conservation) of this Code.

Comment [AJP3]: The ordinance does not supersedes the Water Conservation Ordinance which is the "control"

B. It is not intended that this chapter shall interfere with, abrogate or annul any restrictive covenants or other agreements between individual parties. When there is a conflict between the requirements of this chapter and any restrictive covenant, agreements or other requirements imposed on the property, the more stringent requirement shall apply.

C. The provisions of this chapter shall be subordinate to the provisions of the El Paso City Code pertaining to traffic and pedestrian traffic.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.050 - Definitions.

The following terms as used in this chapter shall be defined as follows:

"Approved irrigator" means a Texas licensed irrigator.

"Approved plant list" means the list of plants and shrubs prepared by the tree board or its successor the board of parks and recreation, and the building official, and on file with the building official, and as may be amended from time to time.

"Automatic controller" means a mechanical, electrical or hybrid solid state timing device, capable of operating valve stations by set days of the week and the length of time of water application.

"Backflow prevention device" means a safety device used to prevent pollution or contamination of the potable water supply due to the reverse flow of water from the irrigation system.

"Berm, earthen" means an earthen mound designed to provide visual interest or screen undesirable views and decrease noise.

"Caliper" means the measurement of the thickness of a tree; the minimum diameter of a tree as measured six inches above the grade for trees under four inches in diameter and twelve inches above grade for trees four inches in diameter and larger. For multiple trunk trees, the diameter shall be based on the caliper of the largest trunk plus half the caliper of the next three largest trunks.

"Deciduous" means a plant that sheds its foliage annually.

"Development - Commercial" means all developments zoned or used for commercial uses as described under Title 20 (Zoning).

"Director" means the city manager or designee.

"Evergreen" means a plant with foliage that persists and remains green year round.

"Finish grade" means the ground elevation in its final and finished state before any landscape is installed.

"Frontage" means the property line where a parcel of land, lot, or site abuts a public right-of-way.

"Grass". See "turf or turf grass."

"Gross building area" means the total enclosed area of a building exterior dimensions, excluding covered walkways or exterior fire escapes.

"Ground covering" means organic or inorganic material such as mulches and/or gravel used as ground covering.

"Ground cover organic" means low growing plant material, other than turf grasses, installed in such a manner as to provide continuous cover of the ground surface.

"Hardscape" means the use of solid non-organic materials such as rock or stone, concrete, asphalt, brick, or other similar type material.

"Impervious soil" means soil which is extremely dense (cementitious sedimentary soil) through which water will not readily penetrate adding to potential stormwater runoff and consists of a rainfall coefficient of .95 pursuant to the Drainage Design Manual.

"Impervious surfaces" means any surface such as roofing, solid surface plastic materials, solid surface oil-impregnated materials, concrete, asphalt, etc. through which water will not readily penetrate adding to potential stormwater runoff and consists of a rainfall coefficient of 1.0 pursuant to the Drainage

Design Manual.

"Landscapable area" means that area of the lot that is required by this chapter to be landscaped, to include the frontage landscape buffer used to meet the landscape requirements specified in this chapter. It does not include the parkway or the parking lot trees.

"Landscaping" means the improvement of a section of ground by contouring the land and planting any combination of living plants, such as trees, shrubs, vines, groundcover or grass, natural features such as rock, stone, bark chips or shavings.

"Median" means the area within the public right-of-way, which separates two opposite directions of traffic.

"Mulch" means organic and/or inorganic material, which is placed, to prevent erosion, lower soil temperature and maintain soil moisture levels.

"Official" means the building official or his designee.

"Palm" means a long-lived plant of the family Palmae having a minimum eight feet unbranched clear trunk crowned by large pinnate or palmate leaves.

"Parking lot" for the purposes of this chapter, "parking lot" means any paved or unpaved area, not including a street or alley right-of-way, containing one or more parking spaces for motor vehicles, designed in accordance with the requirements of Chapter 20.14, and intended as an accommodation for patrons, customers, and employees, either with or without a charge for such accommodation.

"Parking spaces" means those spaces for the parking of any vehicle excluding eighteen-wheel tractors and their trailers.

"Parkway" means that area of street right-of-way between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

"Permeable surfacing" means materials with a permeable base.

"Plant, native or adapted" means a commercially grown or legally harvested plant material hardy to the natural conditions of the region, which once established is capable of sustaining growth without supplemental watering.

"Plant material" means the required trees and other plants that are required to be installed.

"Pond" means a depression in the soil intended to retain and/or detain both stormwater and all excess irrigation water.

"Project" means a specific development which is subject the requirements as stated herein.

"Shrub" means a woody plant, deciduous or evergreen, generally multi-stemmed with small branches near the ground, and smaller growing than a tree.

"Street oriented building" means the placement of a building on a lot such that its principal orientation is toward the street and the principal entrance is from the sidewalk. Street oriented buildings prohibit parking in any space between the sidewalk and the building.

"Stormwater" means a build up of naturally occurring precipitation (water), which falls on any parcel of

land (site or watershed) of any given size.

"Structure" for the purposes of this chapter, "structure" means that which is built or constructed, an edifice or building of any kind, with four walls and a roof that encloses the interior space from the outside elements, or other artificially built or constructed work.

"Swale" means a landscape design using raised or depressed earthen channel of any depth or width designed to direct or move water to or from ponds, other swales, channels, arroyos or other drainage conveyance.

"Texas Licensed Irrigator" means a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

"Tree, parking lot" means a deciduous tree having a minimum of two inches caliper and ten feet in height, which is capable of obtaining a minimum canopy, spread of twenty feet at maturity. Branching structure shall be maintained at a minimum height of seven feet above the sidewalk area ground, three feet from the trunk; which is installed and located in a parking lot.

"Tree, project" means a deciduous or evergreen tree having a minimum of two inches caliper and ten feet in height, which is capable of obtaining a minimum canopy spread of twenty feet at maturity that is required based on calculations determined by the provisions of this chapter. Branching structure shall be maintained at a minimum height of seven feet above the sidewalk area ground, three feet from the trunk. Such trees shall be healthy and vigorous at time of planting.

"Tree, frontage" means a deciduous or evergreen tree having a minimum of two inches caliper and ten feet in height which is planted within the front landscape buffer or within twenty feet of the property line along the street frontage.

"Tree grate" means a barrier with parallel or crossed bars blocking a passage but allows for tree trunk diameter growth.

"Tree, street" means a deciduous tree growing within the parkway of a street having a minimum of two inches caliper and ten feet in height, except that a street tree shall be three inches caliper and ten feet in height for development along any arterial.

"Tree well" means the basin where the root ball of the tree is planted.

"Turf or turf grass" means a surface layer of soil bound by grass and its roots into a thick mat that requires regular maintenance, mowing and watering.

"Unmanned facility" means a structure which does not require a certificate of occupancy and is not occupied by any persons.

"Vehicular loading area" means a paved area designed to accommodate the maneuvering, loading and unloading and parking of commercial vehicles having a length of less than twenty-seven feet.

"Vehicular use area" means any area, excluding public rights-of-way, used for the purpose of driving, maneuvering, parking, storing or display of motor vehicles, boats, trailers, mobile homes and recreational vehicles, including new and used automobile lots, and other parking lot uses.

"Visibility triangle" means the area formed by the intersecting property lines and a diagonal line joining the property lines at the points twenty feet from their intersection on the corner lot at the intersecting corner.

"Water harvesting" means the process of intercepting irrigation or stormwater from a surface such as a roof, parking area or land surface and putting it to beneficial use thereby reducing runoff and making maximum use of irrigation and rain water.

"Weed barrier" means a porous overlay material used beneath mulch materials to reduce the germination and growth of unwanted plant material while allowing the percolation of water.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-2011; Ord. No. 17656, § 1, 10-18-2011, eff. 11-7-2011)

18.46.060 - Application.

A. Except as provided herein, this chapter shall apply to the incorporated area of the City of El Paso, Texas, and to all projects listed below. All projects listed below shall provide landscaping in accordance with the requirements of this chapter, and an underground automatic irrigation system, shall be provided for all required landscapable areas in compliance with the requirements of this chapter, and shall comply with the requirements of 30 Texas Administrative Code, Chapter 344, §§ 344.72—344.77, and as may be amended.

1. The construction or erection of any new development, building, or structure, for which a building permit is required and zoned for a commercial use as defined under Title 20 (Zoning) of this Code.

    a. For all sites, except zero lot line street frontage sites, the landscaping shall be located in the area between the street frontage and the building wall furthest from the street. Landscaping behind the building wall furthest from the street shall count towards the landscapable area provided that the area is not screened from view or enclosed by a wall or fence, such as a private yard.

    b. In addition to the required landscapable area, the parkway shall be landscaped per Section 18.46.060 and street trees must be provided as required by Section 18.46.200

    c. On zero lot line street frontage lots the landscaping shall be located within and throughout the site.

    d. In order to be considered as landscapable area there shall be at least a ten feet distance between the walls of buildings. Trees planted in areas less than twenty feet between structures will not be given credit in satisfaction of the landscape requirements.

2. The expansion of an existing building or parking lot, regardless of the amount of the increase in size.

    a. Landscaping shall be calculated based on the square footage of the new development or structure at a rate of fifteen percent per square foot. A minimum of one unit of plant material and street trees within the parkway shall be required.

    b. If the site satisfied the code requirements prior to the enactment of this chapter and is deemed legal nonconforming, and if expanded in use as permitted by Title 20 (Zoning), then,

only the additional square footage of expansion of landscapable area shall be required to satisfy the requirements of this chapter at a rate of fifteen percent per square foot.

3. Off-street parking.

a. Any construction of off-street parking or a new parking lot is required to install one tree per ten parking spaces or portion thereof (within and throughout), whether they are required parking spaces or not. Tractor trailer parking lots require one tree for every ten parking spaces. (See Section 18.46.090). This is in addition to the required landscapable area.

b. Any expansion of an existing parking lot is required to install one tree per ten spaces. The number of trees required shall be based on the calculation of the total of all spaces both new and existing (within and throughout) the site, whether they are required parking spaces or not.

c. No parking space shall be more than one hundred feet from a tree.

4. Unmanned facilities.

a. Any unmanned facility with a calculated landscapable area requiring one unit of plant material or less may install the plant material and irrigation system, or pay fees in lieu of installation as provided herein.

b. All other unmanned facilities with a calculated landscapable area requiring more than one unit of plant material, may install the plant material and irrigation system, or pay fees in lieu of installation as provided herein.

5. Parkways.

a. Parkway area ground treatment shall include permeable surfacing, not to include raw soil. With the exception of street trees, plant material shall be maintained in the parkway so that it does not exceed three feet. Landscaping of the parkway, including any frontage landscape buffers, shall not count towards the required landscapable area.

b. Parkways shall contain street trees as required by Section 18.46.200

6. Frontage landscape buffers.

a. Frontage landscaping. The frontage along any street shall consist of a minimum ten foot landscape buffer, except as provided in paragraph c. below. The frontage landscape buffer may be crossed by driveways and pedestrian walkways connecting to adjacent land; however, no parking is permitted within a required frontage landscaping buffer. The frontage area buffer shall also include the entire area within the visibility triangle at the intersection of any roadways. Along freeways or any frontage roads, the frontage landscaping buffer shall be fifteen feet.

b. The frontage landscape buffer shall contain the required plant units based on Section 18.46.090 and the required frontage trees as required by Section 18.46.200. Ground treatment shall include decomposed granite, or other permeable surfacing, not to include raw soil.

c. A building may be located within the required ten foot frontage landscape buffer and any

remaining portion within the ten-foot landscape buffer not occupied by [any] of the building shall be landscaped.

d. For shopping centers on properties with a lot depth of less than two hundred feet, the frontage buffer area may be reduced to seven feet on an arterial street. This provision does not apply to the following circumstances:

1. A shopping center where platted lots are further divided by metes and bounds.

2. A shopping center that is located on more than one lot, whether the lots are platted or divided by metes and bounds.

3. A shopping center that has detached buildings, whether those buildings are on the same building as the main shopping center building or whether the detached buildings are on separate lots that are platted or divided by metes and bounds.

7. Residential development shall comply with the street trees requirement under Article IV of this chapter.

B. Exemptions. The following projects are exempt from the requirements of this chapter:

1. Building restoration projects for historic structures as defined under Title 20 (Zoning);

2. Projects on land owned by the federal or State of Texas governments;

3. Any existing development, which changes its use from an approved use to any other, approved use within the same zoning category;

4. Expansion of an existing structure or parking lot if the existing landscaping within the development would satisfy the requirements of this chapter if the entire development were treated as a new project;

5. Projects which are zoned or used for residential use as defined under Title 20 (Zoning) of this Code; if such residential use single-family, duplex, triplex, quadraplex or condominium, except that street trees are required and cannot be exempted for new development based on Section 18.46.200

6. Existing buildings or parking lot areas that add a delivery or loading area, ramp or dock, or trailer storage area to an existing asphalt or concrete surface.

7. The addition of a building or buildings on a commercial lot when the additional building or buildings have a combined square footage of less than one thousand two hundred square feet of floor area.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11; Ord. No. 17656, § 1, 10-18-2011, eff. 11-7-2011)

Article II. - Design Requirements

18.46.070 - Plans required.
18.46.080 - Required landscapable areas.
18.46.090 - Required plants.

18.46.070 - Plans required.

Projects that are subject to the requirements of this chapter, shall require the submission of a separate landscape plan and an irrigation plan sealed by a landscape architect registered in the State of Texas, or a landscape contractor registered with the city. In order to register with the city, a landscape contractor shall comply with the following:

1. Contractor shall be a licensed by the state as a landscape irrigator or shall employ at least one licensed landscape irrigator full time. The license number shall be submitted at the time of permit application;

2. Contractor shall have a valid d/b/a registered with the county;

3. Contactor shall have general liability insurance of fifty thousand dollars with the City of El Paso as a certificate holder;

4. Contractor shall also obtain a construction blanket bond of ten thousand dollars.

Each plan shall be at a minimum scale of one-inch equals forty feet, preferably one inch equals twenty feet. No architectural scaling shall be allowed. Plan size shall be on paper size twenty-four by thirty-six inches.

A. Landscape plan. The landscape plan shall include the following information:

1. Date, scale, north arrow, project title and project address; and landscape designer with their address, phone number;

2. Name, address and telephone number of the property owner(s) representative;

3. Botanical name and common name, plant tag showing plant type, legend reference, size, height, quantity and location of proposed landscape materials to be used;

4. Landscape calculations, minimum required square footage of the landscapable area, total square footage of the landscapable area, parking provided, vehicular loading area, minimum required quantity of landscape materials, provided quantity of landscape materials;

5. Landscape master plan (long-term) with phasing plan;

6. Location of existing and proposed structures, signs, project trees, plant material, swales, berms, frontage trees, parking lot trees, street trees, and fire hydrants existing at the time of plan submission;

7. Show all curb cuts ingress and egress and distances to plant material; and

8. Show a five-foot clearance at maturity for all landscape material adjacent to any utility box, hydrant, meter or access point.

B. Irrigation plan. The irrigation plan shall be designed and sealed by an irrigator licensed by or recognized by the State of Texas, and shall include the following information:

1. Type, size and location of piping and sleeving;

2. Type, size, radius, gpm, precipitation rate, design pressure and location of irrigation heads;

3. Type, size, gph, details of installation, design pressure and the location of emitters or subsurface equipment;

4. Drip and/or subsurface installation detail;

5. Type, size and location of backflow prevention devices, valves, wiring and controllers;

6. Backflow installation detail; and

7. Arc spray pattern for all turf areas.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.080 - Required landscapable areas.

A. New commercial development. All new commercial development shall be required to comply with the landscapable area requirements, the parkway landscaping requirements, the frontage landscape buffer requirements and the parking lot tree requirements.

1. The required landscapable area shall be calculated as follows:

   a. The square footage of the entire lot(s) in which the project is located on, multiplied by 15.0 percent equals the required landscapable area;

   b. If required area is 0.5 of a unit of plant material or less, fees in lieu of installation may be paid as provided herein;

   c. If required area is 0.51 to 0.99 it must comply by providing one unit of plant material or four trees;

   d. Required area over 0.99 of a unit shall comply at a rate of one unit of plant material for each thousand square feet of required landscapable area or portion thereof;

   e. The number of frontage trees required shall be one tree per every thirty linear feet of all street frontages, including any easements. The frontage trees are required to be located within the frontage landscape buffer or within twenty feet of the property line along the street frontage. A minimum of one frontage street tree shall be installed if the property has less than fifty feet of frontage. If street trees are being placed within property along the street frontage based on the requirements of Section 18.46.200, then the required frontage trees may be distributed within and throughout the property.

   f. The parkway and frontage landscape buffer combined shall not count towards the required 15.0 percent landscapable area.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.090 - Required plants.

A. The following plant materials shall be installed within the required landscapable area as follows:

1. For every one thousand square feet, or portion thereof, of landscapable area, the following plant material shall be required:

a. Two project deciduous or evergreen trees having a minimum caliper size of two inches and a minimum height of ten feet to twelve feet;

b. A minimum of forty plant material of five-gallon size, which are a minimum of eighteen inches in height.

c. A minimum of ten plant material of one-gallon size;

d. For project trees, two one inch caliper trees at a height of eight feet to twelve feet may be substituted for a two inch caliper project tree.

e. Substitution of plant materials may be allowed for the preservation or relocation of existing healthy trees and shrubs based on equivalent size and type of plant material and shall be subject to review by the landscape plan reviewer on a one-to-one basis.

f. Palms may be installed on the property but will only count toward the fifty percent of the required five gallon plant material.

g. For every five five-gallon plant required, one project tree may be substituted for up to fifty percent of the required five gallon plant materials.

2. Parking lots and vehicular use areas.

a. Shading shall be required for parking lots and vehicular use areas that are located within the project, with ten parking spaces or more shall be provided with at least one parking lot tree for every ten parking spaces.

b. Truck courts and truck-trailer parking lots shall be required to have parking lot trees placed within the parking lot.

c. Parking lot trees may be placed within the parking area or vehicular use area with due consideration for vehicle movement and maneuvering or directly adjacent to the vehicular use area.

d. Parking lot trees shall be located with respect to the location of parking lot light fixtures in such a manner as to not impede the distribution of light throughout the parking lot, unless the lighting is placed in the canopy of the trees.

3. Street-oriented buildings.

a. In cases where a building is oriented toward the street, the required landscapable area shall be reduced by sixty percent if the building meets the following standards:

1. The building spans is eighty percent of the width of the lot at the street.

2. The principal entrance is from the sidewalk that is the recipient of eighty percent

span coverage.

3. That no parking is located between the street and the building along any portion of the eighty percent span.

4. That at least thirty percent of the building facade is glass.

b. Any side off-street parking abutting the property line shall have the required frontage landscape buffer area and applicable frontage trees and plant units.

4. Designated landscape infill development area.

a. The designated landscape infill development area is shown as Appendix A attached to Ordinance Number 17656. [A copy of Ordinance 17656, Exh. A can be found in the city offices.]

b. For a property within the designated landscape infill development area, the required landscapable area may be reduced up to thirty percent.

c. The property shall comply with all other provisions of this chapter.

5. Plant coverage option. The following plant coverage option may be utilized in lieu of the requirements specified under Section 18.46.090 A.1.

a. Plant material shall be provided on all required landscapable area and will cover at least seventy-five percent of area.

b. Plant material used in the coverage calculation shall be shrubs or ground cover from the required the approved tree and plant list of the City of El Paso. The required coverage shall be achieved within two years of the date of planting. In no instance shall the number of plants provided fall below forty percent of the total required under Section 18.46.090 A.1.

c. In addition to the required plant material, two project deciduous or evergreen trees having a caliper size of two inches and a minimum height of ten feet to twelve feet shall be required for every one thousand square feet, or portion thereof. For project trees, two one inch caliper trees at a height of eight feet to twelve feet may be substituted for a two inch caliper project tree. Project trees shall not be used in the calculation of the coverage area.

d. A required weather-based smart controller shall be required in order to utilize the plant coverage option.

Comment [AJP4]: This is the section where a smart controller can be used as an alternative. There are some models that can be preprogramed to follow our 3 watering day schedule but many others don't. Kania to send me a study done by A&M regarding the use of these controllers in drought prone areas (on our favor)

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-2011; Ord. No. 17656, § 1, 10-18-2011, eff. 11-7-2011)

Article III. - Standards

18.46.100 - Landscape standards.
18.46.110 - Irrigation standards.

18.46.120 - Installation standards.
18.46.130 - Maintenance standards.
18.46.140 - Fees in lieu of installation.

18.46.100 - Landscape standards.

A. Water harvesting. The landscapable area shall be designed to ensure the most beneficial design for surface collection of water to include swales, parking lot islands, bar ditches, detention or retention ponds and constructed wetlands.

B. Plants. Seventy-five percent of all plants to be used in the landscape design shall be selected from the approved plant list on file and maintained in the department. No artificial plant materials shall be used to satisfy the requirements of this chapter. All plants and trees shall be healthy and vigorous at the time of planting. At least fifty percent of the plants installed shall be plant material of low water, drought-tolerant variety.

C. Turf. Turf shall not be installed on slopes exceeding twenty percent, unless approved by the city engineer or designee to match existing conditions or surrounding development. Turf grass is specifically prohibited in parkways. Turf shall have an amended soil base of a minimum of six inches.

D. Trees. Trees in pedestrian areas shall be planted and maintained, with the mature branching structure having a minimum of seven feet clearance from ground level within three feet from the trunk. All trees shall be healthy and vigorous. Trees shall be planted in beds with a minimum area of thirty-six square feet of surface area with no interior dimension less than four feet measured at ninety degrees to the interior edges.

E. Shrubs. Shrubs shall be a minimum size of a five-gallon container and a minimum plant height of eighteen inches (except for dwarf species and low growing species). Existing shrubs should be preserved and incorporated into the site landscaping.

F. Organic/inorganic ground covering/permeable paving.

1. Inorganic coverings such as gravel, river rock, shell, recycled glass (polished with rounded edges) and similar materials may be used as a landscape groundcover.

2. Organic ground covering such as organic mulch, wood chips or bark may be used as a landscape ground covering.

3. Nonporous materials shall not be installed under organic or inorganic ground covering.

4. Any weed barrier materials used must allow the percolation of standing water within seventy-two hours.

G. Plant material shall be installed to ensure that at maturity there is a five-foot clearance adjacent to any utility box, fire hydrant, utility meter or access point.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.110 - Irrigation standards.

A. All irrigation plans shall be designed and sealed by an irrigator licensed in the State of Texas.

B. Irrigation systems shall be installed in accordance with the standards and requirements of the irrigation equipment manufacturer, the Texas Commission on Environmental Quality, and the International Plumbing Code, and as may be amended, and all applicable regulations and laws.

C. The source of irrigation water, whether potable or reclaimed, as provided by the City of El Paso water utilities, shall be indicated on the irrigation plans.

D. When using a potable irrigation water source, an approved backflow prevention device shall be installed in accordance with the City of El Paso Plumbing Code.

E. Such device shall be a pressure vacuum breaker or a reduced pressure assembly as appropriate for the project location. No other type of backflow prevention device shall be permitted.

F. All backflows shall be protected from freezing with an enclosure that is ASSE certified or equal and shall be screened or concealed from street view with plants or other landscaping.

G. All irrigation systems shall include:

1. An automatic controller with multiple programs, multiple repeat cycle capabilities and a flexible calendar program. Power may be provided by either electricity or solar;

2. Spray head type irrigation systems may be used in planting beds when:

i. Plant material spaced less than eighteen inches center to center.

ii. Spray head system has head to head coverage.

H. Spray heads shall not be used in the following locations:

1. Parkways;

2. Medians;

3. In areas less than ten feet in any dimension; and

4. On slopes exceeding twenty percent.

I. Drip and spray systems shall:

1. Be placed on separate valves;

2. All components on drip systems shall be measured in gallons per hour.

J. Wiring and sleeving:

1. All wire shall be direct burial. Multi-strand shall not be allowed for direct burial;

2. Hard wire installations shall have a cutoff switch installed within sight of the controller;

3. Irrigation piping and wiring installed under any hardscaped areas shall be within sleeving.

K. Storm retention pond areas that are irrigated shall incorporate, in the design, separate valves for the basin and slope areas. A moisture sensor shall be installed in the basin.

L. Flood irrigation water from a water improvement district is not an approved method of irrigation, and shall not satisfy the requirements of this chapter.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.120 - Installation standards.

Landscape and irrigation systems shall be installed in accordance with the approved plan.

A. Minor modifications may be made to the landscape design (plant materials and irrigation system), by the landscape architect or designer, so long as the changes comply with the minimum standards applicable to this chapter.

B. Minor modifications shall be allowed within the landscape area as long as those changes do not affect the plant size, landscapable area, or required quantity and that the irrigation changes do not affect the hydraulic integrity of the system.

C. Installation shall be completed prior to the building final inspection.

D. Reserved.

E. An individual with a state irrigator, installer [only allowed through December 31, 2009], irrigation technician, master plumber, or journeyman plumber license shall be on the project site during all irrigation installation work to review and inspect all progress and aspects of the installation.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.130 - Maintenance standards.

A. Landscaping and irrigation shall be regularly and properly maintained to ensure healthy and vigorous plant material. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pest prevention, pruning, and other maintenance of all plantings as needed. Trees may not be trimmed beyond national nursery standards for any reason.

B. Landscaping which dies shall be replaced by the owner with another living plant that is comparable to the existing plant or plant materials specified in the approved landscape plan as expeditiously as possible, but in any event no later than sixty days after notification from the director. The director may extend this time period up to an additional thirty days due to weather or due to events outside of the control of the property owner.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.140 - Fees in lieu of installation.

A. When applicable. The following projects may pay fees in lieu of installation of the required landscaping material and irrigation system, and shall not be subject to the requirements of this chapter if such fees are paid in accordance with the following provisions.

1. Unmanned facilities.

2. Manned facilities, if the required landscapable area requires 0.5 of a unit of plant material or less.

B. Fee calculation. Where the city accepts payment of cash in lieu of the installation of landscape material and irrigation system, such payment shall be equivalent to the following:

1. Unmanned facilities.

a. Any unmanned facility with a calculated landscapable area requiring one unit of plant material or less, shall pay fees in the amount of five thousand dollars per site.

b. All other unmanned facilities with a calculated landscapable area requiring more than one unit of plant material, may pay fees based on five thousand dollars per unit of plant material required.

2. Manned facilities. Any manned facility with a calculated landscapable area requiring 0.5 of a unit of plant material or less, may pay fees based on five thousand dollars per unit of plant material required.

C. Form tendered. A cash payment made pursuant to this section shall be tendered in the form of a cashier's check, payable to the City of El Paso. The cashier's check shall be submitted to the director and shall accompany the building permit application.

D. Special fund.

1. Special fund established. The city shall establish a special fund for the deposit of all sums paid in lieu of installation pursuant to this chapter. The city shall account for all sums paid with reference to the individual property involved, and all sums received shall be committed by the city to be dedicated to the installation and planting of landscaping and plant material. In no case shall the funds be used for routine park, landscaping maintenance or other recreational facility maintenance. The fees shall be spent in locations as reasonably close as possible to the project which elected to pay such fees; however, the city shall not be restricted to spending the funds throughout the city so long as visible by the general public and in conformance with the purposes set forth in this chapter.

2. Accountability. The city engineer or designee shall maintain a written record of all moneys received in lieu of installation, including, at a minimum, the total amount of fees received, the property address generating the fees and the date the fees were received. The city engineer or designee shall maintain a record of all expenditures incurred from these funds and shall also perform a periodic reconciliation to the general ledger system of the city to ensure accountability of these funds.

3. Return of monies paid. Any monies not used as stated above within one year of payment to the city may be returned to the original individual or group that made payment upon application by said individual or group for a refund. Monies shall be returned upon refund application after one year unless said monies have been encumbered for use prior to application.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

Article IV. - Street Trees

18.46.200 - Required street trees.
18.46.210 - Street tree standards.

18.46.200 - Required street trees.

A. Street trees are required on all city streets and arterials based on the requirements of this section. Maintenance and trimming of street trees and replacement of dead trees are the responsibility of the owner of the lot adjacent to or on which the trees are located. Street trees shall be maintained alive and healthy by the property owner of the lot adjacent parkway or on which the tree is located.

B. Street trees shall be selected from the approved tree and plant list of the City of El Paso maintained by the parks and recreation department. The street trees to be installed must be designated as a preferred (x) or allowed (o) medium or large deciduous tree from the approved tree or plant list.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.210 - Street tree standards.

A. Street trees shall be installed for commercial development per this chapter when any landscape is required per Chapter 18.46. For new residential development, street trees shall be installed by the property owner prior to the issuance of a certificate of occupancy. The required street trees and irrigation system shall be shown on all building permit applications on the site plan. If the developer elects to install the street trees, then the street trees and irrigation system shall be shown on the subdivision improvement plans and must be installed and completed as part of the subdivision improvements for the subdivision. An underground automatic irrigation system shall be required for new residential development and must comply with the standard specified in this chapter.

B. The spacing for all street trees shall be at thirty feet or less for all streets. Every lot over twenty feet wide shall have at least one street tree.

C. Adequate vertical clearance below the branches must be maintained for pedestrians, cars, and bicyclists. The minimum height to the lowest branch overhanging a sidewalk shall be seven feet; the lowest height overhanging a street shall be fourteen feet.

D. Street trees shall be a minimum of two inches caliper and ten feet in height, except that a street tree shall be a minimum of three inches caliper and ten feet in height for development along any arterial.

E. Street trees shall be placed in the parkway of the street, unless the department of transportation director and the deputy director for planning, requires different locations of trees based on topography or a uniquely shaped lot.

F. The standard setback of trees located between the curb and the sidewalk shall be based on the following standards:

1. Where more than four feet of space of parkway exists between the back of curb and the sidewalk, street trees shall be planted with their centerline equal distance from the curb and sidewalk.

2. Where three to four feet of space of parkway exists between the back of curb and the sidewalk, street trees shall be planted two feet from tree centerline to back of curb.

3. Where less than three feet of space exists between the back of curb and the sidewalk, street tree placement will vary depending on the space available. A solution shall be selected from the following criteria:

a. The minimum distance between the back of curb and centerline of the tree shall be two feet;

b. The minimum distance between the centerline of the tree and the property-side edge of the sidewalk shall be four feet;

c. If items one and two cannot be met, then street trees shall be planted at least two feet beyond the property-side edge of the sidewalk.

4. Where the sidewalk is at the curb, a solution shall be selected from the following criteria:

a. If the sidewalk is less than six feet wide, the tree shall be planted at least two feet beyond the property-side edge of the sidewalk; or

b. If the sidewalk is six feet wide or wider, street trees shall be planted in cutouts in the sidewalk. The centerline of the tree shall be at least two feet from the back of curb, and at least four feet from the property-side edge of the sidewalk. If the remaining clear sidewalk space between the tree planter and the property-side edge of the sidewalk is less than four feet, a grate shall be used to cover the planting hole. The grate shall be of a size and design approved by the department of transportation. In all cases, the minimum effective clear sidewalk width shall be five feet.

G. On sites where evenly-spaced street trees are not possible due to topography or a uniquely shaped lot, random clustering of street trees may be acceptable, provided that the number of trees planted equals or exceeds the number that would be required if the trees were evenly-spaced. Such arrangement must be approved by the department of transportation director and the deputy director for planning.

H. A tree well shall be as deep as the root ball and at least twice as wide as the root ball. The bottom of the tree well should be convex and a minimum of four inches of mulch should be placed on the top of the well.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

Article V. - Administration

18.46.300 - Enforcement.
18.46.310 - Appeals.
18.46.320 - Violations—Penalty.
18.46.340 - Severability.

18.46.300 - Enforcement.

Comment [AJP5]: David Kanla explained that it is the "combo" inspectors from building services that enforce the ordinance. The inspectors are the ones that sign the building permit before the certificate of occupancy is granted.

A. Revocation of permit. Permits may be revoked in accordance with the provisions in Chapter 18.02 of this Code.

B. Citations. The city engineer and any person designated by the city engineer, to include but not be limited to the building official and the code enforcement division, are authorized to enforce the provisions of this chapter and shall have the power to issue misdemeanor citations to any persons violating the provisions of this chapter.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.310 - Appeals.

A. When the director does not approve a landscape or irrigation plan, or the installation of these improvements, the owner or duly authorized representative may appeal in writing that decision to the construction board of appeals.

Where topography or the unique characteristics of a particular lot are such that the landscape requirements cannot be met, the city engineer or designee may waive up ten percent of the parking requirement below the minimum so that the minimum landscape requirement can be met or alternatively the missing landscape percentage can be waived up to ten percent of the total square footage required. In cases where the property owner disagrees with the determination of the city engineer or designee, the decision may be appealed to the construction board of appeals.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.320 - Violations—Penalty.

A. Civil and criminal penalties. The city shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person, firm, corporation or agent who shall violate a provision of this Code, or fails to comply therewith, or with any of the requirements thereof, or who shall has erected, constructed, altered, installed, demolished or moved any landscaping or irrigation system, or has erected, constructed, altered, repaired, moved or demolished any landscaping or irrigation system, in violation of a detailed statement or drawing submitted and permitted under this chapter, is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of the ordinance codified in this chapter is declared to be a nuisance.

B. Criminal prosecution. Any person violating any provision of chapter shall, upon conviction, be fined a sum not exceeding two thousand dollars. Each day that a provision of this chapter is violated shall constitute a separate offense.

C. Civil remedies. Nothing in this chapter shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and

2. A civil penalty up to five hundred dollars a day when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and

3. Other available relief.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

18.46.340 - Severability.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

(Ord. No. 17575, § 1, 6-7-2011, eff. 11-7-2011; Ord. No. 17650, 9-27-11)

APPENDIX II

RULES AND REGULATIONS NO.5

RULES AND REGULATIONS ESTABLISHING A RATE
FOR THE FURNISHING OF WATER SERVICE
BY THE EL PASO WATER UTILITIES

BY THE AUTHORITY GRANTED TO THE PUBLIC SERVICE BOARD BY VIRTUE OF ARTICLES 1111-1118, REVISED CIVIL STATUTES OF TEXAS, AND ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS ON MAY 22, 1952 NOW THEREFORE, BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING WATER RATES SUPERSEDE ALL RATES HERETOFORE FIXED AND ALL ORDINANCES HERETO PASSED WITH REFERENCE TO THE FIXING OF RATES FOR THE FURNISHING OF WATER SERVICE: (KNOWN AS RULES AND REGULATIONS NO.5).

SECTION I

There shall be collected from the users of each and every water service connected to the water system of the El Paso Water Utilities of the City of El Paso, Texas, for use thereof, a monthly charge consisting of a minimum charge plus a commodity charge for water used. For residential customers only, a volume of 4 hundred cubic feet (4 Ccf) will be included in the minimum charge. The following charges shall apply:

A. MONTHLY MINIMUM CHARGES FOR WATER SERVICE. BASED ON SIZE OF METER

Meter Size	Minimum Monthly Bill
Less than 1"	$5.18
1"	$8.06
1½"	$13.82
2"	$16.63
3"	$33.21
4"	$49.58
6"	$75.18
8"	$128.77

B. Water used in excess of the volume allowance (4 Ccf) included in the minimum charge shall be billed at the following rates:

Block	Volume	Charge per Ccf
Block 1	Over 4 Ccf to 150% of AWC*	$1.56
Block 2	Over 150% to 250% of AWC	$3.68
Block 3	Over 250% of AWC	$5.27

C. AVERAGE WINTER CONSUMPTION

*Average Winter Consumption (AWC) is the average amount of water used during the most recent December, January, and February billing periods. Any Customer that at the time of service has not established an AWC will be assigned the class average AWC by meter size for their customer classification. If the customer's calculated AWC is lower than the class average then the customer will be assigned the class averge AWC by meter size of their customer classification.D. WATER SUPPLY REPLACEMENT CHARGE

There shall be collected from the users of each and every service connected to the water system, including Local Government Turf Accounts and Very Large Water Users, a monthly Replacement Charge as follows:

Meter Size	Monthly Charge
Less than 1"	$6.39
1"	$15.97
1 ½"	$31.94
2"	$51.10
3"	$102.18
4"	$159.67
6"	$319.34
8"	$593.95

E. Charges for services less than the normal 30-day reading cycle shall be calculated in the same manner as a full reading cycle.

F. LOCAL GOVERNMENT TURF IRRIGATION ACCOUNTS

A uniform rate of $2.01 per Ccf is hereby established for local government turf irrigation accounts serving only an associated turf area of local governments for all usage per acre that does not exceed a per month Ccf usage based on the evapotranspiration information set forth in the following table:

Month	MaximumCcf Per Acre	Month	Maximum Ccf Per Acre
Jan.	40	July	280
Feb.	40	Aug.	200
March	50	Sep.	180
April	180	Oct.	120
May	200	Nov.	50
June	280	Dec.	40

"Turf irrigation accounts" shall mean an account established for applying water for irrigation and landscaping only, as determined by the PSB's General Manager or his designee.

"Local government" shall mean any county, municipality, village, town, a common or independent school district, hospital district or political subdivision of the State of Texas; excluding from this definition, however, any department, board, or agency of the State of Texas; including, without limitation, any of the following local governmental entities: the City of El Paso, Texas; the County of El Paso, Texas; the El Paso Independent School District; and the El Paso Community College District.

Any usage by the local government turf irrigation accounts in excess of the above monthly allotments shall be billed at the Block 3 rates shown in subsection B above.

Those local government turf irrigation accounts participating in this rate shall be billed at this special rate commencing with meter readings t a k e n after March 31, 1995. Those local

governments that wish to continue participating in this rate shall provide the Water Conservation Department the total acres served by each irrigation only meter, excluding the total areas for parking lots, building, hard surface courts, streets, and any other impervious areas. This information shall be provided to the Water Conservation Department office no later than September 1, 1995. If such information is not provided by this date by those local governments participating on this date, water use for those local governments will be billed in accordance with the procedures and rates shown in subsection B above. Provided, however, any local government participating in the parks and recreation rate on the effective date of this Resolution shall not be required to comply with this paragraph and will continue to be billed under their established allotment, as that allotment may be adjusted in the future. Provided further, this exception shall not exempt any new account for such local government participating in the parks and recreation rate from fully complying with this paragraph.

In the case of multiple yard meters serving one location, the total acreage served must be divided in such a manner as to represent the acreage served per/by each yard meter. If the General Manager, or his designee, after an investigation, determines that an equitable adjustment is required due to pressure variations and other factors, total consumption for meters looped at a single location must not exceed maximum Ccfs per acre allocated for the location.

No local government non-irrigation usage will be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.

All local government turf irrigation accounts that modify the size of their landscape or turf area must provide the Water Conservation Department with written notice of the modification to allow the Water Conservation Department to recalculate new allotments.

Where reclaimed water is available, and an irrigation customer does not connect to the reclaimed water system, that customer shall pay the rate established in Section 1-K.

Reclaimed water is considered available if the property abuts on an easement or street with a reclaimed water line capable of providing service.

G. VERY LARGE WATER USERS

Section 15.13.05 of the El Paso Municipal Code, also known as The Water Conservation Ordinance, defines a "Very Large Water User" as a person who uses an average of 100,000 gallons per day or more. Monthly metered water consumption for any person or account having daily water use of 100,000 or more gallons shall be charged in accordance with the following table:

Block 1	0 Ccf to 5,000 Ccf	$1.95
Block 2	5,001 Ccf to 15,000 Ccf	$2.45
Block 3	15,001 Ccf to 30,000 Ccf	$2.94
Block 4	Over 30,000 Ccf	$3.69

The Monthly Minimum Charge based on the size of the meter and contained in Section I A shall also apply to all Very Large Water Users. No minimum volume will be included in the Monthly Minimum Charge; all metered use will be charged at the rates noted above.

For existing accounts served by the El Paso Water Utilities Public Service Board, daily water use shall be determined each year based on metered water consumption for the twelve month period ending December 31. Annual water use (in gallons) will be divided by 365 to determine daily water use. Any account determined to have used an average of 100,000 or more gallons per day shall be classified as a Very Large Water User, and the rates contained in Section I G of this Rule and Regulation shall apply for the twelve month period beginning March 1 and ending at the end of February of the following fiscal year. This classification shall apply for the full twelve month period regardless of actual water use. The procedure for determining a Very Large Water User shall be repeated each year based on annual metered water use per account for the twelve months ending

December 31.

New accounts with an anticipated water use in excess of 100,000 gallons per day will be charged the rates for Very Large Water Users until sufficient data is available for a consecutive twelve month period. This data shall then be used to calculate average daily water consumption and determine whether an account meets the definition of a Very Large Water User.

Local Government Turf Irrigation accounts will be charged in accordance with Section 1-F of this Rule and Regulation, regardless of average daily water use.

H. INCENTIVES FOR RECYCLING

1. All Customers

In order to encourage the use of recycled water by Very Large Water Users, the Utility will assist industries in evaluating alternatives to potable water use by providing water reuse technology seminars, providing water conservation audits, and assisting in providing water application techniques. Industries who recycle at least 25% of their potable water use or who connect to the Utility's reuse water system will be publicly acknowledged for their conservation efforts.

2. Existing Customers (served prior to July 1. 1995)

Very Large Water Users receiving service on July 1, 1995, who recycle a percentage of potable water, either purchased from the PSB and/or produced by the users from wells, as verified by Utility staff, will receive a recycling rebate as follows:

Percent of Potable Water Recycled	Amount of Recycling Rebate
25% to 29%	5% of water bill only
30% to 50%	10% of water bill only
>50%	15% of water bill only

Recycling rebates will be based on the percentage of recycled water used in comparison with the total potable water usage from January through December of each year. Recycling rebates for 1995 will be based on potable water usage and recycling from July through December, 1995. Rebates to qualifying customers will be paid in February for the prior year's recycled water usage. This program only applies to industries in existence as of July 1, 1995.

Very Large Water Users must complete a recycling rebate program application providing the company name, address, telephone and fax numbers, the names and telephone numbers of the plant manager and the person supervising the daily operation of the water recycling system, and a schematic diagram of the potable water and recycled water systems. The Utility will inspect the system and determine eligibility in accordance with these Rules and Regulations, and certify eligibility in writing. Participation will begin with the receipt of the first flow report submitted by the industry. Applications may be submitted to: Water Reclamation and Biosolids Manager-El Paso Water Utilities.

The following conditions must be met in order to be eligible for recycling rebates:

a. The account must have been an active account as of July 1, 1995.
b. Recycle rebates will not apply for new or additional accounts or metered service as a result of expansion or addition of new facilities.
c. Industries must, at their own expense, purchase and install recycle flow meters and wastewater flow meters. Meters and installation must be Utility approved.

d. Effluent water, recycle water, and wastewater flow meters must be read each production day and the information recorded in a bound log book and shall be entered into a spreadsheet format. The information in the form of the spreadsheet printouts must be faxed and hand-delivered to the Utility's Water Reclamation and Biosolids Manager ever Friday by 5:00pm.

e. The hydraulic capacity of all treatment equipment will be assessed by Utility staff. The maximum theoretical recycle percentage will be developed from this flow. No higher percentage will be considered unless the equipment capacity is increased.

f. Recycled water is intended to be used for production of finished products. Wash water, landscape irrigation, and other similar uses will not count toward the recycle percentage unless they are a minor constituent of overall recycle water usage for production purposes.

g. The type of recycle equipment will be assessed by Utility staff. Equipment designed only to remove solids will not be counted towards the recycle percentage unless such equipment is integral pretreatment for more advanced treatment. The final product of an approved recycle system must be suitable for actual process use.

h. By participating in the program, customers agree to allow complete access during normal production hours to Utility employees for the purpose of inspecting equipment, water usage, and records. Water recycling records hall be verified a random by Utility staff.

i. Participating in the recycling rebate program may be terminated under any of the following conditions: falsification of meter readings, tampering with or bypassing meters, violations of the Rules and Regulations of the Public Service Board, refusal of entry to authorized Utility personnel on official business, failure to keep adequate records, failure to properly operate and maintain equipment.

I. CITY OF EL PASO LANDSCAPE AND TURF IRRIGATION RATE

A uniform rate equal to the rate established for Block 1, found in Section I(B) is hereby established for the City of El Paso's landscape and turf irrigation accounts.

"Landscape and turf irrigation accounts" shall mean an account established for applying water for irrigation and landscaping only, as determined by the PSB's General Manager or his designee.

No non-irrigation usage will be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.

Where reclaimed water is available, and an irrigation customer does not connect to the reclaimed water system, that customer shall pay the rate established in Section 1-K.

Reclaimed water is considered available if the property abuts on an easement or street with a reclaimed water line capable of providing service.

J. BRACKISH WATER RATE -Water containing 1000 mg/L or more of Total Dissolved Solids (TDS) and/or300 mg/L or more of chlorides.

The Utility will supply brackish water at a rate of $1.09 per ccf (advanced secondary treatment reclaimed water rate).

K. NON-GOVERNMENT LANDSCAPE AND TURF IRRIGATION RATE

A uniform rate of $3.68 per hundred cubic feet (Ccf) is hereby established for all non-government landscape and turf irrigation accounts.

"Landscape and turf irrigation accounts" shall mean an account established for applying water for landscaping and turf irrigation only, as determined by the PSB's General Manager or his designee.

Non-irrigation usage will not be included in this special rate, including, without limitation, the use of water for swimming pools, fountains, and for human and animal consumption.

L. CONSTRUCTION METER RATES

A uniform rate equal to the rate established in Section 1-K is hereby established for all construction meter accounts. Reclaimed water used for construction purposes will be billed at the rates established in Rules and Regulations No. 6, Section X-A

M. ANNEXATION FEES -1999

For property subject to annexation fees pursuant to a contract, a water connection fee shall be paid at the time of application for meter installation, including fireline and irrigation/yard services, for each three-quarter inch (3/4") equivalent water meter that is connected to the City of El Paso's water system as follows:

Meter Size	Eastside Annexation Fee	Westside Annexation Fee
Less than 1"	$ 621	$ 897
1"	$ 1,553	$ 2,243
1 ½"	$ 3,105	$ 4,485
2"	$ 4,968	$ 7,176
3"	$ 9,936	$ 14,352
4"	$15,525	$ 22,425
6"	$31,050	$ 44,850
8"	$57,753	$ 83,421
10"	$82,593	$119,301

Based on gallons-per-minute (gpm) water flow, El Paso Water Utilities Public Service Board Rules and Regulations No. 1, Section VII-J.

The water connection fee for the Eastside shall be increased by three percent (3%) on December 1, 2000, and each year thereafter, compounded annually, rounded to the nearest dollar, in accordance with City of El Paso Ordinances 014262 and any amendments thereto. The water connection fee for the Westside shall be increased by three percent (3%) on September 1, 2000, and each year thereafter, in accordance with City of El Paso Ordinances 014200 and any amendments thereto. Payment of the water connection fee shall be due at the time of application for water connection to the system.

N. EASTSIDE ANNEXATION FEES- 2005

For property subject to annexation fees pursuant to a contract, a water connection fee shall be paid at the time of application for meter installation, including fireline and irrigation/yard services, for each three-quarter inch (3/4") equivalent water meter that is connected to the City of El Paso's water system as follows:

Meter Size	EASTSIDE Annexation Fee Water($)
Less than 1"	$ 566
1"	$ 1,396
1½"	$ 2,830
2"	$ 4,528
3"	$ 9,056
4"	$14,150
6"	$28,300

Meter Size	EASTSIDE Annexation Fee Water($)
8"	$52,827
10"	$75,467

The Annexation Fee shall be increased by three (3) percent on March 1, 2006, and each year thereafter, compounded annually, rounded to the nearest dollar. Payment of the water connection fee shall be due at the time of application for water connection to the system.

SECTION II

There shall be collected from each and every user of a connection to the water system for the purpose of providing Standby Fire Protection a monthly standby charge based on the size of the service as follows:

Size of Service	Monthly Charge
1/2"	$6.60
2"	$9.22
3"	$13.09
4"	$17.01
6"	$23.60
8"	$39.32

When any water is used through a standby fire service, the charge shall be the Monthly Charge plus $1.56 for each 100 cubic feet for the first 1000 cubic feet as measured by the detector meter. Registration of flow in excess of 1000 cubic feet in any billing cycle shall because to indicate that large volumes of water are being used that are only partially indicated by the detector meter and the excess volume shall be determined by multiplying the volume measured by the detector meter less 1000 cubic feet, by two times the ratio of the area of the fire line to the area of the by-pass line, both in inches, and this volume billed at $1.56 per estimated 100 cubic feet.

If consumption through the fire line is determined to have been caused by an underground leak which the customer could not have reasonably detected, then the Utility shall allow relief to the customer under PSB Rules and Regulations No. 5, Section VII, and the Utility will waive the two times ratio calculation charge. If consumption through the fire line is incurred due to an actual fire on the premises, then only the fixed meter charge will be assessed to the customer.

SECTION III

All of the aforementioned charges apply to water service to property within the City of El Paso. Where the water connection provides service to property outside the City Limits of El Paso, the charge for such service shall be 1.15 times the rates for similar service to customers, whose property is inside the city limits, including the monthly Water Supply Replacement Charge.

SECTION IV

There shall be collected from the City of El Paso for each fire hydrant installed on the lines and systems of the El Paso Water Utilities-Public Service Board of the City of El Paso, Texas, a monthly charge of $5.92 for hydrants located on public right-of-way or at other locations approved by the City's Fire Chief.

SECTION V

Payment of the monthly service charges is due 14 days after the date of billing. A termination notice will be generated on the 15th day, allowing an additional 7 days from the billing due date. Services will be scheduled for disconnection the following work day unless the billed amount has been paid.

A charge of $12.00 per $100 of the delinquent amount or any part thereof will be assessed when the "past due" amount of a bill is not paid before a Field Service Worker is dispatched to disconnect the

service for non-payment. If payment is made at the service location prior to the service being disconnected, no other charge shall be made. If the service is turned off for non-payment, an additional charge of $20.00 will be made to restore the service if the service is restored or the request to restore service is received between 7:00 A.M. and 4:00 P.M. on a normal working day. A charge of $25.00 will be made for restoration of service under all other circumstances. In the event that service is not restored until after the customer's bill has been finaled out, a new guarantee deposit and customer account fee must be paid.

A disconnection charge of $3.00 per dwelling or business unit, in addition to the charges stated above, will be assessed when the service connection provides water to a building or buildings occupied by two or more individuals, families, or businesses who receive water service from one metered connection. Said special charge, in addition to any delinquent amount or other delinquency charges shall be paid prior to the restoration of service to the premises.

A separate charge of $100.00 will be made when water service to a property is restored by someone other than an authorized representative of the EL PASO WATER UTILITIES.

A charge of $25.00 will be added to each customer's account that is affected when the customer makes payment by check and said check has been returned for insufficient funds or other reasons by a financial institution.

SECTION VI

No customer or person shall use water from the City system except from a metered connection installed by the Utility. All meters are the property of the Utility and shall not be damaged, removed or altered by the customer or non-utility personnel. A charge of $15.00 plus the cost of correcting any such damage and the estimated cost of the water used shall be paid before water is reconnected to any customer or property that has or has permitted the meter or service connection to be altered in such a way as to not accurately meter all of the water that flowed through the service connection.

SECTION VII

The Utility shall allow an adjustment on all leaks which the customer could not have reasonably detected. The adjustment will only be allowed on the highest billing (one month consumption) when the Utility, in its sole discretion, determines that the loss of water could not have been reasonably detected by the customer using the service, such as a leak beneath a cement floor and/or running commodes. All other water lost through other causes is the responsibility of the customer using the service. Nothing herein shall relieve the customer from repairing such leaks when the customer has an obligation to do so under the Water Conservation Ordinance, Chapter 15.13. of the City code. The Utility will bear 50% and the customer the other 50% of the water lost. The amount of water lost will be determined by comparing the usage when the leak occurred and the previous year's usage during the same billing cycle. If the customer does not have a previous usage, a monthly average usage before the leak occurred will be considered in determining the adjustment. If such an adjustment is granted, no such adjustment of this nature will be made on the same property for a period of 24 months from the month in which the adjustment was granted.

SECTION VIII

These regulations and charges shall become effective on meter readings after March 31, 1994 and shall remain in effect until amended or changed by the Public Service Board.

SECTION IX

This Rule and Regulation is a part of the other Rules and Regulations of the Public Service Board and persons accepting service agree to comply with the appropriate provisions and conditions of all of the Rules and Regulations. If any part of the Rules and Regulations be held void, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of these Rules and Regulations.

PASSED, APPROVED and ADOPTED the 27th day of March, 1991 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION II REVISED, APPROVED and ADOPTED the 25th of September, 1991 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-D REVISED, APPROVED and ADOPTED the 12th of February, 1992 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-F PASSED, APPROVED and ADOPTED the 24th of February, 1993 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION 1-A, 1-B, 1-F AND SECTION III REVISED, APPROVED and ADOPTED the 23rd of February, 1994 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION 1-F AND SECTION II REVISED, APPROVED and ADOPTED the 8th of March, 1995 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION G AND SECTION H PASSED, APPROVED and ADOPTED the 14th of June, 1995 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(C), I(D), and SECTION III REVISED, APPROVED, and ADOPTED the 28th of February, 1996, by the Public Service Board of the City of El Paso.

RULES & REGULATIONS NO.5, SECTION IPASSED, APPROVED and ADOPTED the 8th of May, 1996 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTION J PASSED, APPROVED and ADOPTED the 11th of December, 1996 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION I(D) and SECTION *V,* REVISED, APPROVED and ADOPTED the 18th of December, 1997 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTIONS I (B), I(F), I(G), 1(1), I(J), and *V* REVISED, APPROVED and ADOPTED the 8th of December, 1999 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(K) and I(L) PASSED, APPROVED and ADOPTED the 8th of December, 1999 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(F), I(G), I (J), and II REVISED, APPROVED and ADOPTED the 24th of January, 2001 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(A), I(B), I(D), I(F), I(G), I(J), and II REVISED, APPROVED and ADOPTED the 23rd of January, 2002 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO. 5, SECTIONS I(L) REVISED, APPROVED and ADOPTED the 13th of February, 2002 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,D,F,G,I,J,& K), and Section II, REVISED, APPROVED and ADOPTED the 8th day of January, 2003 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,D,F,G,I,J,& K), and Section II, REVISED, APPROVED and ADOPTED the 14th day *of* January, 2004 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTION VII, REVISED, APPROVED and ADOPTED the

12th day of January, 2005 by the Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (J,K,L,M,N), REVISED,APPROVED and ADOPTED the 12th day of January, 2005 by the Public Service Board *of* the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(J,K,L,M,N), ADDED, REVISED,APPROVED and ADOPTED the 25th day of January, 2006 by the El Paso Water Utilities Public Service Board of the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,D,F,G,J,K), SECTION II,ADDED, REVISED, APPROVED and ADOPTED the 13th day of December, 2006, by the El Paso Water Utilities Public Service Board *of* the City of El Paso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I (A,B,F,G,I,J,L) AND SECTION II, ADDED, REVISED, APPROVED and ADOPTED the 9th day of January, 2008, by the El Paso Water Utilities Public Service Board *of* the City *of* ElPaso, Texas.

RULES & REGULATIONS NO.5,SECTIONS I (A,B,C,D,F,G,J,& K),Section II, Section *V* and Section VIREVISED, APPROVED and ADOPTED the 14th day of December, 2011 by the Public Service Board *of* the City of ElPaso, Texas.

RULES & REGULATIONS NO.5,SECTIONS I (A,B,D,F,G,J,K,M,N),Section II and Section *V* REVISED, APPROVED and ADOPTED the 12th day of December, 2012 by the Public Service Board *of* the City of ElPaso, Texas.

RULES & REGULATIONS NO.5, SECTIONS I(C, J, M, N) REVISED, APPROVED and ADOPTED the 11th day of December, 2013 by the Public Service Board *of* the City of ElPaso, Texas.

PUBLIC SERVICE BOARD:

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Richard Schoephoerster, Chair

ATTEST:

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David Nemir, Secretary-Treasurer

APPROVED AS TO FORM:

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Robert D. Andron, General Counsel

Chapter 15.13 - WATER CONSERVATION

Appendix III.

Sections:

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15.13.130 - Turf grass prohibited.
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15.13.005 - Definitions.

All definitions contained in Section 15.12.005, Definitions, of Chapter 15.12 "Water and Sewer System" are incorporated into this chapter by reference.

(Ord. 14805 (part), 2001)

15.13.010 - Water conservation compliance.

No person who uses water from the city water supply system, the management and control of which the city council delegated to the El Paso water utilities public service board (public service board) by Ordinance No. 752, shall make, cause, use or permit the use of water received from the public service board for residential, commercial, industrial, agricultural, governmental or any other purposes in a manner contrary to any provisions of this chapter. Provided further, that no person shall make, cause, use or permit the use of water in a manner contrary to Section 15.12.075 of the city code or Section 15.13.040 of this chapter, regardless of whether that water is received from the El Paso water utilities public service board. When used in this chapter, the terms "commercial," "industrial," and "residential" shall have the meaning and usage consistent with the usage of those terms under Title 20, Zoning, of the city code.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.020 - Mandatory compliance—Lawn and landscape watering.

The following mandatory restrictions shall apply to all customers of, or persons who use or receive water from the public service board:

A. All outdoor irrigation of grass, trees, plants or other vegetation on residential and commercial property on the side of the street on which building addresses are even numbered, may be done only Tuesdays, Thursdays and Saturdays; and on the side of the street on which buildings are odd numbered, such vegetation may be irrigated only on Wednesdays, Fridays and Sundays. In case of corner buildings having both odd and even numbers, the number carried on the books of the public service board shall control.

B. All outdoor irrigation of grass, trees, plants or other vegetation on industrial properties, parks, golf

courses, schools and cemeteries may be permitted only on Mondays, Wednesdays and Fridays. All other properties, not falling within the industrial classifications described in this subsection, shall be considered residential and shall be watered in accordance with the requirements of subsection A of this section.

C. From April 1st to September 30th, all outdoor irrigation of vegetation is prohibited between the hours of ten a.m. and six p.m.

D. The review board of the public service board shall have the authority to review special situations and hardship cases upon application of any person in accordance with the procedures set forth in Section 15.13.060 of this chapter.

(Ord. 14805 (part). 2001: Ord. 10942 § 2, 1992: Ord. 10503 § 2 (part), 1991)

15.13.030 - Nonessential water use restrictions.

The following restrictions shall apply to all customers of or persons who use or receive water from the public service board:

A. 1. The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment shall be done only with a hand-held bucket or a hand-held hose equipped with a shut-off nozzle that completely shuts off the flow of water, even if left unattended. This restriction does not apply to the washing of the above-listed vehicles or mobile equipment when conducted on the premises of a commercial car wash or a commercial service station. When used in this chapter, "bucket" means a bucket or other container holding five gallons or less;

2. The washing of automobiles, trucks, trailers, boats, and other types of mobile equipment for fund-raising purposes must be conducted at a commercial car wash.

3. Prior to connection of water service to any commercial car wash issued building permits for construction after June 1, 2002, a certification shall be provided to the El Paso Water Utilities that the car wash uses no more than fifty gallons of water per vehicle washed. Absent such certification, no water service will be provided.

B. The following uses of water are defined as "wasting water" and are absolutely prohibited:

1. Irrigating any turf grass, tree, plant, or other vegetation, or otherwise utilizing the city water supply system to permit or cause water to pond, or to flow, spray or otherwise move or be discharged from the premises of any person responsible for any property within the corporate limits of the city, or which receives water from the public service board to or upon any street, alley, gutter or ditch, or other public right-of-way, or into a storm water drainage system or facility;

2. Failing to repair a leak within five working days of the discovery of same;

3. Washing sidewalks, driveways, parking areas, tennis courts, patios or other impervious surface areas with a hose, except in emergencies to remove spills of hazardous materials or to eliminate dangerous conditions which threaten the public health, safety, or welfare. "Impervious surface area" means any structure, street, driveway, sidewalk, patio or other surface area covered with brick, paving, tile or other impervious or nonporous material.

C. When referred to in this subsection, "swimming pool" shall mean any portable or permanent structure containing a body of water twenty-four inches or more in depth and containing one thousand one hundred twenty-two gallons or more of water and intended for recreational purposes, including a wading pool and as more fully defined under Sections 20.02.1064 and 20.02.1066 of the City Code. All swimming pools, which are constructed after the effective date of the ordinance codified in this chapter, must be equipped with filtration, pumping and recirculation systems. All existing swimming pools not equipped with such shall, within five years of April 1, 1991, be converted to filtration, pumping and recirculation systems, unless the review board, upon application of the pool owner or operator for a variance under Section 15.13.060 of this chapter, grants such a variance or extension of time. It is unlawful to drain swimming pools into the street, alley, gutter or other public right-of-way, ditch, or storm water drainage system or facility. Swimming pools may be drained into the sanitary sewer system only in coordination with El Paso Water Utilities' Wastewater System Division Manager.

D. New or replacement bleeder lines from evaporative coolers shall not be larger than one eighth-inch

inside diameter. Bleeder lines shall be conducted outside and discharged so that the effluent can be used for water landscaping and other outdoor vegetation, except where this would be impractical or unfeasible.

E. No person shall use water for non-residential single pass cooling or heating purposes unless the water is reused for other purposes. "Single pass cooling or heating" means the use of water without recirculation to increase or decrease the temperature of equipment, a stored liquid or a confined airspace.

(Ord. 15106 § 1, 2002; Ord. 14805 (part), 2001: Ord. 10505 § 2 (part), 1991)
(Ord. No. 17393, § 9, 8-24-2010, eff. 9-1-2010)

15.13.040 - Declaring of nuisance of exist.

The flow of produced water from property into streets, alleys, gutters, and other public rights-of-way, ditches, or into a stormwater drainage system or facility is contrary to the public health, safety and welfare of the citizens of El Paso and is therefore declared to be a nuisance. "Produced water" shall have the same meaning as set forth in Section 15.12.005 (A) of the City Code. Both the city attorney's office and the attorney for the public service board are authorized to take legal action to abate such a nuisance, including but not limited to seeking injunctive relief. This authorization to seek injunctive relief, or other legal action to abate such a nuisance shall not preclude prosecution for a violation of this chapter.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)
(Ord. No. 17393, § 10, 8-24-2010, eff. 9-1-2010)

15.13.050 - Large and very large users.

A. For the purpose of this section, a large water user is defined as "any person who uses an average of ten thousand gallons per day or more from the water supply system under the management and control of the public service board." A very large water user is defined as "any person who uses an average of one hundred thousand gallons per day or more from the water supply system under the management and control of the public service board."

B. All new very large water users, or existing very large water users, who apply for new service or an expansion of an existing service shall obtain approval from the public service board before being permitted to connect to the system or to expand within the system. Such large water users shall submit a water conservation plan to the Water Conservation Manager which contains a water use justification report that relates the water consumption to recycling potential and meets the requirements of subsection C of this section. The water conservation manager shall submit a recommendation, based upon this submittal to the public service board which shall render its decision within thirty days of the receipt of the recommendation from the water conservation manager. The water conservation manager shall review all water conservation plans submitted to determine whether the plan meets the requirements of this section. The public service board may approve the application for service with or without conditions, deny the application, or take any other action consistent with the policies expressed in this chapter.

C. All large water users who use more than an average of twenty-five thousand gallons per day shall prepare and submit to the water conservation manager, within six months of April 1, 1991, a water conservation plan, in accordance with this section as a condition for continued use or new service. All large water users, who use more than an average of ten thousand gallons per day but less than twenty-five thousand gallons per day, shall prepare and submit to the water conservation manager, within one year of April 1, 1991, a water conservation plan, in accordance with this section as a condition for continued use or new service. The water conservation plan must demonstrate that reasonable diligence will be used to avoid waste and achieve water conservation. The water conservation plan shall include techniques and technologies that will 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. All conversion to recycling and reuse of water, if required, shall be accomplished within five years from the date of submittal of the water conservation plan. The water conservation manager may require additional information to be submitted which he/she deems necessary. If the water conservation plan demonstrates that the large water user will use reasonable diligence to avoid

waste and achieve water conservation, the water conservation manager shall approve the plan. All approved water conservation plans shall be revised every five years. A fee of twenty-five dollars per plan submittal shall be assessed to defray administrative costs.

D. In considering approval of a water conservation plan, the water conservation manager and the public service board shall consider the climatic conditions, best management practices, best available techniques and technologies, the financial capacity of the applicant, and any other such factors which affect the policy of the city as expressed in the water resource management plan or the conservation policy of the State of Texas, as expressed in Section 1.003 of the Texas Water Code or applicable water conservation regulations providing for the conservation and development of the state's water resources adopted by the Texas Commission on Environmental Quality.

E. Any person whose water conservation plan is disapproved by the water conservation manager may appeal the decision to the review board, the public service board and the city council in accordance with the procedure set forth in Sections 15.13.060 and 15.13.070 of this chapter.

(Ord. 16822 § 1 (part), 2008; Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.060 - Variances and permits.

A. Owners of newly seeded or sodded turf grass and landscaping and new residential and commercial developments may receive a landscape watering permit upon application and approval by the water conservation manager allowing for daily watering of the same until the turf grass and landscaping are established, which shall not exceed thirty days.

B. The planning and development manager, water supply manager and general manager of the public service board, or his designee, shall be immediately established as a review board to review hardship and special cases which cannot fully comply with the provisions of this chapter after recommendation by the water conservation manager. The review board will review hardship or special cases to determine whether a particular case warrants a variance or permit and shall hear appeals from any person whose water conservation plan is rejected by the water conservation manager. The review board shall consider the facts of each case separately and decide whether to grant a variance or permit within ten working days of the receipt of a properly completed "Application for Variance/Permit" form which shall be developed by the water conservation manager. A variance shall be granted only for reasons of economic hardship, medical hardship, or if there is a legitimate public health or safety concern that will be promoted or fulfilled as a result of granting the permit or variance. An "economic hardship" is defined as a threat to an individual's or business' primary source of income, and where not granting the variance would result in material structural damage to the person's property. A "medical hardship" is defined as a situation where it is determined that a person's ill health or medical condition requires a dependency upon others to water or irrigate. Under no circumstances shall inconvenience or the potential for damages of landscaping be considered an economic hardship or significant damage to property which justifies a variance. The review board shall authorize only the implementation of equitable water use restrictions which further the intent of the public service board's water conservation plan. Any special water use restrictions authorized by the review board in each hardship or special case shall be set forth on the face of the variance or the permit. A fee of twenty-five dollars shall be assessed per application to defray administrative costs. The fee may be waived upon the execution of an affidavit stating that applicant for the variance is unable to pay the fee and such affidavit shall be sworn before a notary public. Final determination of an applicant's inability to pay shall be made by the water conservation manager.

C. A variance or permit issued under this section expires under its own terms and conditions, but in no event shall a variance or permit be issued for a period of more than five years from the date of issuance. Any person issued a variance or permit must fully comply with all the provisions of this chapter as an express condition of that person's variance or permit.

D. Any person who is issued a variance or permit and uses water supplied or delivered by the public service board shall provide proof of such variance or permit upon demand by any person authorized to enforce this chapter. Upon conviction of violating any provision of this chapter, the review board may revoke or suspend any permit or variance previously granted. Provided, however, the review board shall notify the permittee of the proposed revocation five working days before taking such action, and if within that time the permittee

requests a hearing in writing, the permittee shall be given an opportunity to be heard by the review board prior to taking such action.

E. No prosecution for a violation of any provision of this chapter may be suspended for the sole purpose of allowing a person to obtain a variance or permit.

(Ord. 14805 (part), 2001: Ord. 10942 § 3, 1992; Ord. 10503 § 2 (part), 1991)

15.13.070 - Appeal to public service board and city council.

A. Any person who applies for a permit or variance under Section 15.13.060 and is denied such permit or variance by the review board, or whose permit or variance is revoked or suspended by the review board, or whose water conservation plan is disapproved by the review board, may appeal the decision of the review board by filing an intention to appeal in writing with the general manager of the public service board within five working days of the review board's decision. If a proper appeal is timely filed, the public service board will hear the appeal within thirty days of the time the appeal is filed with the general manager. The public service board may take any action it deems necessary with regard to the appeal including denying same, granting same, or granting the requested permit or variance with conditions, or approving the water conservation plan. The decision of the review board shall be final and binding if there is no timely filing of an appeal in accordance with this section.

B. Any person, whose appeal to the public service board is denied, may appeal the decision of the public service board by filing an intention to appeal in writing with the city clerk within five working days of the public service board's decision. If a proper appeal is timely filed, the city council will hear the appeal within thirty days of the time the appeal is filed with the city clerk. The city council may take any action it deems necessary with regard to the appeal including denying same, granting same or granting the requested permit or variance with conditions, or approving the water conservation plan. The decision of the city council shall be final and binding. The decision of the public service board shall be final and binding if there is no timely filing of an appeal in accordance with this section.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.080 - Penalty.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine not less than fifty dollars and not to exceed five hundred dollars. The violation of each provision of this chapter, and each separate violation thereof, shall be deemed a separate offense and shall be punished accordingly.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.090 - Other enforcement action.

Nothing contained in Section 15.13.080, or any other provision of this chapter, shall prevent either the public service board or the city from seeking compliance with or enforcement of this chapter, from seeking injunctive relief in a court of competent jurisdiction, or from utilizing any other civil or equitable remedy to enforce the provisions of this chapter. Both the city attorney's office and the public service board's attorney are authorized to institute injunctive relief or any other civil action deemed necessary to enforce compliance with the provisions of this chapter. The public service board's attorney has no authority for criminal enforcement under this chapter.

(Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.100 - Exceptions to enforcement.

The following shall constitute exceptions from compliance with the provisions of this chapter:

A. The water is a result of natural events such as rain or snow;

B. The flow is a result of temporary failures or malfunctions of the water supply system;

C. The flow is a result of water used for firefighting purposes including the inspection and pressure testing

of fire hydrants or the use of water for firefighting training activities;

D. The use of water is required for the control of dust or the compaction of soil as may be required by this code;

E. The water is used to wash down areas where flammable or otherwise hazardous material has been spilled and creates a dangerous condition;

F. The water is used to prevent or abate public health, safety or accident hazards when alternate methods are not available;

G. The water is used for routine inspection or maintenance of the water supply system;

H. The water is used to facilitate construction within public right-of-way in accordance with the requirements of the city and good construction practices;

I. The use of water is permitted under the terms of a variance, permit or compliance agreement granted by the review board or the public service board;

J. The water that is used for street sweeping, sewer maintenance or other established utility and public works practices;

K. Watering contrary to the even/odd watering requirements, under Sections 15.13.020(A) and 15.13.020(B), and from the time of day watering requirements under Section 15.13.020(C), may be permissible for one day only where application of chemicals requires immediate watering to preserve an existing lawn. In cases of commercial application, a receipt from a commercial lawn treatment company indicating the date of treatment, the address of the property treated, the name and address of the commercial contractor, and the chemical treatment required shall constitute evidence that the owner or person responsible for the property is entitled to this exception. Where treatment with a noncommercial application of chemicals requires immediate watering to preserve an existing lawn, the owner or person responsible for the property must contact the water conservation department prior to the application of chemicals and provide evidence satisfactory to the water conservation manager for approval of this exception;

L. Outdoor irrigation necessary for the establishment of newly seeded or sodded turf grass and landscaping in new residential and commercial developments;

M. Plants which cannot be kept alive without daily watering may be permitted to be watered from a bucket but not from the use of a hose on the days when watering is prohibited.

(Ord. 14085 (part), 2001: Ord. 10942 § 4, 1992; Ord. 10503 § 2 (part), 1991)

15.13.110 - Issuance of citations.

The water conservation manager or designee, or any other personnel authorized to issue class C misdemeanor citations are authorized to issue citations for violations of this chapter.

(Ord. 14805 (part), 2001: Ord. 13152 § 129, 1997: Ord. 10503 § 2 (part), 1991)

15.13.120 - Water emergency—Restriction of water use.

The general manager may implement the following additional restrictions and regulations curtailing water use upon the declaration of a water emergency by the mayor upon recommendation of the public service board:

A. Prohibit all restaurants from serving water to their customers except when specifically requested by the customer;

B. Prohibit the operation of any ornamental fountain or similar structure;

C. Suspend the issuance of all variances or permits hereunder;

D. Prohibit the filling, refilling or adding of water to all swimming pools;

E. Prohibit the washing of all vehicles and equipment except upon the premises of a commercial car wash;

F. Require that the washing of motor vehicles, airplanes, boats or other types of mobile equipment, upon the immediate premises of a commercial car wash or a commercial service station, shall occur only

between the hours of twelve noon and five p.m.

The mayor may declare a water emergency in case of a severe drought, in the event of any condition which interrupts the ability of the public service board to supply water, where curtailment of the use of water is necessary due to war, a natural disaster, to protect the public health, safety or welfare, or to preserve the water supply. In the event such water emergency is to continue for more than five days, such measures must be passed by resolution by majority of city council in order for the declaration of emergency to continue beyond the initial five day period. During such a water emergency, the general manager may impose any additional restrictions on the use of water from the city's water supply system in all or in any part of the city as the city council may authorize.

(Ord. 15106 § 3, 2002: Ord. 14805 (part), 2001: Ord. 10503 § 2 (part), 1991)

15.13.130 - Turf grass prohibited.

A. Turf grass is prohibited in all parkways, narrow strips of land and sloped areas within new residential or commercial sites for which a building permit is issued after June 1, 2002, unless irrigated with sub-surface irrigation. For purposes of this section, "sloped areas" means an area with a slope ratio of one to three or greater from the horizontal. "Sub-surface irrigation" means a low pressure irrigation system installed below the surface of the ground or mulch, consisting of a water distribution system equipped with pre-installed water emitters that are rated by gallons per hour, and that is suitable for turf grass irrigation.

B. Turf grass for residential sites after June 1, 2002, shall not be used for more than fifty percent of the total area to be landscaped (front and back yard).

C. Turf grass for commercial sites after June 1, 2002, shall not be used for more than thirty-three and one-third of the total area to be landscaped (front and back yard).

(Ord. 15106 § 2, 2002: Ord. 14805 (part), 2001)

15.13.140 - Drought and water emergency management response plan.

It shall be unlawful to violate the imposed provisions of the drought and water emergency management response plan, dated November, 2002, after the declaration of a drought or water emergency and imposition of restrictions in accordance with the plan.

(Ord. 15375, 2003: Ord. 14805 (part), 2001)

APPENDIX IV

RULES AND REGULATIONS NO.17
DROUGHT AND WATER EMERGENCY MANAGEMENT RESPONSE RULE

PURSUANT TO THE AUTHORITY VESTED IN THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD, TRUSTEES, UNDER TEXAS GOVERNMENT CODE SECTION 1502.070, CITY ORDINANCE 752, PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS MAY 22, 1952, 30 TEXAS ADMINISTRATIVE CODE SECTION 288.20, DROUGHT CONTINGENCY AND CHAPTER 15.13 WATER CONSERVATION OF THE EL PASO MUNICIPAL CODE; BE IT RESOLVED BY THE PUBLIC SERVICE BOARD OF THE CITY OF EL PASO, THAT THE FOLLOWING RULE AND REGULATION NO. 17 CONCERNING A DROUGHT AND WATER EMERGENCY MANAGEMENT RESPONSE RULE IS ESTABLISHED AND EFFECTIVE.

SECTION I GENERAL

The Drought and Water Emergency Management Response Rule for the City of El Paso and the El Paso area served by the El Paso Water Utilities Public Service Board (Public Service Board) is an integral part of the overall Water Resources Management Plan for the El Paso area in compliance with State and Local law. The City of El Paso, El Paso Municipal Code Section 15.12.010, sets out that the Public Service Board is authorized to promulgate Rules and Regulations on all subjects relevant to the operation of the City's water and sewer systems, which Rules and Regulations shall have like effect as if adopted by ordinance.

Drought is a naturally occurring climate condition in the West and has occurred in varying severity numerous times and will occur again. The purpose of Rules and Regulations No. 17 is to provide a management framework for dealing with severe drought. In addition, these Rules and Regulations will be used to manage temporary or sudden water emergencies which result in temporary loss or reduction in water or wastewater service due to other non-climate-related factors or conditions.

As El Paso becomes more dependent on the Rio Grande River as a renewable water source, it becomes more vulnerable to long-term, drought-induced water shortages. In the event surface water deliveries to water treatment plants are curtailed, water deliveries to customers may be required to be curtailed. Rules and Regulations No. 17 have as one of its major purposes to provide an equitable management framework to deal with curtailed water deliveries.

The Drought and Water Emergency Management Response Rule is triggered as the result of reductions in surface water allotment from the Rio Grande Federal Reclamation Project or as a result of the inability to satisfy system water demands for any other reason. The Rule sets out response Stages based on allotment of surface water or when demand for water is projected by the Public Service Board to exceed supply. Each Stage is associated with a menu of possible response measures. Each successive Stage being from Stage I to Stage III represents a response to an increasingly severe condition and includes an increasingly stringent list of response measures.

Although the President/CEO of El Paso Water Utilities (EPWU) may ask at any time he or she deems necessary for a voluntary reduction in water consumption by customers, the Drought and Water Emergency Response Rule is intended to provide a structured framework of responses in Stages that is available and noticed to the public in advance of the need to implement such emergency measures.

SECTION II PURPOSE

The purpose of this Drought and Water Emergency Response Rule is:

1. To provide for measured, contingency plans to manage a drought or water emergency.

2. To continue to deliver to the maximum extent possible during a drought or water emergency a cost-effective, adequate, safe and reliable supply of high quality water to the customers.

3. To identify successful public information strategies which will inform and motivate the community to reduce normal water consumption to drought allowances.

4. To evaluate water emergency and drought management practices in various similar sized cities around the United States and recommend the best practices use in El Paso.

5. To identify critical points of change which would result in an acute or long-term water outage in the service area and to establish preemptive measures to address such conditions.

6. To recommend a programmed response for each Stage which would most effectively reduce water consumption to the available supply level with the least adverse impact to El Paso Water Utilities customers.

7. To comply with local, state and federal laws for drought or water emergency contingencies.

SECTION III PUBLIC SERVICE BOARD WATER RESOURCES MANAGEMENT

Since the beginning of the 20th Century, El Paso County has relied on both surface water and groundwater wells for its municipal water supply. Currently, El Paso Water Utilities supplies approximately 90% of all water used for municipal purposes in El Paso County. Surface water is supplied from the Rio Grande Federal Reclamation Project. The Rio Grande River flows that are diverted to El Paso are primarily derived from snowmelt runoff in southern Colorado and northern New Mexico. Historically, there are also occasional flood surges associated with major storms during the summer monsoon season. Spring runoff is stored in the Elephant Butte Reservoir in southern New Mexico before releases by the Federal Bureau of Reclamation are made for irrigation and municipal uses in southern New Mexico and the El Paso area.

EPWU is a customer of the local irrigation district (El Paso County Water Improvement District No. 1) and obtains water based on its ownership of water rights land in the Rio Grande Federal Reclamation Project area and the leasing of water rights from agricultural irrigation water rights holders in El Paso County.

EPWU surface water treatment plants have a combined capacity of 100 million gallons per day. Under normal river flow conditions, the plants operate seven months during the year, i.e., during the programmed irrigation season. Currently, El Paso has water rights of about 70,000 acre feet per year from the Rio Grande Federal Reclamation Water Project.

Groundwater supplies are pumped by wells from the Mesilla Bolson and the Hueco Bolson. The Mesilla Bolson is an underground water aquifer located in the Canutillo area and is used to provide water for the western part of El Paso. The Hueco Bolson is an underground water aquifer located on the eastern side of the Franklin Mountains and is used as a primary water supply for northeast and east El Paso. Both aquifers are regional in their extent and underlie portions of New Mexico, Texas and Chihuahua, Mexico.

El Paso Water Utilities conjunctively uses surface water and groundwater to meet water demands. Based on a full Rio Grande River allotment, use of surface water will be maximized and pumping from the Hueco Bolson is minimized. Conversely, during times of protracted drought with resulting low Rio Grande River allotment, pumping from the Hueco Bolson must be maximized. This includes maximizing the use of the Kay Bailey Hutchison Desalination Plant. During a severe drought, pumping from the Mesilla Bolson will also increase.

Conjunctive use management of surface water and groundwater resources recognizes that there are limits to surface water supplies and limits to groundwater supplies. The management of local groundwater use requires

the recognition of limits with respect to the ability of local groundwater basins to supply water readily over the long term, measured in decades.

As the Regional Water Supply Planner, El Paso Water Utilities is a member of the Far West Texas Regional Water Planning Group. As a member of this group and as required by State law, EPWU prepares and updates a 50-year water plan. The plans from the various regions of the State provide an evaluation and projection of current and future populations, water demands, water supply sources, water management strategies and costs. Planning and implementation of future water supply projects will allow the City to meet future water demands. However, such projects will not negate the need for the City to reduce its water usage over time and, in some instances, mandate certain drought contingencies during times of severe drought or water emergencies.

In addition to water supply projects, it may be necessary from time-to-time for EPWU to seek variances from the Texas Commission on Environmental Quality (TCEQ) to utilize groundwater supplies that, while still potable, may not meet maximum contaminant levels for sulfate, chloride, iron, manganese or other total dissolved solids. Such measures will utilize groundwater of secondary drinking water standards, which, although the water will be safe to drink, it may not be as palatable as customers are used to.

SECTION IV NOTIFICATION, INITIATION AND TERMINATION OF DROUGHT AND WATER EMERGENCY ACTION OR STAGES

At the request of the President/CEO of El Paso Water Utilities and based on his or her assessment of the situation, the Mayor may declare a drought or water emergency in the event of any condition that significantly interrupts the ability of the Public Service Board to supply water to its customers. Initially, actions based on this declaration may include any measure the President/CEO deems necessary to respond to the drought or water emergency, to include any part of the drought and water emergency stages listed herein.

The President/CEO will be responsible for notifying the Director of the Texas Commission on Environmental Quality within five (5) days following the implementation of any mandatory water use restriction. In the event that the drought or water emergency is expected to continue for more than five (5) days, the President/CEO shall make a report to the Chair of the Public Service Board and the Mayor setting out the nature and expected severity of the drought or water emergency. The Mayor shall call a City Council meeting to have the City Council adopt the continuing use of the Rule.

During the period of time covered by the drought or water emergency, the President/CEO will implement and direct such measures as he or she may deem necessary to be taken as set forth herein to include, but not by way of limitation, the implementation of the set out Stages. Such other measures may be implemented as the President/CEO may deem necessary or appropriate to respond to the drought or water emergency to bring the emergency to a close with the minimum loss of property and due consideration for the public health and safety. The Public Service Board shall be responsible to see that all public notification and outreach education measures and activities related to the drought or water emergency and such restrictions and Stages as have been implemented shall be taken.

In a declared drought or water emergency, any combination of management response options may be used system-wide or in any section of the region as circumstances may require in the judgment of the President/CEO. Any of the measures provided for in this Rule shall be implemented conditioned that they will not adversely affect public safety, hospitals or sanitary uses.

The Public Service Board through the President/CEO will monitor the drought or water emergency and promptly recommend that the President/CEO request the Mayor declare the drought or water emergency to be concluded.

The termination of the declaration of a drought or water emergency lasting more than five (5) days shall be by the City Council resolution after receiving and reviewing a report from the President/CEO of El Paso Water Utilities.

SECTION V DROUGHT AND WATER EMERGENCY RESPONSE MANAGEMENT RULE STAGES

A. STAGE I

When El Paso County Water Improvement District No. 1 declares a surface water allotment that is less than 0.5 acre foot per acre on or before April 1 of any year, or water demand is projected to exceed available capacity as determined by El Paso Water Utilities, Stage I. will be implemented as follows:

EPWU will ask customers for a voluntary reduction in water usage and do the following:

1. Request customers to reach a voluntary reduced water use goal of 25% in indoor and outdoor use.
2. Increase public education and outreach regarding water use reduction.
3. Request all restaurants to voluntarily discontinue serving water except upon customer request.
4. Urge hotels and motels to implement water conservation measures, including the reduction of laundry water usage.
5. Request manufacturing industries using water provided by EPWU to reduce their consumption by 25%.
6. Request all other water purveyors to comply voluntarily with all drought management response measures as set forth by EPWU. However, if such have contracts, wholesale or retail, with EPWU and if such contracts have drought and water emergency provisions, they are exempt from this Stage.
7. The President/CEO shall authorize additional personnel to issue citations for violations of the Water Conservation Ordinance and the Drought and Water Emergency Response Rule, consistent with local, state and federal law.

B. STAGE II

When El Paso County Water Improvement District No. 1 declares a surface water allotment of less than 1.0 acre foot per acre after April 1 but before May 1 of any year, or there is not enough continuous release of surface water, or water demand is projected by EPWU to exceed available capacity Stage II will be implemented as follows:

All Stage I options remain in effect. Additionally:

1. Outdoor watering by commercial or residential customers will be limited to once per week in accordance with the following schedule: Watering will be permitted before 9:00 a.m. and after 7:00 p.m. for no more than two hours each day. The last number of the street address will determine the watering days for each customer based on the following schedule:

Day of the Week	Mon	Tue	Wed	Thurs	Fri	Sat	Sun
Last # of Address	No Watering	0	1,3	2,4	5	6,8	7,9

(Outdoor watering performed with a reclaimed water system is exempt. Using a bucket to water trees, shrubs and flowers is permitted. Use of household grey water is encouraged.)

2. Parks and schools served by EPWU shall water in accordance with a special permit issued by EPWU and shall reduce water consumption by a specific amount per month based on reduction targets as set by EPWU to meet basic demands. (Parks and schools irrigating with reclaimed

water are exempt.)

3. Private and municipal golf courses irrigating with potable water supplied by EPWU shall water in accordance with a special permit issued by EPWU and will reduce consumption by a specific amount per month based on reduction targets set by EPWU to meet basic demands. (Golf courses irrigating with reclaimed water are exempt.)
4. Plant, grass or tree nurseries shall water plant stock in accordance with the special permit issued by EPWU.
5. No new landscaping shall be installed or planted in the City and no new landscape watering permits will be issued except for Xeriscapes that are irrigated with reclaimed water or brackish groundwater. New landscaping watering permits shall be granted for a 7-day period for landscaping that incorporates compost in the area at the rate of 5 cubic yards per 1,000 square feet of turf.
6. All evaporative coolers that require a bleed-off system must have a restricted bleed-off line or an automatic drainage system.
7. All Water Conservation Ordinance variances are automatically suspended and no new variances will be issued.
8. Routine fire hydrant flushing and testing shall cease.
9. Existing swimming pools cannot be drained and filled with potable water supplied by EPWU after May 1. Single-family residential swimming pools must be covered when not in use.
10. Upon the second violation of any part of the Drought and Water Emergency Management Response Rule, the President/CEO may order the installation of a restriction device or downsizing of the water line or water meter at the customer's cost.
11. Restaurants shall only serve water upon request.
12. Water misters shall not be operated except by special permit for health and safety reasons.
13. Water can be used for aesthetic purposes, such as ornamental fountains, in accordance with a special permit issued by EPWU.
14. Impervious surface cleaning with potable water shall be prohibited, except where conducted by order of the City Department of Public Health, Police or Fire Department.
15. Hotels and motels must implement water conservation measures, including the reduction of laundry water usage.
16. Apartment complexes and large turf water users shall water in accordance with a special permit issued by EPWU and will reduce water consumption based on reduction targets as set by EPWU.

C. STAGE III

When El Paso County Water Improvement District No. 1 declares a surface water allotment of less than 1.5 acre foot per acre after May 1 but before May 15 of any year, or there is not a continuous release of surface water, or water demand is projected by EPWU to exceed available capacity, Stage III will be implemented as follows:

All Stage I and Stage II drought management response options shall remain in effect. Additionally:

1. All outdoor watering is prohibited, except when performed with a bucket or where reclaimed water or brackish groundwater is used.
2. The irrigation of golf courses with potable water supplied by EPWU is prohibited.

3. All car, trailer, truck or boat washing is prohibited, except in facilities certified by EPWU and displaying approved signage.
4. No swimming pools shall be filled.
5. All water use for construction, dust control and/or compaction is prohibited, except with reclaimed or brackish groundwater.
6. New water meters shall be approved for connection to the water system only as required for military expansion or use and/or high priority economic development projects, as determined by President/CEO and the Public Service Board in consultation with the Mayor and City Manager.
7. All street sweeping shall be discontinued, except that performed with reclaimed or brackish groundwater.

SECTION VI VARIANCES

Customer-specific variances may be granted in cases of hardship or special conditions. After recommendation by the Water Conservation Manager, an EPWU review board will consider a hardship or special conditions case to determine whether a particular circumstance warrants a variance. A variance shall be granted only for reasons of severe economic hardship, medical hardship or for a legitimate public health concern. A fee of $50.00 shall be assessed per application to defray administrative costs. The fee may be waived by the review board upon the execution of an affidavit that the applicant for the variance is unable to pay any fee or is indigent.

SECTION VII WHOLESALE WATER CUSTOMERS

In accordance with Texas Water Code Section 11.039, when necessary as determined by the EPWU, water deliveries to wholesale water customers shall be curtailed on a pro-rata basis. Every wholesale water contract entered into or renewed after adoption of this Rule, including contract extensions, shall include a provision that in the case of a drought or water emergency declaration, water to be distributed shall be divided in accordance with Texas Water Code Section 11.039.

SECTION VIII ENFORCEMENT

Any person violating any provision of this Rule and Regulation No. 17 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine as prescribed in Section 15.13.080 of the El Paso City Code.

SECTION IX DEFINITIONS

All words shall have their usual meaning unless otherwise provided for herein.

Acre-Feet or Acre-Foot:

The amount of water required to cover an acre of land to a depth of one foot and equivalent to 325,850 gallons of water.

Aesthetic Use:

The use of water for fountains, waterfalls, golf course water hazards, and landscape lakes or ponds where such use is predominately ornamental and serves no other purpose.

Automatic Drainage System:

An electric water pump driven system that periodically (every 6, 8 or 12 hours) pumps all water from an air-conditioner tank, thereby allowing the tank to be replenished with fresh water.

Available Capacity:

The projected firm capacity of the EPWU system to deliver water based on the number of wells in service,

water treatment plant production capacity and available river supplies and/or allotments, in-service booster pumping capacity impacted by equipment outages and/or other factors. The capacity is usually expressed in available million gallons per day and shall be as stated or expressed by the EPWU Water Systems Division Manager.

Bucket:
A container which holds no more than five gallons to be used singly by one person.

Existing Landscaping Plant:
A landscaping plant existing in an area after such period of time as to accomplish an establishment and maintenance of plant growth.

Greywater:
Wastewater that has not been contaminated by fecal material; examples of such include wastewater from lavatories, bathtubs, showers and other plumbing fixtures.

Impervious Surface Area:
Any structure, street, driveway, sidewalk, patio or other surface area covered with brick, asphalt paving, tile or other impervious or nonporous material.

Landscaping Plant:
Any member of the horticultural kingdom Plantae, including any tree, shrub, vine, herb, flower, succulent, ground cover or grass species that grows or has been planted outdoors for such purpose.

Landscape Watering:
The application of water to landscape trees, shrubs, plants or grass to promote the health and/or growth of existing landscape plants.

New Landscape Plant:
Any landscaping plant, shrub or tree which has been planted in or transplanted to an area after a Drought or Water Emergency has been declared.

Restriction Device:
A pipe or valve which has an orifice designed to restrict the flow of water from a water supply line through a water meter serving a customer.

Swimming Pool:
Any structure, basin, chamber, tank or large tub, including hot tubs, containing water for swimming purposes, diving or recreational bathing and having a depth of two feet or more at any point.

Water Emergency:
A water system failure due to weather, electrical or mechanical failure, contamination of source, extremely low river water allotment, or act of God or force majeure.

Xeriscape:
A landscape design concept that uses the implementation of drought-tolerant plant material or trees, efficient irrigation utilizing drip or subsurface irrigation, limited turf area with adequate soil depth, mulching of all plant beds and proper maintenance.

SECTION X APPEALS

The Property Owner or applicant for a new development has the right of appeal Pursuant to the El Paso Water Utilities Public Service Board Rules and Regulations No. 8 of any adverse determination.

SECTION XI SEVERABILITY

If any provision, paragraph, word or section of this Rules and Regulations No. 17 is invalidated by a court of competent jurisdiction, the remaining provisions, paragraphs, words or sections shall remain in full force and effect and shall be read or interpreted so as to give effect to the purpose of this Rules and Regulations as set forth in Section II.

SECTION XII SAVINGS

This Rules and Regulations No. 17 is a part of the other Rules and Regulations adopted by the El Paso Water Utilities Public Service Board, and, save and except as amended hereby, the remaining provisions of the El Paso Water Utilities Public Service Board's Rules and Regulations shall remain in full force and effect.

SECTION XIII EFFECTIVE DATE

This Rules and Regulations No. 17 shall be and become effective from and after its adoption hereby and shall remain in effect until otherwise amended by the El Paso Water Utilities Public Service Board or operation of law.

PASSED, APPROVED and ADOPTED RULES AND REGULATIONS NUMBER 17 CONCERNING DROUGHT AND WATER EMERGENCY RESPONSE RULE at a regularly scheduled meeting of the El Paso Water Utilities Public Service Board, this 14th day of March, 2012, at which meeting a quorum was present, said meeting being held in accordance with the provisions of V.T.C.A., Government Code, Sections 551.001 et. seq.

EL PASO WATER UTILITIES
PUBLIC SERVICE BOARD

Edward Escudero, Chair

ATTEST:

Richard T. Schoephoerster, P.E., PhD.
Secretary-Treasurer

APPROVED AS TO FORM:

Robert D. Andron
General Counsel