

**ORDER ESTABLISHING RULES AND REGULATIONS GOVERNING  
MAINTENANCE REQUIREMENTS OF CERTAIN WATER LINES**

**SONTERRA MUNICIPAL UTILITY DISTRICT**

October 21, 2019

THE STATE OF TEXAS                   §

COUNTY OF WILLIAMSON           §

WHEREAS, Sonterra Municipal Utility District (the “*District*”) owns and operates a water utility system that it uses to provide water service to its customers;

WHEREAS, the District provides metered retail water service to certain Apartment Houses, as defined in Section 13.501(1), Texas Water Code , which in turn provide water service to their Tenants, as defined in Section 13.501(6), Texas Water Code, on either a submetered or nonsubmetered basis, as defined in and regulated by Subchapter M of Chapter 13, Texas Water Code, and Subchapter H of Title 16 Texas Administrative Code Chapter 24 (“*Apartment House Water Systems*”) and, when providing water service to such Apartment Houses, the District is not the retail provider of water service to the Apartment House’s Tenants and it is the responsibility of the Owner, as defined in Section 13.501(5), Texas Water Code, of the Apartment House to operate and maintain the facilities comprising the Apartment House’s water system (the “*Apartment House Water System*”) in accordance with all applicable State laws and rules;

WHEREAS, certain District customers own and operate private fire lines within their properties or projects (“*Private Fire Lines*”) and private fire hydrants located on the Private Fire Lines (“*Private Fire Hydrants*”) for fire protection purposes;

WHEREAS, private water service lines that are used to provide domestic water service to an Apartment House’s Tenants (“*Private Water Service Lines*”) may, in some instances, be connected to a Private Fire Line within the Apartment House Water System; and

WHEREAS, under Section 54.205, Texas Water Code, the District may enforce reasonable rules and regulations to, among other things, preserve the sanitary condition of all water controlled by the District and to provide and regulate a safe and adequate freshwater distribution system; and

WHEREAS, the District’s Board of Directors has determined that, to accomplish the purposes described in the foregoing recital, to protect the public health and safety, and to assure that water quality standards are met, it is necessary to adopt rules and regulations regulating the flushing and maintenance of Private Fire Lines, Private Water Service Lines and Private Fire Hydrants;

IT IS THEREFORE ORDERED by the Board as follows:

**Section 1.     Flushing of Private Fire Lines.** The owner of any property within the District that includes a Private Fire Line must engage a Contractor, as defined in Section 4, to flush the Private Fire Line and all Private Fire Hydrants located thereon as necessary to meet all applicable health and safety standards. This required maintenance will include, at a minimum, completely flushing the Private Fire Line and operating the Private Fire Hydrants on an annual

basis ("Required Private Fire Line Maintenance"). Required Private Fire Line Maintenance may not be conducted during the District's winter-averaging period (November, December or January) nor during any time in which Stage 2 or higher water use restrictions are in effect within the District. The owner or its Contractor must give at least 10 business days' notice to the District prior to conducting any Required Private Fire Line Maintenance and must extend to the District the opportunity to send a representative to observe the flushing and/or hydrant operation .

Section 2. Flushing of Apartment House Private Fire Lines and Private Water Service Lines. In addition to the Required Private Fire Line Maintenance described in Section 1, the Owner of an Apartment House Water System that contains a Private Water Service Line must engage a Contractor, as defined in Section 4, to flush all water service lines included in the Apartment House Water System at least monthly at sufficient velocities and with proper sequencing to ensure that all water in dead-end lines within the Apartment House Water Systems are completely flushed ("Required Apartment House Water System Flushing"). The Owner or its operator must provide at least 10 business days' notice to the District prior to conducting any Required Apartment House Water System Flushing and extend to the District the opportunity to send a representative to observe the flushing.

Section 3. Water Quality; Modifications. (a) The Owner of an Apartment House Water System that contains a Private Water Service Line must engage a Contractor, as defined in Section 4, to test the chlorine residual of the water in the Apartment House Water System monthly (the "Water Sampling") in order to document that water being conveyed to Tenants meets the minimum chlorine residual requirements set forth in Subchapter F of 30 Texas Administrative Code Chapter 290 ("Chlorine Residual Standards"). The District may request sampling results or require additional testing at any time. The Owner must provide a copy of all test results to the District upon request. If any water sample does not meet the Chlorine Residual Standards, the Owner must immediately: (1) report the results to the District and any other applicable regulatory authority with jurisdiction; and (2) take remedial action to address the deficiency and report such remedial action to the District.

(b) An Owner may not construct any modifications or add any treatment systems to an Apartment House Water System without the prior approval of the District, which may require the submission of engineered plans for review and payment of applicable review fees as a condition of such approval.

Section 4. Qualification of Contractor. Any Required Private Fire Line Maintenance, Required Apartment House Water System Flushing, or Water Sampling required by this Order must be performed by a qualified, third-party contractor (the "Contractor") that holds a "Class C Distribution" Public Water System Operator License, as defined by Subchapter K of Title 30 Texas Administrative Code Chapter 30 and Title 30 Texas Administrative Code Chapter 290, from the State of Texas, issued by the Texas Commission on Environmental Quality.

Section 5. Annual Report. Each Owner must require its Contractor to annually compile a report detailing all flushing and maintenance activities required by Sections 1 and 2 of these Rules and, if applicable, the results of all Water Sampling required by Section 3, and to deliver a copy of the report to the District on or before December 31 of each year. ("Annual Report"). The Contractor's report must address any deficiencies noted and include any recommendations to address the deficiencies or otherwise improve the quality of water provided to Tenants. Any such recommendations will be implemented by the Owner unless the Owner, for good cause, determines that implementation of the recommendations is not required and

addresses the basis for such determination by written supplement to the Annual Report filed with the District concurrently with the submission of the Annual Report. The first Annual Report for all Apartment House Water Systems will be due by December 31, 2020.

Section 6. Compliance with Applicable Rules and Regulations. Any Owner providing submetered or nonsubmetered master metered utility service to Tenants must comply with all applicable provisions of State law, as well as any rules and regulations, promulgated thereunder, including Subchapter M of Chapter 13, Texas Water Code; Subchapter D of Title 30 Texas Administrative Code Chapter 290, and Subchapter H of Title 16 Texas Administrative Code Chapter 24. Upon the request of the District, the Owner must provide documentation confirming such compliance to the District.

Section 7. Penalties for Violation. The provisions of this Order constitute rules adopted under the authority set forth in Section 54.205, Texas Water Code. As provided in Section 54.206, Texas Water Code, the provisions of this Order will be recognized by the courts as if they were penal ordinances of a city. Any Owner or other person or entity (a "Responsible Party") that violates any provision of this Order will be subject to a penalty of up to \$5,000 for each violation. Each day that a violation of any provision continues will be considered a separate offense. The foregoing notwithstanding, no penalties for a violation of this Order will be assessed until the Responsible Party has been given notice of the violation and extended five business days from the date of the notice to cure the violation in question. The Responsible Party will be given an opportunity to appear at a hearing before the Board or its designee to appeal any penalties assessed under this Order.

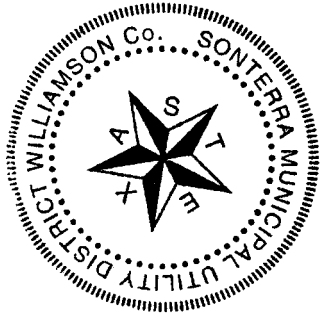
Section 8. Severability. If any provision of this Order or its application to any person or set of circumstances is, for any reason, held to be unconstitutional, invalid or unenforceable, the validity of the remaining portions of this Order and their application to other persons or sets of circumstances will not be affected, it being the intent of the Board of Directors that no provision or regulation contained herein will become inoperative or fail by reason of the unconstitutionality or invalidity of any other provision or regulation.

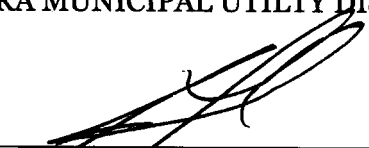
Section 9. Publication of Notice. The District's attorney is hereby instructed to publish notice of the adoption of the rules contained in this Order in accordance with Section 54.207, Texas Water Code.

Adopted this 21st day of October, 2019.

[EXECUTION PAGE TO FOLLOW]

SONTERRA MUNICIPAL UTILITY DISTRICT



By:   
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John Faske, President  
Board of Directors

Attest:



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Darrell Goldman, Secretary  
Board of Directors