

**WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY (“WTCPUA”)
WATER AND SEWER SERVICE AND DEVELOPMENT POLICIES
June 19, 2014
Amended January 21, 2021**

A. Water Service and Development Policies

1. **Existing Commitments.** Honor water service commitments in existing wholesale and retail water service contracts and agreements.
2. **Standard Service.** Provide Standard Water Service upon application from a person or entity with an existing service agreement with the WTCPUA or located within WTCPUA Water certificate of convenience and necessity (“CCN”) No. 13207, in accordance with WTCPUA Schedule for Rates, Charges, and Terms and Conditions of Water and Wastewater Services.
3. **Planning Service Level/Service Level A.** Apply a base level of service for planning purposes throughout the Water Service Area¹ that is consistent with the WTCPUA’s Land Use Assumptions and Capital Improvements Plan. This base level of service shall be defined as “Service Level A” and shall be no greater than one (1) living unit equivalent (“LUE”) per acre “Gross Site Area”.²
4. **Approval by General Manager.** The General Manager may approve or deny any Service Availability Letter (“SAL”) and/or any Non-Standard Service Agreement (“NSSA”) for 20 LUEs or less of service capacity for applicants for Non-Standard Water Service. All other applications for service or NSSAs shall be presented to the Board for approval or denial.
5. **General Requirements for New Non-Standard Service.** For applicants for Non-Standard Water Service that are in the Water Service Area and do not have an existing service agreement with the WTCPUA, the Board may consider extension of service under the following conditions:
 - a. Applicant submits a conceptual site plan or approved preliminary plat or plan demonstrating compliance with the appropriate Service Level as established by these Policies.

¹ “Water Service Area” shall mean and include (1) the area that is within WTCPUA’s water CCN No. 13207, as may be amended from time to time, and (2) the area that can be served by the WTCPUA’s Water Transmission System, as constructed on September 26, 2013 (regardless of whether such area is within the boundaries of water CCN No. 13207), without the need to construct additional central facilities other than those identified in the WTCPUA’s Water Capital Improvements Plan; and Water Service Area is more particularly depicted in Attachment 1, attached hereto and incorporated herein for all purposes.

² “Gross Site Area” means the total amount of acreage in a development. “Net Site Area” means the difference obtained by subtracting the Development’s Gross Site Area minus the area located within undisturbed native vegetative buffers and sensitive environmental features as described in the September 1, 2000 USFWS Recommendations

- b. Annual non-reimbursable payment of Water Reservation Fees for unused LUEs, as follows:
 - i. The initial, annual non-reimbursable Water Reservation Fees for any unset water services (i.e., LUEs) shall be due and payable within 6 months of the effective date for the WTCPUA's written service commitment;
 - ii. Subsequent annual non-reimbursable Water Reservation Fees for any unset water services shall be due and payable upon each annual anniversary date of the WTCPUA's written service commitment; and
 - iii. The Non-Standard Service Agreement may be terminated if any reservation fees are not paid for all or any portion of the unset LUEs.
 - c. Pre-Payment of 100% of impact fees for each development phase upfront prior to final plat or earlier if required to fund construction of capital improvements needed to provide service and required by the WTCPUA in its sole discretion.
 - d. Payment or funding of capital projects needed to serve the project that are not included in the WTCPUA approved Capital Improvements Plan upfront or provision of a financial guarantee for such funds in a form acceptable to the WTCPUA.
 - e. Phase water demands of the project in unison with WTCPUA approved Capital Improvements Plan.
 - f. Project has no substantive impacts to its approved Capital Improvements Plan, including no impact to the calculation of impact fees as determined by the WTCPUA.
 - g. Project has no substantive impact to rates to current customers from extending service to the project as determined by the WTCPUA.
 - h. Project has no substantive impacts to system operations as determined by the WTCPUA.
 - i. Provide water service, following the 75% - 90% Guideline,³ to the extent existing capacity is available.
6. **Service Level Determination.** Service levels for a new project in the Water Service Area will be determined as follows:
- a. Applicants for Non-Standard Water Service who (i) are located outside of the corporate limits and extra-territorial jurisdiction ("ETJ") of the City of Bee Cave (as such ETJ boundaries exist on January 9, 2014); (ii) who are located outside of the City of Dripping Springs corporate limits; and (iii) who do not have an existing service agreement with the WTCPUA will be required, as a matter of policy, to adopt one of the alternative water quality measures required of new development as specified in that certain "Memorandum of Understanding" between LCRA and the United States Fish and Wildlife Service (the "USFWS"), dated May 24, 2000 (the "MOU") and the "Settlement Agreement and Stipulation of Dismissal" from the lawsuit, Hays County Water Planning Partnership, et al. vs. Lt. General Robert B. Flowers, U.S. Army Corps of Engineers, Thomas E. White, Secretary of the

³ When a WTCPUA central facility reaches 75% of rated or design capacity, the WTCPUA will commence planning and design of needed central facility improvements to expand such facility and when a WTCPUA central facility reaches 90% of rated or design capacity, the WTCPUA will commence construction of needed central facility improvements

Army, Gale Norton, Secretary of the Department of the Interior, and Lower Colorado River Authority, W.D. Tex. 2002 (No. AOOCA 826SS) (the "Settlement Agreement") to establish the service capacity level including:

- U.S. Fish and Wildlife Service Recommendations for Protection of Water Quality of the Edwards Aquifer dated September 1, 2000 ("2000 USFWS Recommendations");
- TCEQ optional enhanced measures, Appendix A and Appendix B to RG-348 ("OEM"); or
- Alternative water quality measures approved by USFWS through separate independent consultation.

For the purposes of this Policy, Service Level A is equivalent to the 2000 USFWS Recommendations. Service exceeding Service Level A, to be defined as "Service Level B," is that service level that may be obtained for a project by compliance with OEM or separate USFWS consultation/approval.

- i. The Board may consider a commitment to Service Level B for projects greater than five acres Gross Site Area if the following additional conditions are met (in addition to the General Requirements of Paragraph 6 above):
 - (A) Applicant submits a conceptual site plan or approved preliminary plat or plan demonstrating compliance with one of the three alternative measures outlined above.
 - (B) Applicant provides the WTCPUA with written confirmation of TCEQ OEM approval for each development phase prior to construction of each respective project phase and Non-Standard Service Agreement may be terminated if approval not obtained within a reasonable time.
 - (C) Applicant provides the WTCPUA with certification of OEM compliance by an independent third party engineer (retained by the WTCPUA and to be paid for by the Applicant) for pre and post construction.⁴
 - ii. The Board may consider a commitment to Service Level B for projects equal to or less than five acres Gross Site Area if Applicant submits a conceptual site plan or approved preliminary plat or plan demonstrating compliance of the project with OEM. The WTCPUA Engineer shall review the plat or plan for OEM compliance.
- b. Applicants for Non-Standard water service who (i) are located inside the corporate limits or ETJ City of Bee Cave (as such ETJ boundaries exist on January 9, 2014) and (ii) who do not have an existing service agreement with the WTCPUA will be required, as a matter of policy, to follow water quality protection measures in compliance with City of Bee Cave water quality requirements. Any applicant

⁴ Certification forms are included at Attachment 2-B.

requesting non-standard water service for a project in the City of Bee Cave corporate limits or ETJ shall have service levels approved by the WTCPUA and determined in consideration of City of Bee Cave water quality, zoning, platting and site plan requirements.

- c. Applicants for Non-Standard water service who (i) are located inside the corporate limits of the City of Dripping Springs and (ii) who do not have an existing service agreement with the WTCPUA will be required, as a matter of policy, to follow water quality protection measures in compliance with City of Springs water quality requirements. Any applicant requesting non-standard water service for a project in the City of Dripping Springs corporate limits shall have service levels approved by the WTCPUA and determined in consideration of City of Dripping Springs water quality, zoning, platting and site plan requirements.
7. Expand Uplands Regional Water Treatment Plant (within its current footprint) and Lake Austin Raw Water Intake and Raw Water Transmission System to the maximum day capacity of 32.5 mgd, subject to the Board approval of the findings of a WTCPUA Preliminary Engineering Report of these two (2) central facilities, once complete.
8. Obtain additional LCRA Contract Raw Water, as necessary, to match maximum Uplands Regional Water Treatment Plant capacity.
9. Commence investigating supplemental alternative water supplies of no more than 7.5 mgd maximum capacity, including but not limited to:
 - a. In cooperation with Hays County entities, investigate groundwater importation alternatives.
 - b. Purchase wholesale water from the City of Austin and/or other entities.
10. Plan and estimate capital improvements necessary to provide water service at “build-out” level within the Water Service Area.
11. Secure a process for the exercise of eminent domain authority.
12. Negotiate memorandums of understanding/interlocal agreements with the cities of Austin, Bee Cave, and Dripping Springs, and Travis and Hays Counties, for coordinating the site review and approval processes, and for conducting plumbing inspections.

B. Sewer Service and Development Policies

1. Adopt an interlocal agreement between the WTCPUA, City of Bee Cave and WTCMUD 5 pertaining to the provision of retail sewer service within Bee Cave corporate and extra-territorial jurisdiction (“ETJ”) boundaries, providing for:

- a. Provisions for retail sewer service
 - b. Development densities and sewer service level
 - c. Coordinated platting and service extension request processes
 - d. Needed City and developer contributions (e.g., capital, land, 210 treated effluent reuse, and pre-paid fees and charges)
 - e. No wholesale sewer service, unless approved by WTCPUA
 - f. Considerations for developer installed and maintained on site sewer facilities and/or Alternative Sewer Treatment Systems
 - g. WTCPUA maximum sewer treatment and treated effluent disposal in a quantity not to exceed 1.8 mgd
2. WTCPUA planning for maximum sewer treatment and treated effluent disposal shall not exceed 1.8 mgd.
 3. Do not provide retail or wholesale sewer service outside of “Sewer Service Area.”⁵
 4. Developer install and maintain sewerage treatment facilities for property located outside of Sewer Service Area.
 5. For applicants for non-standard sewer service within WTCPUA Sewer Service Area:
 - a. Require annual non-reimbursable payment of Wastewater Reservation Fees for unset LUEs, as follows:
 - i. The initial, annual non-reimbursable Wastewater Reservation Fees for any unset wastewater services (i.e., LUEs) shall be due and payable within 6 months of the effective date for the WTCPUA’s written service commitment; and
 - ii. Subsequent annual non-reimbursable Wastewater Reservation Fees for any unset wastewater services shall be due and payable upon each annual anniversary date of the WTCPUA’s written service commitment.
 - b. Consider providing retail sewer service, if feasible and if in the best interests of the WTCPUA as determined by the WTCPUA in its sole discretion, and:
 - i. Prepayment of 100% of impact fees for each development phase upfront prior to final plat, or earlier if required to fund construction of capital improvements needed to provide service and required by the WTCPUA in its sole discretion.
 - ii. Payment or funding of capital projects needed to serve the project that are not included in the WTCPUA—approved Capital Improvements Plan upfront or provision of a financial guarantee for such funds in a form acceptable to the WTCPUA.
 - iii. Provide sewer service, following the 75% - 90% Requirement described in TCEQ Texas Land Application Permit No. WQ0013594-001, to the extent existing capacity is available.

⁵ “Sewer Service Area” shall mean and include the area that can be served by the WTCPUA’s wastewater system, as constructed on September 26, 2013 without the need to construct additional central facilities except those included in the WTCPUA’s Wastewater Capital Improvements Plan; and such area is more particularly depicted in Attachment 3, attached hereto and incorporated herein for all purposes.

6. **Approval by General Manager.** The General Manager may approve or deny any SAL and/or any NSSA for 20 LUEs or less of service capacity for applicants for Non-Standard Wastewater Service. All other applications for service or NSSAs shall be presented to the Board for approval or denial.
7. Secure a process for the exercise of eminent domain authority.
8. Negotiate memorandums of understanding/interlocal agreements with the cities of Austin and Bee Cave, and Travis County, for coordinating the site review and approval processes, and for conducting plumbing inspections.

ATTACHMENT 1

WATER SERVICE AREA

ATTACHMENT 2

WATER AND SEWER DEVELOPMENT POLICY FLOWCHART AND FORMS

ATTACHMENT 2

**WATER AND SEWER DEVELOPMENT POLICY FLOWCHART AND FORMS
NON-STANDARD SERVICE/NO EXISTING AGREEMENT**

GENERAL REQUIREMENTS FOR NON-STANDARD SERVICE

- Payment of annual Water Reservation Fees
- Payment of service extension costs and CIP upgrades (if needed) upfront or provision of financial guarantee in form acceptable to PUA
- Phase demand in unison with approved CIP program
- Service subject to 75/90 Guideline
- Applicant to submit detailed site plan or jurisdictional approved preliminary plat/plan (see Attachment 2-A)
- Less than 20 Water/Wastewater LUEs inside CCN approved by General Manager/all other Water LUEs and Wastewater LUEs approved by Board
- Impact Fees paid upfront prior to final plat or earlier if required to fund construction of capital improvements needed to provide service
- Determination that project will not have substantive impact to retail rates, system operations or Capital Improvements Plan, including calculation of impact fees
- Capacity commitment in NSSA based on WTCPUA planning service levels (see below)

**Planning Service Level
Out of Bee Cave**

**Planning Service Level In Bee Cave
See Page 3**

Outside Bee Cave City Limits and ETJ

Water quality protection measures must comply with one of three options:

- 1) September 1, 2000 USFWS Recommendations
- 2) TCEQ OEM without variance to TCEQ RG 348 Appendix A and B requirements Separate written approval of site-specific water quality measures by USFWS
- 3) Separate written approval of site-specific water quality measures by USFWS

**WTCPUA Determination of Service Level
Out of Bee Cave (Page 2)**

**WTCPUA Determination of Service Level
In Bee Cave (Page 3)**

**WTCPUA Determination of Service Level
Out of Bee Cave
(Choose EITHER Service Level A OR Service Level B)**

WTCPUA to conduct Feasibility Review of Service Level Request

- WTCPUA Engineer to review Site Plan/Preliminary Plat for compliance with applicable water quality, zoning and platting requirements

Service Level A (NSSA):

- Sept 1 2000 USFWS Recommendations are implemented:
 - 1 LUE per gross site acre

Service Level B (NSSA) -

- For projects greater than 5 acres, Board **may** consider approving an NSSA for increased capacity beyond Service Level A if Applicant:
 - provides written TCEQ OEM approval for each development phase, without variance to TCEQ RG 348 Appendix A and B requirements for project; OR
 - provides separate written approval of site-specific water quality measures by USFWS; AND
 - provides certification of OEM compliance by an independent third party engineer (retained by the PUA and to be paid for by the Applicant) for pre and post construction (See forms at Attachment 2-B)
- For projects less than 5.0 acres: review by WTCPUA District Engineer for compliance with TCEQ RG 348 Appendix A & B requirements

**WATER AND SEWER DEVELOPMENT POLICY FLOWCHART
NON-STANDARD SERVICE/NO EXISTING AGREEMENT
(IN BEE CAVE)**

Planning/Water Quality Measures

In Bee Cave Limits and ETJ

- Water quality protection measures must be in compliance with Bee Cave water quality requirements
- Service level determined in consideration of compliance with Bee Cave water quality, zoning, platting and site plan requirements

ATTACHMENT 2-A

SITE PLAN/PRELIMINARY PLAT REQUIREMENTS

ATTACHMENT 2-A

(Site Plan/Preliminary Plat Requirements)

Final Plat / Site Plan Requirements

For every submittal review of either a preliminary plat or site plan, Applicant shall submit a preliminary plat or site plan that shows buffers and all planned improvements/features demonstrating conformance with water quality measures.

Water Quality Controls shall be based on Lower Colorado River Authority's Water Quality Management Guidance Manual dated July 1, 2007, as amended or updated from time to time.

ATTACHMENT 2-B

ENGINEER'S DESIGN CERTIFICATION

ATTACHMENT 2-B

ENGINEER'S DESIGN CERTIFICATION

The undersigned person, a professional engineer licensed with the State of Texas, hereby certifies to the following:

1. I am generally familiar with the _____ Phase ____ subdivision (the "Subdivision"), commonly known as " _____ " which is part of a master planned development in Travis/Hays County, Texas (the "Master Development").

2. I am familiar with the Texas Commission on Environmental Quality's Edwards Aquifer Protection Program and, specifically, "Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer" published as an Appendix to the TCEQ's Regulatory Guidance Document RG-348 (February 14, 2005) approved by the United States Fish & Wildlife Service as an alternative to a no "take" determination under the Endangered Species Act ("OEM"). The OEM is incorporated herein by reference for all purposes.

3. In addition to conducting site visits of the Subdivision, I have reviewed the following plans and plats for the subdivision:
 - (a) Subdivision plat of _____, Phase _____
 - (b) Construction plans for _____, Phase _____

4. It is my opinion, as a professional engineer, that if the facilities contemplated by the above-referenced subdivision plans and plats are constructed and/or installed as contemplated, the Subdivision will be in substantial compliance with the OEM described in Paragraph 2 above, that pertain to stream buffers, permanent BMP implementation, TSS removal requirements, and measures to protect stream morphology. Furthermore, the plans, plats, deed restrictions and/or restrictive covenants for the Subdivision incorporate physical elements, such as stream buffers and permanent best management practices for the Subdivision, that are reasonably consistent with the OEM.

Signature

Printed Name

Date

(Seal) Texas Registration Number

ENGINEER'S CERTIFICATION OF ACCEPTANCE & COMPLETION

The undersigned person, a professional engineer licensed with the State of Texas, hereby certifies to the following:

1. I am generally familiar with the _____ Phase ____ subdivision (the "Subdivision"), commonly known as "_____" which is part of a master planned development in Travis/Hays County, Texas (the "Master Development").

2. I am familiar with the Texas Commission on Environmental Quality's Edwards Aquifer Protection Program and, specifically, "Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer" published as an Appendix to the TCEQ's Regulatory Guidance Document RG-348 (February 14, 2005) approved by the United States Fish & Wildlife Service as an alternative to a no "take" determination under the Endangered Species Act ("OEM"). The OEM is incorporated herein by reference for all purposes.

3. In addition to conducting site visits of the Subdivision and having reviewed the plans and plats for the Subdivision, I have inspected the completed facilities:

4. Construction plans and plats for the Subdivision are filed as public records as follows:

5. It is my opinion, as a professional engineer, that the facilities were constructed as contemplated by the above-referenced Subdivision plans and plats and, accordingly, the Subdivision is in substantial compliance with the OEM described in Paragraph 2 above, that pertain to stream buffers, permanent BMP implementation, TSS removal requirements, and measures to protect stream morphology. Furthermore, the plans, plats, deed restrictions and/or restrictive covenants for the Subdivision incorporate physical elements, such as stream buffers and permanent best management practices for the Subdivision, that are reasonably consistent with the OEM.

Signature

Printed Name

Date

(Seal) Texas Registration Number

ATTACHMENT 3

SEWER SERVICE AREA

