

ORDER ADOPTING SPECIAL WATER RATE FOR WATER HAULERS SERVING THE EAST MONTANA WATER SYSTEM

Section 1: Findings

Whereas the El Paso County Commissioners Court established the East Montana Water System (the “Water System”) to provide a reliable and affordable source of potable water to residents who lacked a dependable drinking water supply; and

The County has, to the extent feasible, for several decades striven to extend water services to as many residents in the unincorporated areas of the County who lacked a reliable, safe and affordable water supply; and

The County has established Water System water rates which provide for affordable water services to residents while utilizing pricing tiers to encourage conservation and maintain an economically viable Water System; and

The Water System has not yet been extended to certain County areas, and in those areas, residents continue to rely on hauled water to meet their basic sanitary and household needs; and

Without special consideration, the current pricing tiers would make it cost prohibitive for water haulers to provide affordable water on a cost-effective basis to residents who rely on hauled water; and

Recognizing that the provision of hauled water to individual residences lacking a reliable water supply is critical to the health, safety and well-being of County residents, the County of El Paso hereby establishes special water rates for water haulers who purchase water from the East Montana Water System for the express purpose of providing water for domestic purposes to the individual residences described above.

Section 2: Definitions

Qualified household – A household located within an Economically Distressed Area that 1) meets the low to moderate income eligibility for the State of Texas and 2) relies on hauled water for domestic use and 3) is not currently served by the East Montana Water System or any other public water system.

Standard water rates – The standard water rates charged by the County of El Paso to customers of the County’s East Montana Water System.

Special Hauled Water Rates – Rates set by the County of El Paso for potable water as shown in the attached Tier 2 Schedule for purchased by water haulers and delivered to qualified households reliant on hauled water and not otherwise served by the East Montana Water System or other public water system.

Domestic Use – Water used primarily for household domestic activities such as bathing, basic sanitation, and household cleaning. Uses such as commercial food preparation, commercial construction or similar uses are not considered as domestic use for the purposes of this Order.

Water Hauler – A public water system water hauler that meets the criteria for water hauling, including the use of tank trucks or trailers, as established pursuant to 30 Texas Administrative Code 290.44 (i) and holds all necessary licenses, permits and approvals required by the Texas Commission on Environmental Quality or successor agencies for water haulers.

Water Supply – Water obtained directly from the East Montana Water System

Section 3: Water Service Tier 2 Rates

A State of Texas approved water hauler may purchase water from the East Montana Water System at the rates shown in the attached Tier 2 Schedule subject to the following criteria:

1. The water hauler must meet and maintain the minimum criteria listed in 30 TAC 290.44 for water haulers. Satisfactory evidence of compliance must be presented to the County's water system administrator at the time of application for consideration of eligibility for the Critical Water Rates.
2. The water hauler must submit an application to the Public Works Department for a Special Rate Authorization. The application must be completed using the County's designated form and must include all required documentation and information. All water purchased by a water hauler from the East Montana Water System using the special water rates may only be sold to qualified households for domestic use.
3. All water sold shall be used only for domestic uses as defined above and limited to households lacking adequate access to a public water system
4. The Water System Administrator will determine the maximum amounts which an individual water hauler may purchase in a given year. These cap amounts shall be based on prior year consumption and water system demands. In the event of extreme weather events as determined by the administrator may make adjustments to the annual caps.
5. Special Rate Authorizations are non-transferable and may not be assigned without prior approval from the County.

**APPROVED AND ADOPTED BY THE EL PASO COUNTY COMMISSIONERS COURT ON THIS
THE ____ DAY OF _____, 2024**

Richardo A. Samaniego, County Judge
Date: _____

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Assistant County Attorney
Erich Morales
Date: _____

Director of Public Works
Norma Rivera Palacios
Date: _____