

**ORDER REGULATING THE INTRODUCTION
OF WASTEWATER INTO
THE SANITARY SEWER SYSTEM OF THE DISTRICT**

STATE OF TEXAS §
COUNTY OF HARRIS §
HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 133 §

The Board of Directors of Harris County Water Control & Improvement District No. 133 met in regular session, open to the public, at its regular meeting place inside the District, on November 9, 2016; whereupon, the roll was called of the members of the Board of Directors, to-wit:

Sam A. Montalbano	President
Benito G. Padilla, Jr.	Vice President
Catherine Chance	Secretary
Howard "Marty" Martin, Jr.	Treasurer
Jerry Larson	Director

All members of the Board were present.

WHEREUPON, among other business conducted by the Board, Director Chance introduced the Order set out below and moved its adoption, which motion was seconded by Director Padilla, and after a full discussion and the question being put to the Board of Directors, said motion was carried by the following vote:

"Aye" 5; "No" 0.

The Order thus adopted is as follows:

WHEREAS, the Board of Directors of Harris County Water Control and Improvement District No. 133 (the "District") has determined that it would be in the best interest of the District

to adopt an Order Regulating the Introduction of Wastewater into the Sanitary Sewer System of the District;

IT IS, THEREFORE, ORDERED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 133 THAT:

SECTION A. PURPOSE

(1) This Order sets forth uniform requirements for Indirect Contributors into the Wastewater Facilities of the District and enables the District to comply with all applicable State and federal laws required by the Clean Water Act of 1977 as amended, and the General Pretreatment Regulations (40 CFR, §403).

(2) The objectives of this Order are:

(a) To prevent the introduction of Pollutants in the District's Wastewater Facilities which will interfere with the operation of the facilities or contaminate the resulting sludge;

(b) To prevent the introduction of Pollutants in the District's Wastewater Facilities which will pass through the facilities, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the facilities;

(c) To provide for equitable distribution of the cost of the District's Wastewater Facilities.

(3) This Order provides for the regulation of Indirect Contributors to the District's Wastewater Facilities through the issuance of permits to certain non-domestic Users and the enforcement of general requirements, authorizes monitoring and enforcement activities, requires User reporting, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(4) This Order shall apply to all Users of the District's Wastewater Facilities, whether such Users are located within or outside the boundaries of the District. Except as otherwise provided herein, the Board shall administer, implement and enforce the provisions of this Order.

SECTION B. DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Order, shall have the meanings hereinafter designated:

- (1) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended by the Clean Water Act, 33 U.S.C. 1251, et.seq.
- (2) Amenable to Treatment. Susceptible to reduction in concentration by Treatment routinely provided in the District's Wastewater Treatment Plant, to a level which is in compliance with federal and State effluent limitations for discharge into Waters of the State.
- (3) Biochemical Oxygen Demand (BOD5). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees Centigrade (20 C) expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (4) Board. The Board of Directors of Harris County Water Control & Improvement District No. 133, of Harris County, Texas.
- (5) Building Sewer. A privately owned sanitary sewer line conveying Wastewater from the premises of a User to the Wastewater Facilities.
- (6) CFR. The Code of Federal Regulations, containing a codification of documents of general applicability and future effect, published by the office of the Federal Register, National Archives and Records Administration, as a Special Edition of the Federal Register.
- (7) Chemical Oxygen Demand (COD). A measure of the oxygen consuming capacity of inorganic and organic matter present in water or Wastewater as determined by oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with Biochemical Oxygen Demand.
- (8) Control Manhole or Sample Well. A manhole or sample well which provides access to a Building Sewer for purposes of inspection and sample collection and is located at some point before the Building Sewer discharge mixes with other discharges in the public sewer.
- (9) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat.

- (10) Daily Composite. Daily composite shall mean the composite of all samples of a user's wastewater that may be taken in any 24-hour period selected by the District. A daily composite shall be determined from not less than 3 grab samples or such higher number of samples as may be required by the District taken over equal time intervals, and may or may not be flow weighted at the option of the District.
- (11) Discharge Permit. The Texas Pollutant Discharge Elimination System permit issued by the Texas Commission on Environmental Quality to the District.
- (12) District. Harris County Water Control & Improvement District No. 133, of Harris County, Texas.
- (13) District Operator. Municipal Operations & Consulting, Inc., 27316 Spectrum Way, Oak Ridge North, Texas 77385 (281) 367-5511 or such other company or Person as may from time to time be duly appointed by the District.
- (14) Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency or be used to refer to the Texas Commission on Environmental Quality in those instances where the duties and/or authority of the EPA have been transferred to the Texas Commission on Environmental Quality.
- (15) Floatable Grease. Grease, oil or fat in a physical state such that it will separate or stratify by gravity in water.
- (16) Garbage. Animal and vegetable wastes and residue from the preparation, cooking, and dispensing of food; and from the handling, processing, storage, and sale of food products and produce.
- (17) Grab Sample. An individual sample collected in less than fifteen (15) minutes.
- (18) Grease. Fatty acids, soap, fats, waxes, petroleum products, oil, and any material which is extractible by hexane or freon solvent from an acidified sample and which is not volatilized during evaporation of the solvent.
- (19) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- (20) Indirect Contributor. A Person who discharges or introduces non-domestic Pollutants from any source regulated under Section 307 (b) or (c) of the Act (33 U.S.C. 1317) into the District's Wastewater Facilities.

- (21) Non-Domestic User. A Person who discharges Non-Domestic Waste, provided that churches shall not be considered to be Non-Domestic Users for purposes of this Order.
- (22) Non-Domestic Waste. The water-borne solids, liquids, and/or gaseous wastes (including Cooling Water), excluding Normal Domestic Sewage, resulting from any industrial, manufacturing, trade, business, commercial, or food processing operation or process, or from the development of any natural resource, or any mixture of such solids, liquids or wastes with water or domestic sewage, or any other wastes defined as Industrial Waste under the Act.
- (23) Non-Domestic Waste Charge. The additional charge made on those Non-Domestic Users that discharge into the Sanitary Sewer Non-Domestic Wastes which are Amenable to Treatment but which exceed the concentration levels of Normal Domestic Sewage.
- (24) Interference. The inhibition or disruption of the Wastewater Facilities Treatment processes or operations which causes, or contributes to causing, a violation of any requirement of the Discharge Permit.
- (25) May. The term “may”, when used herein, is permissible.
- (26) MGD. Million gallons per day.
- (27) Milligrams Per Liter (mg/l). A weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 (pounds per gallon of water) is equivalent to pounds of constituent per million gallons of water. It is the same as parts per million (ppm) for normal Wastewater.
- (28) Monthly Average. Monthly average with respect to any discharge limitation shall mean at the option of the District either: (i) the arithmetic average of all grab samples of a user’s wastewater taken during a calendar month, or (ii) the arithmetic average of all daily composite samples of a user’s wastewater calculated during a calendar month.
- (29) National Categorical Pretreatment Standard or Pretreatment Standard or Federal Categorical Pretreatment Standard. Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Non-Domestic Users.
- (30) Normal Domestic Sewage. A combination of the water-carried wastes, exclusive of ground, surface and Storm Waters and Non-Domestic Wastes, normally discharging from the sanitary conveniences of dwellings (including

apartment houses and hotels), office buildings, factories, and institutions in which the average concentrations of 5-day BOD and Total Suspended Solids does not exceed 250 mg/l.

- (31) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.
- (32) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- (33) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, Garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (34) Pretreatment or Treatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the Wastewater Facilities.
- (35) Rate Order. The term "Rate Order" shall mean the Rate Order adopted by the Board of Directors of the District, which Rate Order may be amended by the Board of Directors of the District from time to time.
- (36) Sanitary Sewer. A public sewer which carries domestic Wastewater and/or Non-Domestic Wastes, and to which storm, surface, and groundwaters are not intentionally limited.
- (37) Shall. The term "shall", when used herein, is mandatory.
- (38) Significant Non-Domestic User. Any industry which discharges to the District's Wastewater Facilities that:
 - (a) Is subject to categorical standards; or
 - (b) Discharges a nondomestic wastestream of 25,000 gallons per day (0.025 MGD) or more; or
 - (c) Contributes a nondomestic wastestream which makes up five percent (5%) or more of the current average dry weather hydraulic or organic loading of the Wastewater Facilities; or
 - (d) Has a reasonable potential, in the opinion of the Board, to adversely affect the District's Wastewater Facilities whether by inhibition, passthrough of

Pollutants, sludge contamination, or endangerment of personnel of the Wastewater Facilities or any other means.

- (39) Six Hour Composite Sample. A sample prepared from six Grab Samples collected no closer together than one hour per sample.
- (40) Sludge Discharge. Any discharge of water, Wastewater, or Non-Domestic Waste which, in concentration of any given constituent or in rate of flow, exceeds the grab sample concentration limit or flow rate limit as described in Section C.
- (41) Standard Methods. The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater", as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (42) State. State of Texas.
- (43) Storm Sewer. A public sewer that carries Storm Water, but excludes sewage and polluted Non-Domestic Waste.
- (44) Storm Water. Runoff from rainfall or any other form of precipitation.
- (45) Texas Commission on Environmental Quality. The Texas Commission on Environmental Quality or any successor agency to its powers and duties.
- (46) Texas Open Records Act. The Texas Open Records Act, also known as the Texas Public Information Act is set forth in Chapter 552 of the Texas Government Code.
- (47) Total Suspended Solids (TSS). The total suspended matter, measured in mg/l, that floats on the surface of, or is suspended in water, Wastewater or other liquids, and which is removable by laboratory filtering.
- (48) Trap. A device designed to skim, settle, or otherwise remove Grease, oil, sand, flammable wastes or other harmful substances.
- (49) User. Any Person who, whether as of the date hereof or hereafter, has a Building Sewer connected to the District's sewer, or contributes, causes or permits the contribution of Wastewater into the District's Wastewater Facilities, including those who discharge Holding Tank Waste into the facilities.
- (50) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and Storm Sewer that may be present,

whether treated or untreated, which is contributed or discharged into or permitted to enter the Wastewater Facilities.

- (51) Wastewater Facilities. All facilities of the District for collecting, pumping, treating, and disposing of sewage, sludges and residues.
- (52) Wastewater Treatment Plant. Any District-owned facilities, devices, and structures used for receiving, processing, and treating Wastewater, Non-Domestic Waste, and sludges from the Sanitary Sewers.
- (53) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

SECTION C. PROHIBITED DISCHARGES

No User shall contribute or cause to be contributed, directly or indirectly, any Pollutant or Wastewater which will interfere with the operation or performance of the District's Wastewater Facilities. No User shall contribute any of the following substances to any Sanitary Sewer:

- (1) Any inflows or infiltration, including but not limited to, Storm Water, groundwater, roof runoff, sub-surface drainage, noncontact Cooling Water, or from sources such as downspouts, yard drains, yard fountains or ponds, or lawn sprinklers.
- (2) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances, likely to cause fire or explosion or be injurious in any other way to the Wastewater Facilities or to the operation of the Wastewater Facilities. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naptha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances in concentrations which the District, the State or EPA has notified, or hereafter notifies, the User is a fire hazard or a hazard to the system.
- (3) Solid or viscous substances which may cause obstruction to the flow in a sewer or other Interference with the operation of the Wastewater Treatment Plant including, but not limited to, Garbage containing particles greater than one-half

inch (1/2") in any dimension, animal guts or tissue, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rages, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grindings or polishing wastes. The District is entitled to review and approve the installation and operation of any Garbage grinder equipped with a three-fourth (3/4) horsepower or larger motor.

- (4) Any Wastewater having a pH less than 6.0 or higher than 9.0, as determined from a grab sample taken in less than fifteen (15) minutes and measured instantaneously, or Wastewater having any other corrosive property capable of causing damage or hazard to pipes, structures, equipment, and/or personnel of the Wastewater Facilities.
- (5) Any Wastewater containing toxic Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any Wastewater treatment process, which constitute a hazard to humans or animals, which create a toxic effect in the receiving waters of the Wastewater Facilities, or which exceed the limitation set forth in a National Categorical Pretreatment Standard. A toxic Pollutant shall include, but not be limited to, any Pollutant defined or identified pursuant to Section 307(a) of the Act.
- (6) Any Wastewater having a temperature which will inhibit biological activity in the Wastewater Treatment Plant or result in the Interference with the operations of such facility, but in no case Wastewater with a temperature at the designated Control Manhole which exceeds 65°C (150°F) or which causes the temperature of waste at the entrance to the Wastewater Treatment Plant to exceed 40°C (104°F). In addition, no Wastewater with such a temperature that will cause the temperature of Wastewater at the entrance to the Wastewater Treatment Plant to rise more than 10°F per hour.
- (7) Any Pollutants, including oxygen demanding Pollutants (BOD5, etc.) released at a flow rate and/or Pollutant concentration which will cause Interference to the Wastewater Facilities. No slug discharges.
- (8) A volume of flow which will cause Interference or which exits the Wastewater Treatment Plant into Waters of the State in quantities or concentrations which causes or contributes to causing a violation of any requirement of the Discharge Permit. The design and installation of surge basins shall be subject to the review and approval of the District and to the requirements of all applicable laws.

- (9) Radioactive materials or isotopes of such half-life or concentrations which will permit a transient concentration higher than the maximum allowable as specified by the governing standards of all local, State and federal regulatory agencies.
- (10) Any of the following hazardous metals in concentrations (in terms of milligrams per liter) greater than those listed below:

NOT TO EXCEED (mg/l)

<u>Metal</u>	<u>Daily Average</u>	<u>Daily Max</u>	<u>Grab Sample</u>
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Cadmium	0.005	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

- (11) Heavy metals and toxic material in concentrations prohibited by State or federal regulations including, but not limited to:

- (a) Antimony
- (b) Beryllium
- (c) Bismuth
- (d) Boron
- (e) Cobalt
- (f) Molybdenum
- (g) Uranium
- (h) Rhenium
- (i) Strontium
- (j) Tellurium
- (k) Fungicides

- (l) Herbicides
 - (m) Pesticides
- (12) Cyanides or cyanogen compounds in excess of 1 mg/l.
- (13) Chlorides greater than 250 mg/l.
- (14) Dissolved sulfides greater than 10 mg/l.
- (15) Sulfates in concentrations which are not Amenable to Treatment.
- (16) BOD5 or Total Suspended Solids in excess of 1000 mg/l or ammonia in excess of 125 mg/l unless a variance is first obtained from the District, BOD5 or Total Suspended Solids in concentrations between 250 mg/l and 1000 mg/l and ammonia in a concentration between 25 mg/l and 125 mg/l shall be subject to payment of Non-Domestic Waste Charges pursuant to Section E herein.
- (17) Total dissolved solids greater than 850 mg/l including, but not limited to:
- (a) sodium chloride
 - (b) sodium sulfate
- (18) Inert (nonvolatile) suspended solids greater than 250 mg/l including, but not limited to:
- (a) Fuller's earth
 - (b) lime slurries
 - (c) lime residues
- (19) Any Wastewater containing any fats, wax, Grease, or oils, whether emulsified or not, in excess of 250 mg/l or containing substances which may solidify or become viscous between 32°F and 150°F. These prohibitions include, but are not limited to:
- (a) Floatable Grease of any origin;
 - (b) Free or emulsified Grease of petroleum or mineral origin, or both, including, but not limited to:
 - (1) cooling or quenching oil;
 - (2) lubrication oil;

- (3) cutting oil; or
 - (4) non-saponifiable oil.
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- (20) Substances having a chlorine demand in excess of 10 mg/l.
 - (21) Substances having a COD demand in excess of 1000 mg/l.
 - (22) Fluoride other than that contained in the public water supply, if any.
 - (23) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, hazard to life or the environment, or are sufficient to prevent entry into the sewers for maintenance and repair.
 - (24) Any Wastewater with objectionable color not removed in the Treatment process and which may interfere with laboratory analysis including, but not limited to, dye wastes, vegetable tanning solutions, and coffee processing wastes.
 - (25) Any substance which might cause the Wastewater Facilities' effluent or any other product of the Wastewater Facilities such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or which might interfere with the reclamation process.
 - (26) In no case shall a substance discharged to the Wastewater Facilities cause the Wastewater Facilities to be non-compliant with federal or State sludge use or disposal criteria, guidelines or regulations.
 - (27) Any substance which will cause the Wastewater Facilities to violate its Discharge Permit or the receiving water quality standards.
 - (28) Any Wastewater which is a hazard to human life or the environment or which creates a public nuisance.

When the District determines that a User is contributing any prohibited discharge into the District's Wastewater Facilities in such amounts as to interfere with the operation of the Wastewater Facilities, the District shall: 1) advise the User of the impact of the contribution on the Wastewater Facilities; and 2) develop effluent limitation(s) for such User to correct the Interference with the Wastewater Facilities.

SECTION D. FEDERAL CATEGORICAL PRETREATMENT STANDARDS

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, such Federal Standards, if more stringent than limitations imposed under this Order for sources in that subcategory, shall immediately supersede the limitations imposed

under this Order. The District shall notify all affected Users of the applicable reporting requirements under 40 CFR §403.12 and a revised Wastewater discharge permit shall be required of each affected User by the District. The District shall have the authority to amend such permit whenever required by federal, State or local regulatory agencies. A permit issued pursuant to this Order shall be issued by the District's engineer and will be valid for a period of five (5) years. A permit fee of one thousand dollars (\$1,000.00) shall be paid to the District in equal installments of \$200.00 each, with the first of such payments being due and payable on the date of issuance of such permit and continuing thereafter on the same date in each successive year until paid in full.

SECTION E. INDUSTRIAL WASTE CHARGE

In addition to the permit fee set forth above and the Wastewater service charges made by the District, all customers of the District that discharge Non-Domestic Waste into the Sanitary Sewer collection systems or into the District's Wastewater Facilities shall pay the Non-Domestic Waste Charges provided for herein. If the District determines that the volume or the character of Non-Domestic Waste to be treated by the District's Wastewater Facilities will not cause overloading of the Wastewater Facilities, the Person responsible for the discharge of Non-Domestic Waste shall nevertheless pay equitable Industrial Waste Charge sufficient to provide payment for the amortization of all capital expenses for the collection and treatment of Non-Domestic Waste (excluding new capital expenses and a proportionate share of the value of the existing Wastewater Facilities used in handling and treating the Non-Domestic Waste, but taking into account amortization costs resulting from annual tax payments) and operation and maintenance costs including salaries and wages, power costs, cost of chemicals and supplies, allowances for maintenance, depreciation, overhead and administrative and general expense. For such purposes, amortization shall be considered to be completed in a fifteen-year period.

(1) The Non-Domestic Waste Charge shall be calculated by the following formula:

$$UC = Q[W + X(\text{BOD} - 200) + Y(\text{N}-25) + Z(\text{SS} - 200)]$$

Formula values are:

UC = Non-Domestic Waste Charge (in dollars)

Q = Billable quantity (based on water billed or actual measurement of Wastewater discharged) of Wastewater in thousands of gallons.

W = \$0.50

X = \$0.0034

Y = \$0.0125

Z = \$0.009

BOD = Five-day, twenty (20) degrees Celsius, biochemical oxygen demand content of the waste delivered, in mg/l based on monthly average concentration

N = Ammonia content of the waste delivered, in mg/l based on monthly average concentration

SS = Suspended solids content of the waste delivered, in mg/l based on monthly average concentration

(2) Those industries defined herein as dry industries, or industries producing waste containing BOD of less than two hundred fifty (250) milligrams per liter (mg/l) and suspended solids of less than two hundred (200) mg/l will pay a sewer service charge at the uniform rate as set forth in the District's Rate Order as same may be amended from time to time.

(3) When either BOD is equal to or exceeds two hundred fifty (250) mg/l, ammonia is equal to or exceeds 25 mg/l, or suspended solids is equal to or exceeds two hundred (200) mg/l or both in a delivered waste, the formula provided in subsection (1) above shall be used to determine the Non-Domestic Waste Charges. The amount of BOD to be used in the formula shall equal to the actual amount or two hundred fifty (250) mg/l, whichever is greater. The amount of ammonia to be used in the formula shall equal the actual amount of ammonia or 25 mg/l, whichever is greater. The amount of suspended solids to be used in the formula shall equal the actual amount or two hundred (200) mg/l, whichever is greater.

(4) When an industry produces both domestic and processed waste with one connection to the sewer system, the waste so delivered shall be considered as Non-Domestic Waste with the rate being the uniform rate as set forth in the District's Rate Order as same may be amended from time to time, or calculated by the Non-Domestic Waste Charge computations, in compliance with the above, based on the combined volume, BOD, and suspended solids content, all as determined by the District.

(5) A permittee may reduce its Non-Domestic Waste Charge rate by greater removal in Pretreatment or plant operation procedure. Once the Pretreatment or plant procedure is established, the permittee must obtain a lower rate consent from the District to reduce the permittee's Non-Domestic Waste Charge rate. However, charges for a higher Non-Domestic Waste Charge rate based on tests by the District may be made without other notice to the permittee.

(6) The District shall review and, if appropriate, adjust the Non-Domestic Waste Charge at least annually to reflect changes in the characteristics of the Non-Domestic Waste based upon the results of sampling and testing. The District shall also review at least annually the basis for determining Non-Domestic Waste Charge and shall adjust the unit Treatment costs in the above formula to reflect increases or decreases in the waste treatment costs based upon the previous years' experience. Increases in Non-Domestic Waste Charge shall be retroactive for two (2) billing periods and shall continue for two (2) billing periods unless subsequent tests determine that the charge should be further increased. The District shall bill its customers in a

manner which will show Non-Domestic Waste Charge as a separate item from Wastewater service charges.

SECTION F. SPILL PREVENTION PLANS

(1) Each Non-Domestic user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Order. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's sole cost and expense. Detailed plans showing facilities and operation procedures to provide such protection shall be submitted by the User to the District for review, and such User must obtain District approval before construction of the facility. No Non-Domestic User who commences contribution to the District's Wastewater Facilities after the effective date of this Order shall be permitted to introduce Pollutants into the system until accidental discharge procedures have been approved by the District. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Order and any amendments hereto. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the District Operator of the incident and provide the following information: location of discharge, type of waste, concentration and volume, and corrective actions.

(2) Within five (5) days following an accidental discharge, the User shall submit to the District a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District's Wastewater Facilities, fish kill, or any other damage to Persons or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Order or other applicable law.

(3) A notice shall be permanently posted by the User on the User's bulletin board or other prominent place advising employees to telephone and notify the District Operator in the event of a dangerous discharge. It shall be the responsibility of such User to notify all its employees who may cause or suffer such a discharge to occur of such emergency notification procedure.

(4) Any related costs, including fines, fees or court costs, involved in the cleaning up of accidental spill shall be paid by the Non-Domestic User causing such spill. This shall include the costs of cleaning up the District's Wastewater Facilities, and the costs shall include any labor, equipment or materials involved. The cleaning up of the District's Wastewater Facilities shall be completed by the District's operator or other contractor approved by the District.

SECTION G. SUPERVISION

If the District or its designated representative determines that a discharge or a proposed discharge into the Wastewater Facilities may deleteriously affect the Wastewater Facilities or

receiving waters, or create a hazard to life or health, or create a public nuisance, it may require any one or more of the following:

- (1) Pretreatment to an acceptable condition for discharge into the Wastewater Facilities;
- (2) Control over the quantities and rates of discharge; and
- (3) Non-Domestic waste charge payments sufficient to compensate the District for the cost of handling and treating the waste.

SECTION H. PRETREATMENT

(1) The owner of premises from which Non-Domestic Waste is discharged shall provide Grease and sand Traps for the proper handling of liquid wastes containing Grease or sand. The Traps must be of a type and capacity approved by the District to adequately handle the waste and must be located so that they are easily accessible for cleaning, inspection and monitoring.

(2) When Pretreatment of waste is required by the District as a condition for acceptance of the waste into the District's Sanitary Sewer, the owner of the premises from which the waste is discharged shall plan, construct, operate and maintain waste treatment facilities in an efficient manner at his sole cost and expense. Plans for such facilities must be submitted for, and receive, District approval prior to beginning installation or construction. In the event that the installation of Pretreatment facilities is necessary for a User to meet applicable federal Pretreatment standards, the District shall establish and enforce deadlines for the installation of such facilities.

(3) No owner or operator of premises from which Non-Domestic Waste is discharged shall allow the use of extraneous water intermixed for the purpose of diluting the concentration of waste.

SECTION I. INSPECTION SAMPLE WELLS

(1) A Non-Domestic User that discharges waste into the District's Sanitary Sewer or Wastewater Facilities shall provide, at his sole cost and expense, an inspection manhole or sample well in an accessible location on the premises from which such waste is discharged.

- (2) An inspection manhole or sample well must be:
 - (a) Located reasonably near the outlet of each sewer, drain, pipe, or channel that connects with the Sanitary Sewer or Wastewater Facility; and
 - (b) Designed and constructed to prevent infiltration by ground and surface water; and

- (c) Maintained so that a Person may easily and safely measure volume and obtain flow samples.

(3) Before beginning construction of an inspection manhole or sample well, a Non-Domestic User shall submit plans to the District for review and approval to insure compliance with this section. Plans must include the sewage metering device if one is to be installed.

SECTION J. SAMPLING OF WASTE

(1) The District is authorized to require samples of waste discharges from Users at regular intervals determined by the District or its duly authorized agent or representative, to adequately monitor and control the discharges. In the event the District requires such samples at such regular intervals, a User shall retain the services of a reputable commercial laboratory acceptable to the District and pay all costs of sample collection and laboratory services and to determine and report the Wastewater characteristics. If the District requests additional samples in addition to the samples taken at regular intervals, results of the sample analysis shall be at the User's expense if the sample is not in compliance with the allowable pollutant concentrations in this Order; otherwise, the District shall bear the expense of the analysis for such additional samples. Users shall retain records of sampling results at their premises for three years from the date such samples were taken.

(2) Each User subject to federal categorical Pretreatment standards shall submit self-monitoring reports as required by 40 CFR §403.12.

(3) The District may take samples of waste discharges from Users as often as is necessary to adequately monitor and control the discharges. The cost of such sampling and laboratory analysis shall be paid by the Users.

(4) Samples may be taken manually or by use of mechanical equipment. The District may require a User to install, use and maintain monitoring equipment. Standard methods laboratory procedures shall be used for determining concentrations of Non-Domestic Waste.

SECTION K. RIGHT OF ENTRY

The District and other authorized representatives or employees of the District, bearing proper credentials and identification, shall be permitted to enter immediately upon any premises in which a Wastewater source is located, or in which any records required to be maintained pursuant to this Order are located, and may at reasonable times have access to and copy any records, and conduct any inspection, observation, measurement, sampling, or testing necessary to enforce this Order. Reasonable times shall mean any time when waste is being discharged or any time during normal operating hours.

SECTION L. TRADE SECRETS

All information and data relating to a User which is obtained from reports, questionnaires, monitoring programs or inspections shall be available to the public without

restriction to the extent required by the Texas Open Records Act. Any User desiring to restrict the availability of the information submitted to the District shall identify the provision of the Texas Open Records Act pursuant to which the User believes such information may be withheld from the public.

SECTION M. FEES

(1) It is the purpose of this section to provide for the recovery of costs from Users of the District's Wastewater Facilities related to the implementation of the program(s) established herein. The applicable charges or fees shall be set forth by the District and may be revised from time to time.

- (2) The District may adopt any one or more of the following charges and fees:
- (a) fees for reimbursement of costs of setting up and operating the District's Pretreatment Program;
 - (b) fees for monitoring, inspections, surveillance procedures, sample collection and analysis costs;
 - (c) fees for reviewing accidental discharge procedures and construction;
 - (d) fees for removal (by the District) of Pollutants otherwise subject to National Categorical Pretreatment Standards;
 - (e) Non-Domestic Waste Charges;
 - (f) Other fees as the District may deem necessary to carry out the requirements contained herein.

SECTION N. NOTIFICATION OF VIOLATION

Whenever the District finds that any User has violated or is violating this Order, the District shall serve notice, either personally or by certified mail, return receipt requested, upon such Person stating the nature of the violation. Within thirty (30) days of service of such notice, a plan for satisfactory correction thereof shall be submitted to the District by such User. If such a plan is not submitted, or if such violation is not corrected within such thirty (30) day period, unless User has perfected his right to review pursuant to Section O below, the District shall proceed with enforcement pursuant to Section S; provided, however, nothing contained in this section or any other section of this Order shall prevent the District or the Board from taking action in an emergency situation pursuant to Section P below.

SECTION O. REVIEW

Any User objecting to a finding by the Board of a violation of this Order shall have the right as set forth herein to a hearing before the Board. In the event such User disagrees with the

District's finding of such violation(s), the User shall, within thirty (30) days of service of such notice by the District, serve notice by certified mail, return receipt requested, on the District, that such User disagrees with the District's findings and, further, that such User requests a hearing before the Board. Such hearing shall be conducted at the next regular or special meeting of the Board which held not less than ten (10) days following the date of User's service of notice on the District. At such hearing, both sides will be allowed to present such testimony as is reasonably necessary to present a clear understanding of the contested issues. The Board President shall be the presiding officer and may at his discretion request other professional opinions prior to the Board's rendering a decision on the matter of review.

SECTION P. EMERGENCY RELIEF

Notwithstanding anything contained herein to the contrary, the District may immediately suspend Wastewater treatment service to a User when such suspension is necessary, in the opinion of the Board, in order to stop or prevent an actual or threatened discharge that presents an imminent and/or substantial danger to the health or welfare of Persons, the environment, or the District's Wastewater Facilities or that causes, or would cause, the District to violate any of the terms of its Discharge Permit. The District shall reinstate the Wastewater service upon proof by the User of the elimination of the non-complying discharge.

SECTION Q. NOTICE

Notice to the District required hereunder shall be served at the following address:

Harris County Water Control & Improvement District No. 133
c/o Strawn & Richardson, P.C.
6750 West Loop South, Suite 865
Bellaire, Texas 77401

SECTION R. PENALTIES AND CHARGES FOR VIOLATION

Each violation of this Order shall be punishable by a civil penalty as set forth in the District's Rate Order as same may be amended from time to time. Each day's violation shall be and constitute a separate offense. In addition, the violation may be required to pay such other charges, attorney's fees and court costs as set forth in said Rate Order.

SECTION S. ENFORCEMENT

In addition to any remedies set forth in the District's Rate Order, any one or more of the following remedies may be utilized by the District to abate or prevent any violation of this Order:

- (1) Discontinuance of water service.
- (2) Disconnection and sealing of Sanitary Sewer connection.
- (3) The District may and is hereby authorized to:

- (a) File suit in a court of competent jurisdiction to secure appropriate judicial relief, including, but not limited to, injunctive relief and/or the penalty provided in Section R for the violation by such User of the provisions of this Order.
- (b) Seek a resolution of the Board authorizing the filing of a lawsuit under the provisions of Sections 7.351 and 7.352 of the Texas Water Code, as amended.

SECTION T. SEVERABILITY

All Orders or parts of Orders in conflict herewith are hereby repealed to the extent of such conflict. The invalidity of any section, clause, sentence, provision or provisions of this Order shall not affect the validity of any other part or parts of this Order, which other part or parts shall be given effect as though such invalid section, clause, sentence or provision were omitted.

SECTION U. EFFECTIVE DATE


This Order shall be effective upon adoption.

Any order, rules, regulations and policies, regarding regulation of commercial and industrial waste and any amendments thereto, heretofore adopted by the Board shall be revoked as of November 9, 2016, the effective date of this Order. Adoption of this order shall not affect the District's Rate Order, which shall remain in full force and effect.

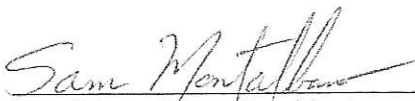
PASSED, ADOPTED AND EFFECTIVE this 9th day of November, 2016.

ATTEST:

HARRIS COUNTY WATER CONTROL &
IMPROVEMENT DISTRICT NO. 133



Secretary



Sam Montalbano, President

(DISTRICT SEAL)

wcid133orderswastedischarge.2016.11.09

