



**NOTICE OF A REGULAR MEETING
THE BRENHAM CITY COUNCIL
THURSDAY, FEBRUARY 25, 2021 AT 01:00 PM
SECOND FLOOR CITY HALL
COUNCIL CHAMBERS
200 W. VULCAN STREET
BRENHAM, TEXAS**

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags - Mayor Pro Tem Andrew Ebel**
- 3. Citizens Comments**

CONSENT AGENDA

4. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

4-a. Approve the Minutes from January 21, 2021 Regular City Council Meeting

4-b. Approve Resolution No. R-21-005 Amending Resolution No. R-21-003 Providing Support for Sandy Point Housing, Ltd.'s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2021 Competitive 9% Housing Tax Credits for a Single-Family Development in Brenham, Washington County, Texas

WORK SESSION

- 5. Presentation and Update on the COVID-19 Regional Vaccination SubHUB**

REGULAR SESSION

6. Discuss and Possibly Act Upon Resolution No. R-21-006 Providing for the Continuation of the Mayoral Declaration of Local Disaster Due to a Severe Winter Weather Emergency
7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2020-21 Adopted Budget
8. Discuss and Possibly Act Upon Resolution No. R-21-007 Authorizing the Submission of a Grant Application Through the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects
9. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Brycer, LLC for Software and Services Related to The Compliance Engine and Authorize the Mayor to Execute Any Necessary Documentation
10. Discuss and Possibly Act Upon a Consulting Services Agreement Between the City of Brenham and NewGen Strategies and Solutions, LLC to Evaluate the City's Water, Sanitary Sewer, Electric and Gas Utility Rates and Authorize the Mayor to Execute Any Necessary Documentation
11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham Code of Ordinances, Chapter 26 - Utilities, Article II - Industrial Wastewater and Discharge Standards and Pretreatment Program
12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedules for the City of Brenham Water Services
13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer System

EXECUTIVE SESSION

14. Section 551.071 - Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Pending Litigation: D. Guyton v. City of Brenham, Texas et al., Cause No. 1:20-CV-00412-RP, United States District Court, Western District of Texas, Austin Division

RE-OPEN REGULAR SESSION

15. **Discuss and Possibly Act Upon Pending Litigation: D. Guyton v. City of Brenham, Texas, et al., Cause No. 1:20-CV-00412-RP, United States District Court, Western District of Texas, Austin Division**

16. **Administrative/Elected Officials Report**

- **City Council Meeting Schedule for March, 2021**

Administrative/Elected Officials Reports: Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutary recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

Adjourn

Executive Sessions: The City Council for the City of Brenham reserves the right to convene into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code, Chapter 551, including but not limited to §551.071 - Consultation with Attorney, §551.072 - Real Property, §551.073 - Prospective Gifts, §551.074 - Personnel Matters, §551.076 - Security Devices, §551.086 - Utility Competitive Matters, and §551.087 - Economic Development Negotiation

CERTIFICATION

I certify that a copy of the February 25, 2021 agenda of items to be considered by the City of Brenham City Council was posted to the City Hall bulletin board at 200 W. Vulcan St., Brenham, TX on February 22, 2021 at 11:15 a.m.

Jeana Bellinger, TRMC, CMC

City Secretary

Disability Access Statement: This meeting is wheelchair accessible. The accessible entrance is located at the Vulcan Street entrance to the City Administration Building. Accessible parking spaces are located adjoining the entrance. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested twenty-four (24) hours before the meeting) by calling (979) 337-7567 for assistance.

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the _____ day of _____, 2021 at _____ AM PM.

Signature

Title

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 21, 2021 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Milton Y. Tate, Jr.
Councilmember Susan Cantey
Councilmember Keith Herring
Councilmember Clint Kolby
Councilmember Adonna Saunders
Councilmember Albert Wright

Members absent:

Mayor Pro Tem Ebel

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Assistant City Manager – Public Services/Utilities Donald Reese, Public Works Director Dane Rau, Police Chief Ron Parker, Fire Chief Ricky Boeker, Police Officer Marley Mayo, and Alton Sommerfield

Citizens present:

Wesley Brinkmeyer

Media Present:

Alyssa Faykus, Brenham Banner Press

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Kolby**
- 3. Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

- 4-a. Approve the Minutes from the December 17, 2020 and January 7, 2021 Regular City Council Meetings**
- 4-b. Approve Ordinance No. O-21-001 on Its Second Reading Annexing the Following into the City of Brenham: Section 2020-2, All That 5.1545 Acre Tract or Parcel of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey A-31, Being the Same Property Described in a Deed from Mike Hopkins Distributing Company, Inc. to River Eagle Real Estate, LTD. Dated July 1, 2005 as Recorded in Volume 1172, Page 220 of the Official Records of Washington County, Texas and Being Further Described as a Portion of Lot 1, Block 1 of the River Eagle Subdivision, Formerly Identified as Tract 12 of the Phillip Coe Survey, A-31, Washington County, Texas**
- 4-c. Approve Ordinance No. O-21-002 on its Second Reading to Amending the Official Zoning Map of the City of Brenham to Assign a Zoning Classification of Industrial (I) District on Approximately 5.145 Acres of Land Generally Located West and Adjacent of 1751 US Highway 290 West, Being Further Described as a Portion of Lot 1, Block 1 of the River Eagle Subdivision, Washington County, Texas, and Formerly Identified as Tract 12 of the Phillip Coe Survey, A-31, in Brenham, Washington County, Texas. (Case Number P-20-045)**
- 4-d. Approve Ordinance No. O-21-003 on Its Second Reading Amending Chapter 24, Article II, Hotel Occupancy Tax, of the Code of Ordinances, City of Brenham, Texas to Temporarily Modify the Hotel Occupancy Tax Reporting and Payment Schedule**
- 4-e. Approve the Submission of a Grant Application to The Department of Homeland Security for Fiscal Year 2020 Assistance to Firefighters Grant Program for Operations and Safety - Personal Protective Equipment and Authorize the Mayor to Execute Any Necessary Documentation**
- 4-f. Approve the Submission of a Grant Application to the Lower Colorado River Authority (LCRA) Through Their Community Development Partnership Program (CDPP) for the Rehabilitation and Renovation of the Antique Carousel in Fireman's Park and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 4-a. through 4-f. as presented.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Absent
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

REGULAR SESSION

5. **Discuss and Possibly Act Upon an Order Calling a General Election on May 1, 2021 for the Purpose of Electing One Councilmember for Place 1 - Ward 1; One Councilmember for Place 3 - Ward 3; One Councilmember for Place 5 - At Large; and One Councilmember for Place 6 - At Large, Each for Four (4) Year Terms**

Hablar de y posiblemente actuar sobre una orden pidiendo una Elección General el 1 de mayo, 2021 Con el Propósito de Elegir Un Concejal para Lugar 1 – Distrito Electoral 1; Un Concejal para Lugar 3 – Distrito Electoral 3; Un Concejal para Lugar 5 – Distrito Abierto; y Un Concejal Lugar 6 – Distrito Abierto, Cada Puesto para Términos de Cuatro (4) Años

This item was presented by City Secretary – Director of Administrative Services Jeana Bellinger. Bellinger said that in accordance with Texas Election Law and the City of Brenham’s Charter, the City must hold a General Election on Saturday, May 1, 2021 to elect one Councilmember for Place 1 – Ward 1, one Councilmember for Place 3 – Ward 3, one Councilmember for Place 5 – At Large, and one Councilmember for Place 6 – At Large. Bellinger advised that the term for each of these positions is four (4) years. The period in which candidates can file for a place on the ballot is Wednesday, January 13th through Friday, February 12th.

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to approve an Order authorizing the calling of a general election on May 1, 2021 for the purpose of electing one Councilmember for Place 1 – Ward 1; one Councilmember for Place 3 – Ward 3; one Councilmember for Place 5 – At Large; and one Councilmember for Place 6 – At Large, each for four (4) year terms.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Absent
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

6. Discuss and Possibly Act Upon an Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 1, 2021 General Election and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by City Secretary – Director of Administrative Services Jeana Bellinger. Bellinger said the City will be contracting with Washington County to provide various election services and election equipment for the May 1, 2021 General Election. This Election Services Agreement defines what each entity will be responsible for during the Election. Changes made to the Agreement this year include naming Carol Jackson, Washington County Chief Deputy Elections Clerk, as a Deputy Early Voting Clerk, and increasing election equipment rental fees by \$800 total. In addition, City Police Officers will no longer be used to deliver equipment on election day, and the County has some additional responsibilities regarding signage, supplies, and personal protective equipment that is necessary due to COVID. Bellinger noted that the agreement has been reviewed and approved by the County and the City Attorney.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve an Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the May 1, 2021 General Election and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Absent
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

7. **Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District (BISD) and Blinn College for the May 1, 2021 General Election and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by City Secretary – Director of Administrative Services Jeana Bellinger. Bellinger said that in previous years, the City, Brenham Independent School District, and Blinn College have all contracted with Washington County for election services and equipment. Bellinger explained that this Interlocal Agreement addresses various issues related to the election and outlines what each entity will be responsible for during the May 1, 2021 General Election. Bellinger noted that the Agreement is consistent with the terms outlined in the City's Election Services Agreement with Washington County.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve an Interlocal Agreement between the City of Brenham, Brenham Independent School District, and Blinn College for the May 1, 2021 General Election and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Absent
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

8. **Discuss and Possibly Act Upon a Consulting Services Agreement Between the City of Brenham and Gas Supply Consulting, Inc. for Consulting Services Related to the City of Brenham's Natural Gas Supply and Transportation and Authorize the Mayor to Execute Any Necessary Documentation**

This item was presented by Assistant City Manager – Public Services/Utilities Donald Reese. Reese explained that City staff wish to obtain consulting services from Gas Supply Consulting, Inc. (GSC) to assist with the acquisition of natural gas supply and natural gas transportation services. These consulting services would include reviewing the City's natural gas supply and transportation requirements, negotiating, and acquiring natural gas transportation service, and negotiating and acquiring a natural gas supply service via competitive bid process.

Reese explained that the City will pay GSC only for actual services performed, and the cost to provide those services is not to exceed \$23,850.00. Funding will come from the Gas Fund.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve the Consulting Services Agreement between the City of Brenham and Gas Supply Consulting, Inc. in the amount of \$23,850.00 and authorize the Mayor to execute any necessary documentation.

Councilmember Kolby asked whether GSC would be negotiating only with our current supplier. Reese replied that GSC would negotiate with multiple suppliers. Councilmember Cantey asked how many suppliers there were, and Reese replied that the last time the City went through this process there were four or five responses.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Absent
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

9. Discuss and Possibly Act Upon Payment to Bluebonnet Electric Cooperative for the Installation of Underground Electric Distribution Facilities for the BK Stringer, Ltd. Retail Development Project and Authorize the Mayor to Execute Any Necessary Documentation

This item was presented by Assistant City Manager – Public Services/Utilities Donald Reese. Reese said the second amendment to the Chapter 380 Economic Development Agreement between the City of Brenham and BK Stringer, LTD. calls for the electrical lines servicing the development to be installed underground. City staff has been working with representatives from BK Stringer and Bluebonnet Electric to design the best route for the installation and come up with a cost estimate.

Reese said the lines will be buried on the west side of Chappell Hill and run south to the end of the BK Stringer property. Bluebonnet Electric will construct the project and it will include boring multiple crossings to serve the east side of Chappell Hill in the future. The project will also include installing conduit and bases for street lighting. Poles, arms, and heads will be added at a later date.

Reese reported that Bluebonnet Electric Cooperative submitted a cost estimate of \$148,691.71 for this project. If approved by Council, Bluebonnet will begin construction upon receipt of payment. Reese noted that this item was budgeted for Fiscal Year 2021 in the Electric Fund.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve a payment of \$148,691.71 to Bluebonnet Electric Cooperative for the installation of underground electric distribution facilities for the BK Stringer, Ltd. Retail Development Project and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Absent
Councilmember Susan Cantey	Yes
Councilmember Keith Herring	Yes
Councilmember Clint Kolby	Yes
Councilmember Adonna Saunders	Yes
Councilmember Albert Wright	Yes

Councilmember Herring asked when the construction would begin. Reese introduced Wesley Brinkmeyer, Manager of Energy Services with Bluebonnet Electric Cooperative, who replied that the work would begin about five weeks after receiving payment and would take approximately four weeks to complete.

11. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The City of Brenham has been designated a Music Friendly City by the Governor's Office.
- The City's General Election filing deadline is February 12th.
- The SubHub has given over 2000 vaccines in 2 days. More vaccines will be given in the future. Fisher thanked the employees who volunteered to assist.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary



Regular City Council
AGENDA ITEM 4-B.

Agenda Item: Approve Resolution No. R-21-005 Amending Resolution No. R-21-003 Providing Support for Sandy Point Housing, Ltd.'s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2021 Competitive 9% Housing Tax Credits for a Single-Family Development in Brenham, Washington County, Texas

Meeting Type: Regular Meeting-February 25, 2021

Department: Development Services

Staff Contact: Shauna Laauwe, AICP Project Planner

Classification: Consent

SUMMARY STATEMENT:

Resolution No. R-21-003 was unanimously approved by Council on February 4th, 2021, granting full support for the proposed Sandy Point Housing, LTD development of 27 single-family homes for affordable rental housing located on approximately 9.01 acres of land on Pecan Street and described as Arrabella Harrington Tract 255, to be named Sandy Point Housing. Sandy Point Housing, LTD has made application to the Texas Department of Housing and Community Affairs requesting 2021 competitive 9% housing tax credits for the development.

Unfortunately, a key portion of the required support clause language within the approved Resolution was omitted and thus, would not meet the application requirements for the Texas Department of Housing and Community Affairs competitive 9% housing tax credits for the development. The Resolution is required to include the language *"pursuant to Texas Government Code, §2306.6703(a)(4)."* Please see attached Exhibit "A" that includes the redlined edit of Section 1 of the previously approved Resolution No. R-21-003 to include the required language.

As part of the previous approval, the City Council made a condition that surrounding property owners be notified by the applicant of the housing development request. The applicant has satisfied this requirement, by mailing approximately 60 surrounding property owners the attached letter, Exhibit "B," the week of February 8, 2021.

The subject property is a vacant 9.01-acre tract on the north side of Pecan Street and generally west of Loesch Street and east of Kerr Street that is located within a R-1, Single-Family Residential District. The proposed Sandy Point Development is comprised of 27 single-family detached homes on individual lots to be built in compliance with the R-1 zoning and building regulations. The proposed homes would be approximately 2,000 square feet and consist of a minimum of three (3) bedrooms and two (2) baths. The housing units will not be for individual sale but will be retained for rental use. Of the approximately 27 single family homes, 24 will be for low-moderate income tenants at an approximate rate of \$1,000 per month and 3 market rate homes. Sandy Point Housing, LTD has stated their intent that the homes would be constructed with 80 percent brick and 20 percent hardiplank materials. Sandy Point Housing, LTD is requesting that as part of the Resolution that a one-time \$250 discount towards water/sewer tap fees be incurred to further convey the City's support of the application. The applicant states that the proposed tax-credit housing development would offer single-family homes at an affordable rental rate, increase city and county tax revenues, and complete the residential development of the surrounding Pecan Street area.

ATTACHMENTS:

- | |
|--|
| (1) Redline of Resolution No. R-21-003
(2) Resolution No. R-21-005
(3) Exhibit A
(4) Exhibit B
(5) Letter to Neighboring Property Owners |
|--|

RELEVANCE TO COMPREHENSIVE PLAN:

The Strategic Action Priorities component outlines under the More Targeted Planning/Study section that the City needs to “Conduct a Housing Action Plan to better understand the gaps and opportunities in the local and regional housing market and what current market conditions can support.” An influx of housing developments has commenced in the past two years in Brenham, to include large market rate subdivisions, TDHCA competitive tax credit housing developments, and student housing on the Blinn campus. Due to this influx, the city is actively looking into seeking updated bids of conducting the advised strategic action of conducting a Housing Action Plan.

RECOMMENDED ACTION:

Approve Resolution No. R-21-005 Amending Resolution No. R-21-003 providing support for Sandy Point Housing, Ltd's submission of an application to the Texas Department of Housing and Community Affairs requesting 2021 Competitive 9% Housing Tax Credits for the Sandy Point Development in Brenham, Washington County, Texas.
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Exhibit “A” Resolution Edits

RESOLUTION NO. R-21-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AMENDING RESOLUTION NO. R-21-003 PROVIDING SUPPORT FOR APPLICATION NUMBER 21252 BY SANDY POINT HOUSING, LTD, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS CONCERNING THE SANDY POINT HOUSING DEVELOPMENT WITHIN THE CITY OF BRENHAM, TEXAS; AUTHORIZING THE MAYOR TO CERTIFY THIS RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Sandy Point Housing, LTD has proposed a development of 27 single-family homes for affordable rental housing located on approximately 9.01 acres of land on Pecan Street and further described as part of the A. Harrington Survey, A-55, Tract 255, to be named Sandy Point Housing, in the City of Brenham, Washington County, Texas, said land and development being further described in Exhibits “A” and “B” attached hereto and incorporated herein for all purposes pertinent; and

WHEREAS, Sandy Point Housing, LTD has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2021 Competitive 9% Housing Tax Credits for Sandy Point Housing, Application Number 21252;

WHEREAS, the proposed Sandy Point Housing development is in conformance with the City of Brenham’s Official Zoning Map; and

WHEREAS, the City of Brenham recognizes the need for affordable rental housing to accommodate low-moderate income individuals;

WHEREAS, by the adoption of this Resolution No. R-21-____, the City Council desires to amend Resolution No. R-21-003 to include certain wording as required by the TDHCA 2021 Competitive 9% Housing Tax Credits program regulations;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AS FOLLOWS:

Section 1: That the City of Brenham, acting through its governing body, hereby confirms that it supports, pursuant to Texas Government Code, §2306.6703(a)(4), the proposed development of Sandy Point Housing located on approximately 9.01 acres of land on Pecan Street, and further described as part of the A. Harrington Survey, A-55, Tract 255, and its application Number 21252 to the TDHCA as proposed, which will contribute to the concerted affordable housing efforts within the City of Brenham as a 9% Tax Credit Housing Development.

Section 2: That the City of Brenham, acting through its Governing Body for the purposes of Local Political Subdivision Funding, will grant a reduction of \$250 total towards water/sewer tap fees.

Section 3: That for and on behalf of the governing body, the Mayor is hereby authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs, and execute any necessary documentation.

Section 4: This Resolution shall become effective immediately from and after its passage.

RESOLVED on this the 184th day of February 2021.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

RESOLUTION NO. R-21-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AMENDING RESOLUTION NO. R-21-003 PROVIDING SUPPORT FOR APPLICATION NUMBER 21252 BY SANDY POINT HOUSING, LTD, TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS CONCERNING THE SANDY POINT HOUSING DEVELOPMENT WITHIN THE CITY OF BRENHAM, TEXAS; AUTHORIZING THE MAYOR TO CERTIFY THIS RESOLUTION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Sandy Point Housing, LTD has proposed a development of 27 single-family homes for affordable rental housing located on approximately 9.01 acres of land on Pecan Street and further described as part of the A. Harrington Survey, A-55, Tract 255, to be named Sandy Point Housing, in the City of Brenham, Washington County, Texas, said land and development being further described in Exhibits “A” and “B” attached hereto and incorporated herein for all purposes pertinent; and

WHEREAS, Sandy Point Housing, LTD has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2021 Competitive 9% Housing Tax Credits for Sandy Point Housing, Application Number 21252;

WHEREAS, the proposed Sandy Point Housing development is in conformance with the City of Brenham’s Official Zoning Map; and

WHEREAS, the City of Brenham recognizes the need for affordable rental housing to accommodate low-moderate income individuals; and

WHEREAS, by the adoption of this Resolution No. R-21-005, the City Council desires to amend Resolution No. R-21-003 to include certain wording as required by the TDHCA 2021 Competitive 9% Housing Tax Credits program regulations; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS, AS FOLLOWS:

Section 1: That the City of Brenham, acting through its governing body, hereby confirms that it supports, pursuant to Texas Government Code, §2306.6703(a)(4), the proposed development of Sandy Point Housing located on approximately 9.01 acres of land on Pecan Street, and further described as part of the A. Harrington Survey, A-55, Tract 255, and its application Number 21252 to the TDHCA as proposed, which will contribute to the concerted affordable housing efforts within the City of Brenham as a 9% Tax Credit Housing Development.

Section 2: That the City of Brenham, acting through its Governing Body for the purposes of Local Political Subdivision Funding, will grant a reduction of \$250 total towards water/sewer tap fees.

Section 3: That for and on behalf of the governing body, the Mayor is hereby authorized, empowered, and directed to certify this Resolution to the Texas Department of Housing and Community Affairs, and execute any necessary documentation.

Section 4: This Resolution shall become effective immediately from and after its passage.

RESOLVED on this the 25th day of February 2021.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

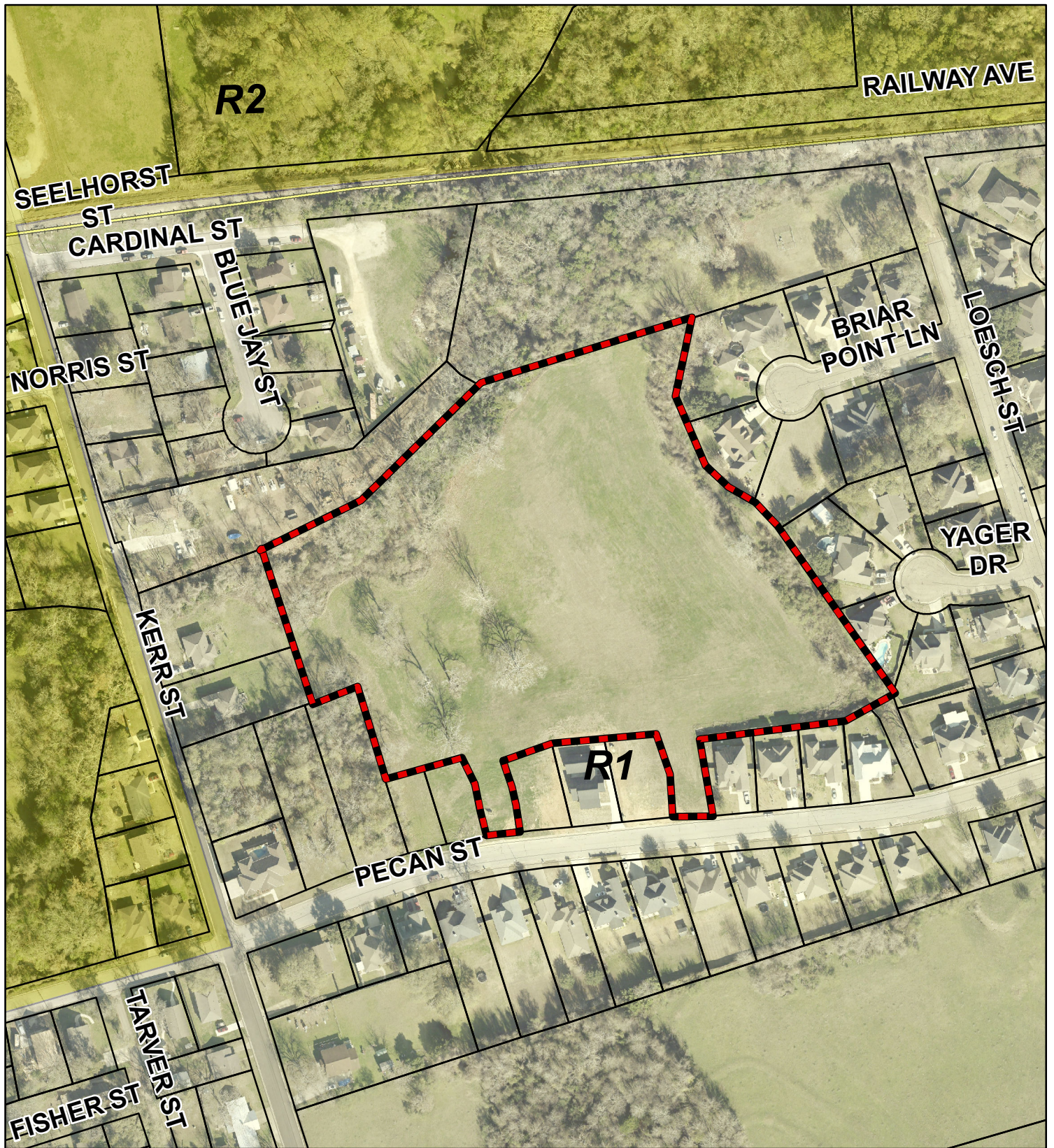


Exhibit "A" Zoning Map Proposed Sandy Point Housing Site

1 inch = 204 feet



Zoning	
DESCRIPTION	
	R1 Residential Single Family
	R2 Mixed Residential
	Site Boundary

Sandy Point Housing, LTD.

4500 Carter Creek Parkway, Suite 101, Bryan, TX 77805 • Phone (979) 846-8878 • Fax (979) 846-0783

January 5, 2021

Mayor Milton Y. Tate, Jr.
City of Brenham
PO Box 1059
Brenham, TX 77834

Dear Mayor Tate, Jr.,

Sandy Point Housing, Ltd is making an application for Housing Tax Credits with the Texas Department of Housing and Community Affairs for Sandy Point Housing located on Pecan Street, Brenham, Texas and Washington County. This New Construction is a single-family community, and composed of approximately 27 single family homes of which 24 will be for low- moderate income tenants and 3 market rate homes. The residential density of the Development, i.e., the number of Units per acre is approximately 3.

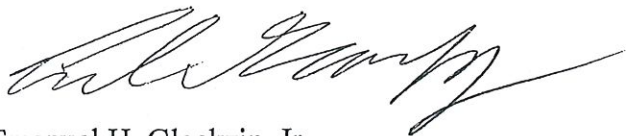
In the spring, the Department will hold public hearings in various locations around the state or virtually to gather input on Competitive Housing Tax Credit applications. The hearing schedule along with contact information for written public comment will be posted on TDHCA's Public Comment Center website later this year.

An interested party or Neighborhood Organization can provide comments on any and all applications at each hearing, or can provide written comments to the Department by email at HTCPC@tdhca.state.tx.us, or by mail at:

Texas Department of Housing and Community Affairs
Public Comment - Multifamily Finance Division
P.O. Box 13941
Austin, Texas 78711-3941

Note that in order for input on Competitive Housing Tax Credit applications to be included in the materials relating to presentation for awards to be provided to the Governing Board of the Texas Department of Housing and Community Affairs; such input must be received by the Department by 5:00 p.m., Austin local time, on June 18, 2021.

Sincerely,



Emanuel H. Glockzin, Jr.
Representative of Sandy Point Housing, Ltd.
Email: emanuel@edgproperties.net

Proposed Plot Plan



Sandy Pointe Housing, LTD.

4500 Carter Creek Parkway, Suite 101, Bryan, TX 77805 • Phone (979) 846-8878 • Fax (979) 846-0783

February 9, 2021

Notice to Neighbors:

Sandy Point Housing, Ltd is making an application for Housing Tax Credits with the Texas Department of Housing and Community Affairs for Sandy Point Housing located on Pecan Street, Brenham, Texas and Washington County. This New Construction is a single-family community, and composed of approximately 27 single family homes of which 24 will be for low- moderate income tenants and 3 market rate homes. The residential density of the Development, i.e., the number of Units per acre is approximately 3.

In the spring, the Department will hold public hearings in various locations around the state or virtually to gather input on Competitive Housing Tax Credit applications. The hearing schedule along with contact information for written public comment will be posted on TDHCA's Public Comment Center website later this year.

An interested party or Neighborhood Organization can provide comments on any and all applications at each hearing, or can provide written comments to the Department by email at HTCPC@tdhca.state.tx.us, or by mail at:

Texas Department of Housing and Community Affairs
Public Comment - Multifamily Finance Division
P.O. Box 13941
Austin, Texas 78711-3941

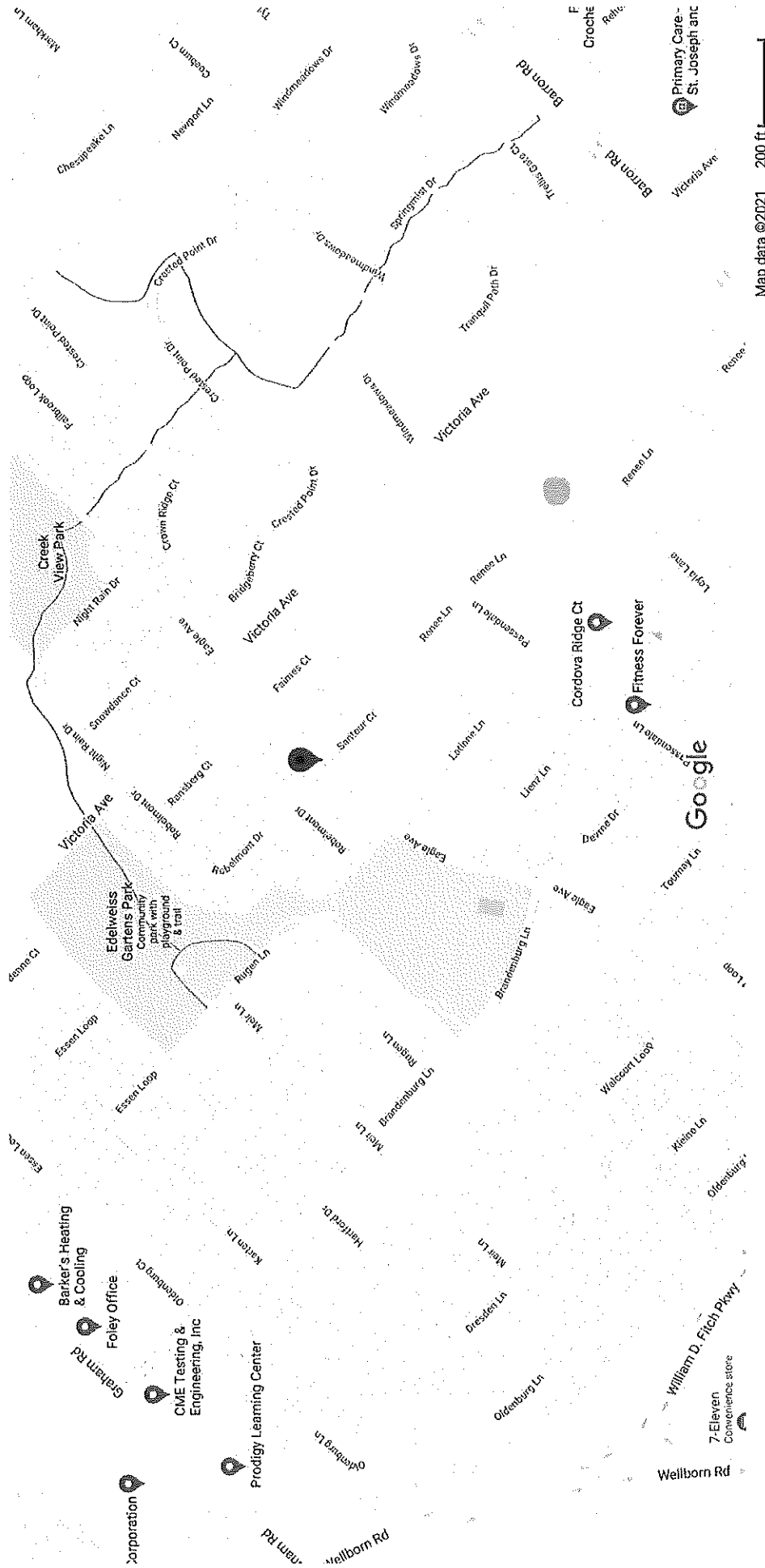
Note that in order for input on Competitive Housing Tax Credit applications to be included in the materials relating to presentation for awards to be provided to the Governing Board of the Texas Department of Housing and Community Affairs; such input must be received by the Department by 5:00 p.m., Austin local time, on June 18, 2021.

Attached is a location map that shows where 16 houses were built in College Station, TX in 2007. These houses are going to be the same houses that are going to be built in Brenham.

Sincerely,

Emanuel H. Glockzin, Jr.
Representative of Sandy Point Housing, Ltd.
Email: emanuel@edgproperties.net

Google Maps Santour Ct





Regular City Council
AGENDA ITEM 5.

Agenda Item: Presentation and Update on the COVID-19 Regional Vaccination SubHUB

Meeting Type: Regular Meeting-February 25, 2021

Department: Administration

Staff Contact: James Fisher

Classification: Work Session

SUMMARY STATEMENT:

City Manager James Fisher will provide an update on the COVID-19 Regional Vaccination SubHUB.

ATTACHMENTS:

None

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

Discussion only.



Regular City Council
AGENDA ITEM 6.

Agenda Item: Discuss and Possibly Act Upon Resolution No. R-21-006 Providing for the Continuation of the Mayoral Declaration of Local Disaster Due to a Severe Winter Weather Emergency

Meeting Type: Regular Meeting-February 25, 2021

Department: Administration

Staff Contact: James Fisher

Classification: Regular

SUMMARY STATEMENT:

On Tuesday, February 16, 2021 Mayor Tate signed a Declaration of Local Disaster related to severe winter weather and in response to Governor Greg Abbott's Emergency Declaration signed on February 12, 2021.

Pursuant to Section 418.018(b) of the Texas Government code, the Mayor can only designate a local disaster for a period of seven (7) days; however, due to the uncertainty of the effects of this winter weather emergency, staff is requesting that the City Council consider extending this declaration.

ATTACHMENTS:

- (1) Resolution No. R-21-006
- (2) Exhibit A to R-21-006
- (3) Governor Abbott's Disaster Proclamation

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

Approve Resolution No. R-21-006 Providing for the Continuation of the Mayoral Declaration of Local Disaster Due to a Severe Winter Weather Emergency

RESOLUTION NO. R-21-006

A RESOLUTION PROVIDING FOR CONTINUING THE MAYORAL DECLARATION OF LOCAL DISASTER, AS AMENDED BY THE CITY COUNCIL, DUE TO A SEVERE WINTER WEATHER EMERGENCY

WHEREAS, the Governor of the State of Texas issued a Proclamation on February 12, 2021 certifying that severe winter weather poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide, and declaring a state of disaster for all counties in Texas; and

WHEREAS, said state of disaster requires that certain emergency protective measures be taken pursuant to the Texas Disaster Act of 1975 relating to Emergency Management and Public Health, pursuant to Chapter 418 of the Texas Government Code; and

WHEREAS, the Mayor of the City of Brenham, Texas issued a declaration of a local state of disaster on February 16, 2021 attached hereto as Exhibit “A”; and

WHEREAS, the City Council of the City of Brenham, Texas has determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property; and

WHEREAS, the City Council of the City of Brenham, Texas desires to continue the February 16, 2021 Mayoral declaration of a local state of disaster, said declaration being amended to read as provided herein below;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas:

- SECTION 1.** That a local state of disaster for public health emergency is hereby declared for the City of Brenham, Texas, pursuant to Section 418.108(a) of the Texas Government Code, and that the proclamation of a state of disaster issued by Governor Abbott issued on February 12, 2021 is hereby confirmed and ratified on a local basis as of the date of issuance of said proclamation.
- SECTION 2.** That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- SECTION 3.** That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Brenham, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration as well as all other applicable powers and functions as set forth therein.

SECTION 4. Notwithstanding any other ordinance, regulation, policy, rule and/or practice of the City of Brenham, the City Manager is hereby authorized to develop, adopt and administer rules, policies and practices governing the City's operations, permitting and development functions, and other services as appropriate, within the City Manager's discretion, to assist with the difficult circumstances and challenges being experienced by City residents and property owners due to the severe winter weather declared a state of disaster for all counties in Texas by Proclamation of the Governor of the State of Texas issued on February 12, 2021. For example purposes only, the City Manager may determine that it is appropriate to waive permit fees for repairs and improvements to real property necessitated by damage to real property in the City caused by said severe winter weather. To the extent any provision of this Section or any action, agreement, decision, policy or practice of the City Manager made or taken as authorized by this Disaster Declaration conflicts with any other ordinance, regulation, policy, rule and/or practice of the City of Brenham, this Disaster Declaration and any action, agreement, decision, policy or practice of the City Manager made or taken as authorized by this Disaster Declaration, shall prevail.

SECTION 5. This Resolution continuing said Mayoral declaration, as amended, shall take effect immediately upon the approval of the City Council of the City of Brenham, Texas, and remain in effect and in full force until extended, modified, amended, rescinded, or superseded by subsequent action of the Mayor or City Council of the City of Brenham, Texas.

RESOLVED, DECLARED and APPROVED this 25th day of February, 2021.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

Exhibit "A"

MAYORAL DECLARATION OF LOCAL DISASTER DUE TO SEVERE WINTER WEATHER EMERGENCY

WHEREAS, due to existing and further approaching severe winter weather posing an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide; and

WHEREAS, consistent with the Proclamation of the Governor of the State of Texas issued on February 12, 2021 certifying that severe winter weather poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide, and declaring a state of disaster for all counties in Texas; and

WHEREAS, I, Mayor Milton Y. Tate, Jr. have determined that extraordinary measures must be taken to alleviate the suffering of people and to protect or rehabilitate property;

NOW THEREFORE, BE IT PROCLAIMED AND DECLARED BY THE MAYOR OF THE CITY OF BRENHAM, TEXAS:

- SECTION 1.** That a local state of disaster for public health emergency is hereby declared for the City of Brenham, Texas, pursuant to Section 418.108(a) of the Texas Government Code, and that the proclamation of a state of disaster issued by Governor Abbott issued on February 12, 2021 is hereby confirmed and ratified on a local basis as of the date of issuance of said proclamation.
- SECTION 2.** That pursuant to Section 418.108(b) of the Texas Government Code the declaration of a local state of disaster for public health emergency shall continue for a period of not more than seven (7) days from the date of this declaration, unless continued or renewed by consent of the City Council of the City of Brenham, Texas.
- SECTION 3.** That pursuant to Section 418.108(c) of the Texas Government Code this declaration of a local state of disaster for public health emergency shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
- SECTION 4.** That pursuant to Section 418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the City of Brenham, Texas, emergency management plan, and authorizes the furnishing of aid and assistance under the declaration as well as all other applicable powers and functions as set forth therein.
- SECTION 5.** That this declaration shall take effect immediately from and after its issuance.

DECLARED this the 16th day of February 2021.



Milton Y. Tate, Jr.
Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeanne Bellinger
Jeanne Bellinger, TRMC, CMC
City Secretary

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, do hereby certify that severe winter weather poses an imminent threat of widespread and severe property damage, injury, and loss of life due to prolonged freezing temperatures, heavy snow, and freezing rain statewide.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby declare a state of disaster in all 254 counties based on the existence of such threat.

Pursuant to Section 418.017 of the code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 12th day of February, 2021.



GREG ABBOTT
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 p.m. O'CLOCK
FEB 12 2021

Governor Greg Abbott
February 12, 2021

Proclamation
Page 2

ATTESTED BY:



RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK
FEB 12 2021



Regular City Council
AGENDA ITEM 7.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2020-21 Adopted Budget

Meeting Type: Regular Meeting-February 25, 2021

Department: Finance

Staff Contact: Carolyn Miller

Classification: Regular

SUMMARY STATEMENT:

See attached memo from Strategic Budget Officer.

ATTACHMENTS:

- (1) Memo from Strategic Budget Officer
- (2) Ordinance for First Reading
- (3) Exhibit A

RELEVANCE TO COMPREHENSIVE PLAN:

Plan 2040 implementation is made possible by the City's adherence to the annual budget which identifies how essential capital projects and annual priorities will be funded and maintained.

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending the FY2020-21 Adopted Budget.



MEMORANDUM

To: Mayor and Council

From: Debbie Gaffey, Strategic Budget Officer

Subject: FY20-21 Budget Amendment #2

Date: February 12, 2021

The FY20-21 Budget is being amended for the following:

- a. Fund 101 General Fund – Net Impact \$0
 - 1) Carryover from FY20 of grant revenues and related expenditures for the Airport PAPI runway light system. This project was delayed from FY20 to FY21.
 - 2) Library Grants and related grant purpose expenditures which were not included in the FY21 Budget.
- b. Fund 102 Electric Fund – Net Impact (\$648,000) out of bond proceeds
 - 3) Carryover from FY20 budget of copper conductor project with expenditures coming from 2016 bond proceeds. This phase of the project will be completed in FY21.
- c. Fund 104 Water Fund – Net Impact (\$87,300)
 - 4) Carryover from FY20 of water main extension for Baker Katz project. The project was delayed (COVID) from FY20 to FY21.
- d. Fund 237 Streets Fund – Net Impact (\$117,113) out of bond proceeds
 - 5) Carryover from FY20 for street rehabilitation projects paid out of 2020 bond proceeds. Street projects budgeted in FY20 required more time for completion.
- e. Fund 250 – Net Impact \$0
 - 6) New ILA with Washington County (BWEDO) creates FY21 expenditure budget for use of \$75,000 contribution received from Washington County.
- f. Fund 220 Central Fleet Fund – Net Impact (\$49,524)
 - 7) Carryover from FY20 of a dump body truck not received until FY21 because of delays related to COVID.
- g. Fund 260 Brenham Community Projects Fund – Net Impact (\$983) out of reserves
 - 8) Creates a FY21 Budget for donations received in FY21. The fund was expected to be inactive in FY21 which is why a FY21 budget was not created.

ORDINANCE NO. O-21-

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS AMENDING THE FY2020-21 ADOPTED BUDGET; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Brenham, Texas has previously approved a budget for the fiscal year ending September 30, 2021, after having filed the same with the City Secretary and after holding public hearings on same, all after due notice as required by statute; and

WHEREAS, due to unforeseen circumstances and/or conditions, the City Council finds it is necessary to amend the FY2020-21 Budget for municipal purposes;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Brenham, Texas:

SECTION 1.

That the City Council of the City of Brenham, Texas, does hereby amend the budget for the City of Brenham, Texas for the fiscal year ending September 30, 2021, as shown on Exhibit A.

SECTION II.

This Ordinance shall take effect as provided by State Law and the Charter of the City of Brenham, Texas.

PASSED and APPROVED on its first reading this the ____ day of _____, 2021.

PASSED and APPROVED on its second reading this the ____ day of _____, 2021.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

EXHIBIT A

FUND	AMENDMENT PAGE #	DONATIONS		GRANT		ILA REVENUE		TRANSFERS-IN		OPERATING		GRANT/BOND		TRANSFERS-OUT		NET CHANGE TO FUND (INC)/DEC
		REVENUES	(INC)/DEC	REVENUES	(INC)/DEC	(INC)/DEC	(INC)/DEC	(INC)/DEC	(INC)/DEC	EXPENDITURES	INC/(DEC)	CAP PROJ	INC/(DEC)	INC/(DEC)	INC/(DEC)	
101 GENERAL FUND	1	-	-	(103,258)	-	-	-	-	-	103,258	-	-	-	-	-	-
102 ELECTRIC FUND	2	-	-	-	-	-	-	-	-	648,000	-	-	-	-	-	648,000
104 WATER FUND	3	-	-	-	-	-	-	-	-	87,300	-	-	-	-	-	87,300
237 STREET CAPITAL IMPROVE FUND	4	-	-	-	-	-	-	-	-	117,113	-	-	-	-	-	117,113
250 BCDC FUND	5	-	-	-	-	(75,000)	-	-	-	75,000	-	-	-	-	-	-
220 CENTRAL FLEET FUND	6	-	-	-	-	-	-	-	-	49,524	-	-	-	-	-	49,524
260 BRENHAM COMMUNITY PROJ FD	7	(10,000)	-	-	-	-	-	-	-	10,983	-	-	-	-	-	983
TOTAL		(10,000)	(103,258)	(75,000)	-	-	-	-	-	1,091,178	-	-	-	-	-	902,920



Regular City Council
AGENDA ITEM 8.

Agenda Item: Discuss and Possibly Act Upon Resolution No. R-21-007 Authorizing the Submission of a Grant Application Through the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects

Meeting Type: Regular Meeting-February 25, 2021

Department: Police Department

Staff Contact: Sgt Steven Eilert

Classification: Regular

SUMMARY STATEMENT:

The Department is seeking approval for submission of a grant application to the Office of the Governor for two (2) Automatic License Plate Recognition (ALPR) trailers. If awarded, this grant will be in the amount of \$73,395.00. There is no matching funds requirement; however, the City will be responsible for maintenance of the trailers and an annual subscription fee of \$6,350.00 after the first year, with an annual increase of approximately 4%. The subscription fee covers every officer in the department and will allow them to receive notifications when a license plate of interest is detected, whether they are at their desks or in their vehicles.

If this grant application is successful, BPD will join a network of law enforcement agencies in the state that will alert them when a license plate that is flagged in a national or state database drives past an ALPR trailer in Brenham. The Department will also be able to create its own local hotlist of license plates, which will assist in clearing local warrants and locating persons of interest here in the City.

While the purpose of this grant is terrorism prevention, the Department anticipates that the ALPR units will be utilized for a multitude of law enforcement functions. In the past, the Department has utilized a borrowed ALPR trailer and was able to locate several stolen vehicles and execute multiple felony warrants in a short period of time.

ATTACHMENTS:

- (1) Resolution No. R-21-007
- (2) Grant Description

RELEVANCE TO COMPREHENSIVE PLAN:

Goal GC2 - Continued budget support for public safety services to maintain responsiveness and levels of service as Brenham grows.

RECOMMENDED ACTION:

Approve Resolution No. R-21-007 authorizing the submission of a grant application through the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program - Law Enforcement Terrorism Prevention Activities (LETPA) Projects

RESOLUTION NO. R-21-007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE, HOMELAND SECURITY GRANTS DIVISION FOR THE 2021 STATE HOMELAND SECURITY PROGRAM – LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES PROJECTS

WHEREAS, the Office of the Governor is soliciting grant applications for projects that support state and local efforts to prevent terrorism and targeted violence and prepare for the threats and hazards that pose the greatest risk to the security of Texas citizens; and

WHEREAS, the purpose of this program is to support state, tribal, and local preparedness activities that continue to build law enforcement capabilities to prevent terrorist attacks and provide law enforcement and public safety communities with funds to support critical prevention and protection activities; and

WHEREAS, if awarded, the Law Enforcement Terrorism Prevention Activities Project Grant will provide funds for the one-time purchase of two (2) Automatic License Plate Recognition trailers;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Brenham, Texas:

1. That the City Council hereby authorizes the City of Brenham Police Department staff to submit a grant application in the amount of \$73,395.00 to the Office of the Governor, Public Safety Office, Homeland Security Grants Division for the 2021 State Homeland Security Program – Law Enforcement Terrorism Prevention Activities Projects program.
2. That the City will comply with all requirements of the grant program.
3. That the Mayor is hereby authorized to execute any necessary documentation related to the grant application and program described herein.

PASSED AND APPROVED on this the 25th day of February, 2021.

Milton Y. Tate, Jr.,
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary



Office of the Governor, Public Safety Office Homeland Security Grants Division Funding Announcement: **2021 State Homeland Security Program – LETPA Projects (SHSP-L)**

Purpose

The purpose of this announcement is to solicit applications for projects that support state and local efforts to prevent terrorism and targeted violence and prepare for the threats and hazards that pose the greatest risk to the security of Texas citizens. PSO provides funding to implement investments that build, sustain, and deliver the 32 core capabilities essential to achieving a secure and resilient state.

Per Congressional mandate (911 Act), at least twenty-five percent (25%) of the combined Homeland Security Grant Program funding must be used for Law Enforcement Terrorism Prevention Activities (LETPA). The purpose of this solicitation is to support state, tribal and local preparedness activities that continue to build law enforcement capabilities to prevent terrorist attacks and provide law enforcement and public safety communities with funds to support critical prevention and protection activities. All LETPA investments must be consistent with capability targets set during the Threat and Hazard Identification and Risk Assessment (THIRA) process, and gaps identified in the State Preparedness Report (SPR).

The SHSP-L is intended to support investments that improve the ability of jurisdictions to:

- **Prevent** a threatened or an actual act of terrorism;
- **Protect** its citizens, residents, visitors, and assets against the greatest threats and hazards;

Prevention is defined as the capabilities necessary to avoid, prevent, or stop a threatened or actual act of terrorism.

Many activities which support the achievement of target capabilities related to terrorism preparedness may simultaneously support enhanced preparedness for other hazards unrelated to acts of terrorism. However, **all SHSP-LETPA projects must assist grantees in achieving target capabilities related to preventing or thwarting an initial or follow-on terrorist attack.**

Available Funding

Federal funds are authorized under Section 2002 of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296), (6 U.S.C. 603). State Homeland Security Program (SHSP) funds are made available through a Congressional appropriation to the United States Department of Homeland Security (DHS). All awards are subject to the availability of appropriated federal funds and any modifications or additional requirements that may be imposed by law.

Eligible Organizations

1. State agencies;
2. Regional councils of governments;
3. Units of local government;
4. Nonprofit organizations;
5. Universities or Colleges; and
6. Federally recognized Native American tribes.

Application Process

Applicants must access PSO's eGrants grant management website at <https://eGrants.gov.texas.gov> to register and apply for funding. For more instructions and information, see *eGrants User Guide to Creating an Application*, available [here](#).

1. For eligible local and regional projects:
 - a. Applicants must contact their applicable regional council of governments (COG) regarding their application.
 - b. Each of Texas' 24 COGs holds its own application planning workshops, workgroups, and/or subcommittees and facilitates application prioritization for certain programs within its region. Failure to comply with regional requirements imposed by the COG may render an application ineligible.
2. State agencies, and other organizations proposing projects to increase preparedness statewide, may submit applications directly to PSO.

Key Dates

Action	Date
Funding Announcement Release	12/14/2020
Online System Opening Date	12/14/2020
Final Date to Submit and Certify an Application	2/11/2021 at 5:00pm CST
Earliest Project Start Date	09/01/2021

Project Period

Projects selected for funding must begin between September 1, 2021 and March 1, 2022, and expire on or before August 31, 2023. Additional guidelines are below:

1. Project periods should be structured so that projects that include grant-funded salaries and/or annual recurring costs do not overlap with the project periods of previous or future grant awards with the same costs.
2. Project periods should be structured so that projects that include grant-funded salaries and/or annual recurring costs are on a 12 or 24-month grant cycle/performance period.
3. Project periods for equipment only projects are generally awarded for a 6 to 12-month grant period.
4. PSO will consider proposed start or end dates falling outside of these guidelines on a case-by-case basis.

Funding Levels

Minimum: \$2,500

Maximum: None. However, PSO uses a risk-based formula to determine regional allocations. Local agencies should contact their regional COG for amounts historically available to the region and any maximum established by their COG. Additionally, PSO expects to make available approximately \$1.5 – \$2.5 million to state agencies in support of 10 - 15 projects under this solicitation and the SHSP-Regular solicitation.

Match Requirement: None

Standards

Grantees must comply with standards applicable to this fund source cited in the State Uniform Grant Management Standards ([UGMS](#)), [Federal Uniform Grant Guidance](#), and all statutes, requirements, and guidelines applicable to this funding.

Eligible Activities and Costs

1. In FY 2020, the DHS/Federal Emergency Management Agency (FEMA) established National Priority Areas for the Homeland Security Grant Program and required the State to dedicate at least 5% of Texas' SHSP funds to projects under **each** of the National Priorities (20% in total). PSO anticipates these priorities will remain in place for the 2021 SHSP grant cycle. Applicants are encouraged to submit projects under these National Priority (NP) Areas when the primary core capability addressed is consistent with NP area description below.
2. Grant projects must be consistent with the [Federal Emergency Management Agency \(FEMA\) Information Bulletin \(IB\) 412](#) which discusses eligible activities outlined in:
 - a. The [National Prevention Framework](#);
 - b. The [National Protection Framework](#) where capabilities are shared with the prevention mission area;
 - c. Section 2006 of the [Homeland Security Act of 2002](#), as amended; and
 - d. The [FY 2007 Homeland Security Grant Program Guidance and Application Kit](#).
3. Grant projects must be consistent with the program purpose stated above and must be submitted in support of one of the following approved activity areas:

- a. **Addressing Emerging Threats (FEMA National Priority)**

Core Capabilities: Interdiction & Disruption; Screening, Search and Detection; Physical Protective Measures; Intelligence and Information Sharing; Planning; Public Information and Warning; Operational Coordination

- i. Enhancing weapons of mass destruction (WMD) and/or improvised explosive device (IED) prevention, detection, response and recovery capabilities.
- ii. Enhancing Chemical Biological Radiological Nuclear and Explosive (CBRNE) detection, prevention, response, and recovery capabilities.
- iii. Building and enhancing UAS detection capabilities
- iv. Enhancing public awareness education and communications and increasing reporting of suspicious activities related to critical infrastructure.

- b. **Emergency Operations Centers and Technology**

- i. Establishing and maintaining a unified and coordinated operational structure and process that integrates critical stakeholders across and among all levels of government and with critical private and nonprofit sectors to protect against potential threats, conduct law enforcement investigations, or engage in enforcement, protective, and response activities.
- ii. Implementing WebEOC and other situational awareness and decision support tools.
- iii. Enhancing emergency operations centers.
- iv. Conducting or participating in incident management training and/or exercises.

- c. **Enhancing Cybersecurity (FEMA National Priority)**

Core Capabilities: Cybersecurity; Intelligence and Information Sharing

- i. Assessing organizational cybersecurity risk and potential risk.
 - ii. Creating or updating strategic cybersecurity plans and related response and recovery plans and exercises.
 - iii. Developing approaches for identifying, authenticating and authorizing individuals to access an organization's assets and systems.
 - iv. Purchasing software such as anti-virus, anti-malware, continuous monitoring, encryption, enhanced remote authentication, patch management or distributed denial of service protection.
 - v. Purchasing hardware such as intrusion detection systems, firewalls, additional servers, routers or switches for the purpose of reducing cybersecurity vulnerabilities.
 - vi. Implementing awareness and training measures.
 - vii. Establishing anomalous activity detection and system/asset monitoring.
 - viii. Developing or sustaining response activities, including information sharing or other mitigation efforts.
 - ix. Conducting other cyber-related activities derived from a prioritized, risk management plan and consistent with objectives of the Texas Cybersecurity Framework (TXCSF) or other comparable framework.
- d. **Information and Intelligence Sharing/Cooperation (FEMA National Priority)**
(Note: Applicants should submit Fusion Center projects under this SHSP-Law Enforcement Terrorism Prevention Activities (LETPA) solicitation.)

Core Capability: Intelligence and Information Sharing

- i. Identifying, developing, providing, and sharing timely, accurate, and actionable information, data, or knowledge among government or private sector entities to include information sharing with all DHS components, fusion centers, and other entities designated by DHS.
 - ii. Cooperation with DHS officials and other entities designated by DHS in intelligence, threat recognition and analysis.
 - iii. Joint training and planning with DHS officials and other entities designated by DHS
 - iv. Enabling interdiction and disruption of terrorist activity through enhanced understanding and recognition of pre-operational activity and other crimes that may be precursors or indicators of terrorist activity.
 - v. Paying for personnel or contractors to serve as qualified intelligence analysts and/or to participate in information, investigative, and intelligence sharing activities specifically related to homeland security.
 - vi. Assessing threat information to inform continued prevention operations and ongoing response activities.
 - vii. Implementing and maintaining suspicious activity reporting initiatives.
 - viii. Implementing or sustaining public information and warning systems to relay information regarding terrorism threats.
- e. **Interoperable Emergency Communications**
- i. Building capabilities to meet P-25 standards.
 - ii. Sustaining existing capabilities (e.g. life cycle replacement of equipment).
 - iii. Projects must enhance current capabilities or address capability gaps identified by the Texas Department of Public Safety (DPS) or Texas Interoperable Communications Coalition (TxICC)

in either the Texas Statewide Communications Interoperability Plan (SCIP) or DPS Report on Interoperable Communications to the Texas Legislature. **Note:** *Projects to increase voice communications interoperability for counties with the lowest interoperability levels are preferred over other types of communications projects.*

- iv. If a project is funded (after an agency receives the grant award from the PSO), the planned expenditures must be submitted to and receive validation from the Statewide Interoperability Coordinator (SWIC) prior to purchase. **Note:** *Radios purchased must: a) follow the Statewide Radio ID Management Plan; b) be programmed following the Statewide Interoperability Channel Plan, and c) include encryption options capable of Advanced Encryption Standard (AES) encryption, IF encryption is being purchased.*

f. Planning And Community Preparedness

- i. Developing state and regional risk and preparedness assessments, including those related to special events.
- ii. Core capability development planning, to include typing and tracking of equipment and special response teams.
- iii. Planning and execution of training and exercises focused on terrorism prevention, protection and response.
- iv. Multi-jurisdictional operational planning to include plans for regional operational coordination of terrorism prevention, protection, and response capabilities.
- v. Maintaining or updating Emergency Operations Plans, consistent with guidance in CPG 101.v2 and the whole community approach to security and emergency management.
- vi. Planning and implementation of initiatives to enhance the Citizen Corps Program and other community resilience initiatives.
- vii. Planning for continuity of operations.

g. Protection of Soft Targets/Crowded Places (FEMA National Priority)

Core Capabilities: Operational Coordination; Public Information and Warning; Intelligence and Information Sharing; Interdiction and Disruption; Screening, Search, and Detection; Access Control/Identity Verification; Physical Protective Measures: Risk Management for Protection Programs

- i. Implementing target hardening and other measures associated with increased security to mitigate risks at places where people gather, such as schools, workplaces, entertainment venues, transportation nodes, and houses of worship.
- ii. Assessing critical infrastructure vulnerabilities and interdependencies, particularly those involving multiple sites and/or sectors.
- iii. Planning, training, exercises, equipment, and modeling enabling responsible jurisdictions to mitigate threats to and vulnerabilities of critical infrastructure facilities, assets, networks, and systems.
- iv. Analyzing critical infrastructure threats and information sharing with private sector partners.
- v. Enhancing public awareness education and communications and increasing reporting of suspicious activities related to critical infrastructure.

h. Support of First Responder Capabilities

Note: Because there is the potential for significant overlap between this activity area and the FEMA National Priorities of “Addressing Emerging Threats” and “Protection of Soft Targets/

Crowded Places, applicants should first check whether their proposed project is consistent with the description and core capabilities outlined for the National Priority Areas.

- i. Sustaining and enhancing capacity to detect and resolve threats involving chemical, biological, radiological, nuclear and explosive (CBRNE) devices or weapons of mass destruction (WMD).
- ii. Sustaining and enhancing tactical teams including HAZMAT response and decontamination, Urban Search and Rescue, and SWAT.
- iii. Sustaining equipment needs, including personal protective equipment, WMD pharmaceuticals, calibration and maintenance for WMD-related detection and identification systems, and closely related investments to update or sustain current equipment.
- iv. Sustaining and enhancing efforts to delay, divert, intercept, halt, apprehend, or secure threats or hazards (includes capabilities related to Border Security).
- v. Coordinating regional training exercises with federal, state and local law enforcement participation focused on responding to terrorism-related events and increasing participation with community and business organizations.
- vi. Identifying or locating terrorists through active and passive surveillance and search procedures including systematic examinations and assessments, bio-surveillance, sensor technologies, or physical investigation and intelligence.

Program-Specific Requirements

1. All capabilities being built or sustained must have a clear link to one or more of the following Core Capabilities in the National Preparedness Goal: **Planning; Public Information and Warning; Operational Coordination; Intelligence and Information Sharing; Interdiction and Disruption; Screening, Search and Detection; and Forensics and Attribution.**
2. Many capabilities which support terrorism preparedness simultaneously support preparedness for other hazards. Grantees must demonstrate this dual-use quality for any activities implemented under this program that are not explicitly focused on terrorism preparedness. Law Enforcement Terrorism Prevention Activities implemented under SHSP must support terrorism preparedness by building or sustaining capabilities that relate to the prevention of terrorism.
3. Grantees are required to maintain adoption and implementation of the National Incident Management System (NIMS). The NIMS uses a systematic approach to integrate the best existing processes and methods into a unified national framework for incident management across all homeland security activities including prevention, protection, response, mitigation, and recovery. Grantees must use standardized resource management concepts for resource typing, credentialing, and an inventory to facilitate the effective identification, dispatch, deployment, tracking and recovery of resources.
4. Cities and counties must have a current emergency management plan or be a legally established member of an inter-jurisdictional emergency management program with a plan on file with the Texas Division of Emergency Management (TDEM). Plans must be maintained throughout the entire grant performance period. If you have questions concerning your Emergency Management Plan (preparedness) level, contact your Emergency Management Coordinator (EMC) or your regional Council of Governments (COG). For questions concerning plan deficiencies, contact TDEM at tdem.plans@tdem.texas.gov.
5. Grantees will be required to complete the 2021 Nationwide Cybersecurity Review (NCSR), enabling agencies to benchmark and measure progress of improving their cybersecurity posture.

The Chief Information Officer (CIO), Chief Information Security Officer (CISO), or equivalent for each recipient agency should complete the NCSR. If there is no CIO or CISO, the most senior cybersecurity professional should complete the assessment. The NCSR is available at no cost to the user and takes approximately 2-3 hours to complete. For more information about the NCSR, visit: <https://www.cisecurity.org/ms-isac/services/ncsr/>.

Eligibility Requirements

1. Entities receiving funds from PSO must be located in a county that has an average of 90% or above on both adult and juvenile dispositions entered into the computerized criminal history database maintained by the Texas Department of Public Safety (DPS) as directed in the Texas Code of Criminal Procedure, Chapter 66. This disposition completeness percentage is defined as the percentage of arrest charges a county reports to DPS for which a disposition has been subsequently reported and entered into the computerized criminal history system.

Beginning January 1, 2021, counties applying for grant awards from the Office of the Governor must commit that the county will report at least 90 percent of convictions and other dispositions within five business days to the Criminal Justice Information System at the Department of Public Safety.

2. Eligible applicants operating a law enforcement agency must be current on reporting complete UCR data and the Texas specific reporting mandated by 411.042 TGC, to the Texas Department of Public Safety (DPS) for inclusion in the annual Crime in Texas (CIT) publication. To be considered eligible for funding, applicants must have submitted a full twelve months of accurate data to DPS for the most recent calendar year by the deadline(s) established by DPS. Due to the importance of timely reporting, applicants are required to submit complete and accurate UCR data, as well as the Texas-mandated reporting, on a no less than monthly basis and respond promptly to requests from DPS related to the data submitted. *Note: UCR is transitioning from summary reporting to NIBRS only in 2021. Applicants are encouraged to transition to NIBRS as soon as possible in order to maintain their grant eligibility.*
3. Eligible applicants must have a DUNS (Data Universal Numbering System) number assigned to its agency (to request a DUNS number, go to <https://fedgov.dnb.com/webform>).
4. Eligible applicants must be registered in the federal System for Award Management (SAM) database located at <https://www.sam.gov/>.

Failure to comply with program or eligibility requirements may cause funds to be withheld and/or suspension or termination of grant funds.

Prohibitions

Grant funds may not be used to support the unallowable costs listed in the [Guide to Grants](#) or any of the following unallowable costs:

1. inherently religious activities such as prayer, worship, religious instruction, or proselytization;
2. lobbying;
3. any portion of the salary of, or any other compensation for, an elected or appointed government official;
4. vehicles or equipment for government agencies that are for general agency use and/or do not have a clear nexus to terrorism prevention, interdiction, and disruption (i.e. mobile data terminals, body cameras, in-car video systems, or radar units, etc. for officers assigned to routine patrol; general firefighting equipment or uniforms);
5. weapons, ammunition, tasers, weaponized vehicles or explosives (exceptions may be granted when explosives are used for bomb squad training);

6. weapons or weapons accessories to include but not limited to optics/sights, ammunition pouches, slings, or other accessories designed for use with any firearms/weapon; and
7. admission fees or tickets to any amusement park, recreational activity or sporting event;
8. promotional gifts;
9. food, meals, beverages, or other refreshments, except for eligible per diem associated with grant-related travel or where pre-approved for working events;
10. membership dues for individuals;
11. any expense or service that is readily available at no cost to the grant project;
12. any use of grant funds to replace (supplant) funds that have been budgeted for the same purpose through non-grant sources;
13. fundraising;
14. legal services for adult offenders;
15. amateur radios and equipment, FMS radios, GMRS radios, or other radio equipment that is not P25 compliant;
16. riot equipment including but not limited to shields, batons, less-lethal ammunition, and grenades designed or intended for dispersing crowds; and
17. any other prohibition imposed by federal, state, or local law.

Selection Process

Application Screening: PSO will screen all applications to ensure that they meet the requirements included in the funding announcement.

1. **Peer/Merit Review:** For eligible local and regional projects:
 - a. Each COG's homeland security advisory committee will prioritize all eligible applications using the region's risk-informed methodology.
 - b. PSO will accept priority listings that are approved by the COG's executive committee.
 - c. PSO will make all final funding decisions based on eligibility, FEMA National Priorities, COG priorities, reasonableness, availability of funding, and cost-effectiveness.
2. For statewide discretionary projects, applications will be reviewed by PSO staff members or a review group selected by the executive director. The qualitative scores from the review team will be one factor used during PSO's prioritization of the statewide projects.
3. Because the State must fund a minimum of 20% of the SHSP under the FEMA National Priority Areas, PSO is requiring COG regions that received an SHSP allocation of \$250,000 or more in FY 2020 to gather projects to support the 5% minimums under each National Priority Area.

Final Decisions – All Projects: The executive director will consider rankings along with other factors and make all final funding decisions. Other factors may include cost effectiveness, overall funds availability, PSO or state government priorities and strategies, legislative directives, need, geographic distribution, balance of focuses and approaches, or other relevant factors.

PSO may not fund all applications or may only award part of the amount requested. In the event that funding requests exceed available funds, PSO may revise projects to address a more limited focus.

Contact Information

For more information, contact the eGrants help desk at eGrants@gov.texas.gov or (512) 463-1919.



Regular City Council
AGENDA ITEM 9.

Agenda Item: Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Brycer, LLC for Software and Services Related to The Compliance Engine and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-February 25, 2021

Department: Fire

Staff Contact: Fire Marshal Roger Williams

Classification: Regular

SUMMARY STATEMENT:

The Compliance Engine is a simple, web-based service for code officials to track and drive inspection, testing and maintenance code compliance for fire protection systems, reduce false alarm activity, and provide safer communities through third party inspection reporting and maintenance.

TCE works for us by: collecting, organizing and categorizing the third-party inspection reports. Track all our buildings critical safety systems, know who is compliant, who is deficient, and make more informed decisions that keep our staff, residents and visitors safe.

TCE connects contractors—who inspect, test, and maintain fire protections systems, directly to the Authority Having Jurisdiction. Gain a proactive, efficient process to review reports, track deficiencies, notify parties, and ensure compliance.

TCE will provide the fire department a way to proactively drive our inspection, testing and maintenance compliance goals the free and simple way.

ATTACHMENTS:

(1) Agreement with Brycer, Inc.

RELEVANCE TO COMPREHENSIVE PLAN:

The City will continue to provide the highest quality of service, consistent with the Governing Body direction, available resources and staffs commitment to quality.

RECOMMENDED ACTION:

Approve an agreement between the City of Brenham and Brycer, LLC for software and services related to The Compliance Engine and authorize the Mayor to execute any necessary documentation.

BRYCER, LLC
4355 Weaver Parkway
Suite 230
Warrenville, IL 60555

February 4, 2021

City of Brenham
c/o Brenham Fire Department
101 N. Chappell Hill Street
Brenham, TX 77833

Re: “The Compliance Engine”

Dear Brenham Fire Department:

We look forward to providing you with “The Compliance Engine” (the “Solution”). This Letter Agreement (“Agreement”) provides the basic terms by which Brycer, LLC (“Brycer”) will provide you, the City of Brenham (“Client”), specifically the Client’s Fire Department, with the Solution. The use of the Solution and all matters between Brycer and Client will be subject to the standard “Terms and Conditions” attached to this proposal as Exhibit A and incorporated herein for all purposes. The basic terms are as follows:

1. **Term**: Brycer will provide Client with the Solution for three (3) years, commencing March 15th, 2021 (the “Initial Term”). Thereafter, the Term shall automatically renew for successive three (3) year periods unless terminated by Brycer or Client in writing at least ninety (90) days prior to the expiration of the then current Term (each, a “Renewal Term” and together with the Initial Term, the “Term”). Following the expiration or termination of the Term (as provided in the Terms and Conditions), Client shall stop using the Solution; provided, however, Brycer shall make available, and Client shall have the right to download, Client’s data from the Solution for a period of sixty (60) days after the expiration or termination of the Term. Notwithstanding any other provision in the Agreement, Client shall have the sole and unconditional right to terminate this Agreement at any time, without cause, upon giving ninety (90) days written notice to Brycer.

2. **Fees**: Client shall not pay any fees for use of the Solution. Brycer will collect all fees due and payable by third party inspectors in connection with activities relating to the Solution.

3. **Brycer Responsibilities**: During the Term, Brycer shall be responsible for the following in connection with Client’s use of the Solution:

- **Availability**. Brycer shall make the Solution available to Client as set forth in Exhibit B attached hereto and incorporated herein for all purposes. The maintenance schedule and minimum service levels for the Solution are set forth on Exhibit B.
- **Service Level**. Brycer shall provide commercially reasonable levels of customer service with respect to the Solution to all third parties who transact business with Client and access the Solution.
- **Backup**. Brycer shall backup the database used in connection with the Solution to a separate server located within the same web hosting firm which the Solution is being hosted on a real time basis. Upon request by Client (which can be no more than once a month) or made prior to or within sixty (60) days after the effective date of termination of the Term, Brycer will make available to Client a complete and secure (i.e. encrypted and appropriately authenticated) download file of Client data in XML format including all

schema and attachments in their native format. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of Client data. Brycer shall not (a) modify Client data or (b) disclose Client data except as required by law.

- ***Retention of Information.*** Brycer will maintain all information entered into the database by third party inspectors for at least five (5) years from the time such information is entered into the database.
- ***Notices.*** Brycer will be responsible for generating and delivering the following notices to third parties in connection with the Solution: (a) reminders of upcoming inspections that are due; (b) notices that an inspection is past due; and (c) notices of completed inspection reports which contain one or more deficiencies.
- ***Call Center*** Phone calls by Brycer on behalf of the Client to the property for EACH life-safety system overdue for service based on dates automatically tracked within the TCE database. Brycer is not an agent of the Client and all scripts for the overdue calls will be approved by the Client.
- ***Updates and Enhancements.*** In the event Brycer releases any updates, corrections, or enhancements to the Solution during the Term, Brycer shall promptly provide such updates or corrections to Client free of any charge or fee.

4. **Client Responsibilities:** During the Term, Client shall be responsible for the following in connection with Client's use of the Solution:

- ***Operating System.*** Client shall be solely responsible for providing a proper operating environment, including computer hardware or other equipment and software, for any portion of the Solution installed on the Client's equipment (the "Client Access Software") and for the installation of network connections to the Internet. In addition to any other Client Access Software requirements, Client must use version Edge, Firefox version 76, Chrome 60 or Safari (or more recent versions), in addition to having a .pdf reader installed on machines to view attachments.
- ***Training.*** Client shall allow Brycer at Client's facilities to train all applicable personnel of Client on the use of the Solution.
- ***Information.*** To the extent the information is within the Client's possession or control, Client shall promptly provide Brycer with all appropriate information necessary for Brycer to create the database for the Solution, including without limitation: (a) all commercial building addresses within the Client's jurisdiction for Brycer's initial upload; and (b) quarterly updates to in a format acceptable to Brycer in its discretion.
- ***Enforcement.*** Client shall take all actions necessary to require (e.g. resolution, ordinance, fire policy, code amendment) the use of the Solution by third party inspection companies.
- ***Reports.*** Client will require all compliant and deficient test results to be submitted.

5. **Ownership of Data.** Client owns all the data provided by Client and received from third party contractors for Client. Brycer shall maintain appropriate administrative, physical and technical safeguards for protection of the security, confidentiality and integrity of Client's data.

Please acknowledge your acceptance of this proposal and our standard Terms and Conditions by counter-signing this proposal below. We look forward to a long-term and mutually beneficial relationship with you.

Brycer, LLC

By: _____
Its: _____

Acknowledged and Agreed to this
___ day of _____, 20___:

[CLIENT]

By: _____
Its: _____

Exhibit A

Terms and Conditions

Any capitalized terms not defined in these Terms and Conditions shall have the meaning assigned to it in that certain Letter Agreement attached hereto by and between Brycer, LLC and Client (the "Agreement").

1. **Restrictions on Use.** Client shall not copy, distribute, create derivative works of or modify the Solution in any way. Client agrees that: (a) it shall only permit its officers and employees (collectively, the "Authorized Users") to use the Solution for the benefit of Client; (b) it shall use commercially reasonable efforts to prevent the unauthorized use or disclosure of the Solution; (c) it shall not sell, resell, rent or lease the Solution; (d) it shall not use the Solution to store or transmit infringing or otherwise unlawful or tortious material, or to store or transmit material in violation of third party rights; (e) it shall not interfere with or disrupt the integrity or performance of the Solution or third-party data contained therein; (f) it shall not reverse engineer, translate, disassemble, decompile or otherwise attempt to create any source code which is derived from the Solution (g) it shall not permit anyone other than the Authorized Users to view or use the Solution and any screen shots of the Solution and (h) it shall not disclose the features of the Solution to anyone other than the Authorized Users. Client is responsible for all actions taken by the Authorized Users in connection with the Solution.
2. **Proprietary Rights.** All right, title and interest in and to the Solution, the features of the Solution and images of the Solution as well as any and all derivative works or modifications thereof (the "Derivative Works"), and any accompanying documentation, manuals or other materials used or supplied under this Agreement or with respect to the Solution or Derivative Works (the "Documentation"), and any reproductions works made thereof, remain with Brycer. Client shall not remove any product identification or notices of such proprietary rights from the Solution. Client acknowledges and agrees that, except for the limited use rights established hereunder, Client has no right, title or interest in the Solution, the Derivative Works or the Documentation.
3. **Independent Contractor.** Nothing in the Agreement may be construed or interpreted as constituting either party hereto as the agent, principal, employee or joint venturer of the other. Each of Client and Brycer is an independent contractor. Neither may assume, either directly or indirectly, any liability of or for the other party. Neither party has the authority to bind or obligate the other party and neither party may represent that it has such authority.
4. **Reservation of Rights.** Brycer reserves the right, in its sole discretion and with prior notice to Client, to discontinue, add, adapt, or otherwise modify any design or specification of the Solution and/or Brycer's policies, procedures, and requirements specified or related hereto. All rights not expressly granted to Client are reserved to Brycer, including the right to provide all or any part of the Solution to other parties.
5. **Use of Logos.** During the term of this Agreement, Brycer shall have the right to use Client's logos for the sole purpose of providing the Solution to Client.
6. **Confidential Information.** Brycer and Client acknowledge and agree that in providing the Solution, Brycer and Client, as the case may be, may disclose to the other party certain confidential, proprietary trade secret information ("Confidential Information"). Confidential Information shall include, but is not limited to, the Solution, computer programs, screen shots, flowcharts, diagrams, manuals, schematics, development tools, specifications, design documents, marketing information, financial information, or business plans. Each party agrees that it will not, without the express prior written consent of the other party, disclose any Confidential Information or any part thereof to any third party. Notwithstanding any other provision in this Agreement and these Terms and Conditions, the parties acknowledge that Client and Brycer shall be permitted to comply with any all federal and state laws concerning disclosure. The disclosing party shall immediately provide written notice of any required disclosure of the nondisclosing party's Confidential Information to the nondisclosing party and shall disclose only the information that is required to be disclosed by law, including but not limited to any ruling of the Texas Attorney General requiring disclosure of information and/or records. The nondisclosing party shall have the right to seek a protective order or other relief with respect to such disclosure. In the event that Client requests from Brycer any reports or other information for purposes of complying with federal and state disclosure laws, Brycer shall provide such information within three (3) business days following such request. Confidential Information excludes information: (a) that is or becomes generally available to the public through no fault of the receiving party; (b) that is rightfully received by the receiving party from a third party without limitation as to its use; or (c) that is independently developed by receiving party without use of any Confidential Information. At the termination of this Agreement, each party will return the other party all Confidential Information of the other party, except as may be otherwise be required by any and all records retention laws applicable to the Client. Each party also agrees that it shall not duplicate, translate, modify, copy, printout, disassemble, decompile or otherwise tamper with any Confidential Information of the other party or any firmware, circuit board or software provided therewith.
7. **Brycer Warranty.** Brycer represents and warrants to Client that Brycer has all rights necessary in and to any patent, copyright, trademark, service mark or other intellectual property right used in, or associated with, the Solution, and that Brycer is duly authorized to enter into this Agreement and provide the Solution to Client pursuant to this Agreement.
8. **Disclaimer.** All information entered into Brycer's database is produced by third party inspectors and their agents. **THEREFORE, BRYCER SPECIFICALLY DISCLAIMS ANY REPRESENTATION OR WARRANTY AS TO THE ACCURACY OR COMPLETENESS OF ANY INFORMATION ENTERED INTO BRYCER'S DATABASE BY EITHER CLIENT OR THIRD PARTY INSPECTORS. EXCEPT AS SET FORTH IN SECTION 7, BRYCER MAKES NO OTHER WARRANTY, EXPRESS OR IMPLIED, WITH RESPECT TO THE SOLUTION OR ANY OTHER INFORMATION AND ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, ARE HEREBY DISCLAIMED, INCLUDING, WITHOUT LIMITATION, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. BRYCER'S SOLE LIABILITY FOR BREACH OF THE REPRESENTATION AND WARRANTY SET FORTH IN SECTION 7, AND CLIENT'S SOLE REMEDY, SHALL BE THAT BRYCER SHALL INDEMNIFY AND HOLD RECIPIENT HARMLESS FROM AND AGAINST ANY LOSS, SUIT, DAMAGE, CLAIM OR DEFENSE ARISING OUT OF BREACH OF THE REPRESENTATION AND WARRANTY.**
9. **LIMITATION ON DAMAGES. A PARTY SHALL ONLY BE LIABLE TO THE OTHER PARTY FOR DIRECT DAMAGES PURSUANT TO THE AGREEMENT. EXCEPT AS OTHERWISE PROVIDED IN SECTION 7, IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR OR OBLIGATED IN ANY MANNER FOR SPECIAL, CONSEQUENTIAL, OR INDIRECT DAMAGES, INCLUDING, BUT NOT LIMITED TO, LOSS OF USE, LOSS OF PROFITS OR SYSTEM DOWNTIME.**
10. **Risks Inherent to Internet.** Client acknowledges that: (a) the Internet is a worldwide network of computers, (b) communication on the Internet may not be secure, (c) the Internet is beyond the control of Brycer, and (d) Brycer does not own, operate or manage the Internet. Client also acknowledges that there are inherent risks associated with using the Solution, including but not limited to the risk of breach of security, the risk of exposure to computer viruses and the risk of interception, distortion, or loss of communications. Client assumes these risks knowingly and voluntarily releases Brycer from all liability from all

such risks, except to the extent any damage results from Brycer's negligence or intentional misconduct. Not in limitation of the foregoing, Client hereby assumes the risk, and Brycer shall have no responsibility or liability of any kind hereunder, for: (1) errors in the Solution resulting from misuse, negligence, revision, modification, or improper use of all or any part of the Solution by any entity other than Brycer or its authorized representatives; (2) any version of the Solution other than the then-current unmodified version provided to Client; (3) Client's failure to timely or correctly install any updates to the Client Access Software; (4) problems caused by connecting or failure to connect to the Internet; (5) failure to provide and maintain the technical and connectivity configurations for the use and operation of the Solution that meet Brycer's recommended requirements; (6) nonconformities resulting from or problems to or caused by non-Brycer products or services; or (7) data or data input, output, accuracy, and suitability, which shall be deemed under Client's exclusive control.

11. **Indemnity.** Brycer (the "Indemnifying Party") will defend and indemnify Client against any damages, losses, liabilities, causes of action, costs or expenses arising from Brycer's breach of this Agreement, negligence or intentional misconduct. Client will defend and indemnify Brycer against any damages, losses, liabilities, costs or expenses (including reasonable attorneys' fees) arising from Client's breach of this Agreement, negligence or intentional misconduct. Client acknowledges that Brycer does not create any of the data and information included in the Solution and is not responsible for and does not assess or make any suggestions or recommendations with respect to any such data or information.
12. **Breach.** Each party to this Agreement shall have the right to terminate or suspend this Agreement, and all of the other party's rights hereunder, immediately upon delivering written notice to the breaching party detailing said party's material breach of any provision of this Agreement. If the breaching party fails to cure such breach within thirty (30) days of receiving written notice thereof, the non-breaching party may terminate or suspend this Agreement and all of the other party's rights under this Agreement.
13. **Illegal Payments.** Brycer certifies and warrants that it has not offered or made any illegal or improper bribe, kickback, payment, gift or anything of value to any employee or agent of Client in connection with the Agreement. Client acknowledges and agrees that it has not received or been offered any illegal or improper bribe, kickback, payment, gift or anything of value from any employee or agent of Brycer in connection with the Agreement.
14. **Beneficiaries.** There are no third party beneficiaries to the Agreement.
15. **Force Majeure.** Neither party shall be responsible for any failure to perform due to unforeseen, non-commercial circumstances beyond its reasonable control, including but not limited to acts of God, war, riot, embargoes, acts of civil or military authorities, fire, floods, earthquakes, blackouts, accidents, or strikes. In the event of any such delay, any applicable period of time for action by said party may be deferred for a period of time equal to the time of such delay, except that a party's failure to make any payment when due hereunder shall not be so excused.
16. **Notices.** All notices required in the Agreement shall be effective: (a) if given personally, upon receipt; (b) if given by facsimile or electronic mail, when such notice is transmitted and confirmation of receipt obtained; (c) if mailed by certified mail, postage prepaid, to the last known address of each party, three (3) business days after mailing; or (d) if delivered to a nationally recognized overnight courier service, one business day after delivery.
17. **JURISDICTION AND VENUE.** THE AGREEMENT SHALL BE GOVERNED BY, CONSTRUED AND INTERPRETED IN ACCORDANCE WITH, AND ENFORCEABLE UNDER, THE LAWS OF THE STATE OF TEXAS WITHOUT REFERENCE TO THE CHOICE-OF-LAW PRINCIPLES OF SUCH STATE. THE PARTIES IRREVOCABLY AGREE THAT ALL ACTIONS OR PROCEEDINGS IN ANY WAY, MANNER OR RESPECT ARISING OUT OF OR FROM OR RELATED TO THE AGREEMENT SHALL BE LITIGATED ONLY IN COURTS LOCATED WITHIN OR HAVING JURISDICTION IN WASHINGTON COUNTY, TEXAS. THE PARTIES HEREBY CONSENT AND SUBMIT TO THE EXCLUSIVE JURISDICTION OF ANY LOCAL, STATE OR FEDERAL COURT LOCATED WITHIN OR HAVING JURISDICTION IN WASHINGTON COUNTY, TEXAS. THE PARTIES HEREBY WAIVE ANY RIGHTS THEY MAY HAVE TO TRANSFER OR CHANGE VENUE OF ANY SUCH ACTION OR PROCEEDING ARISING OUT OF OR RELATING TO THIS AGREEMENT.
18. **Attorneys' Fees.** The prevailing party in any proceeding in connection with the Agreement shall be entitled to recover from the non-prevailing party all costs and expenses, including without limitation, reasonable attorneys' and paralegals' fees and costs incurred by such party in connection with any such proceeding.
19. **Entire Agreement.** The Agreement sets out the entire agreement between the parties relative to the subject matter hereof and supersedes all prior or contemporaneous agreements or representations, oral or written.
20. **Amendment.** The Agreement may not be altered or modified, except by written amendment which expressly refers to the Agreement and which is duly executed by authorized representatives of both parties. The waiver or failure by either party to exercise or enforce any right provided for in the Agreement shall not be deemed a waiver of any further right under the Agreement. Any provision of the Agreement held to be invalid under applicable law shall not render the Agreement invalid as a whole, and in such an event, such provision shall be interpreted so as to best accomplish the intent of the parties within the limits of applicable law. The Agreement may be executed by facsimile and in counterparts, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.
21. **Expiration.** The rights and obligations contained in these Terms and Conditions shall survive any expiration or termination of the Agreement.

Exhibit B

Maintenance Schedule and Minimum Service Levels

1. **Uptime and Maintenance.**

The Solution shall be available twenty-four (24) hours per day during the term of this Agreement. The Solution shall be fully functional, timely and accessible by Client at least 99.5% of the time or better and Brycer shall use reasonable efforts to provide Client with advance notice of any unscheduled downtime.

2. **Response Time.**

Brycer shall respond to telephone calls from Client within two (2) hours of the call and/or message and all emails from Client within two (2) hours of the receipt of the email.

3. **Customer Support**

Customer support hours are 24/7/365. The toll free number is 1-855-279-2371

Brycer will assign client a dedicated customer representative with direct access to their email and work number.



Regular City Council
AGENDA ITEM 10.

Agenda Item: Discuss and Possibly Act Upon a Consulting Services Agreement Between the City of Brenham and NewGen Strategies and Solutions, LLC to Evaluate the City's Water, Sanitary Sewer, Electric and Gas Utility Rates and Authorize the Mayor to Execute Any Necessary Documentation

Meeting Type: Regular Meeting-February 25, 2021

Department: Public Utilities

Staff Contact: Donald Reese

Classification: Regular

SUMMARY STATEMENT:

The City of Brenham wishes to evaluate its current Electric, Water, Wastewater and Gas Rates by entering into an agreement with NewGen Strategies and Solutions, LLC to assist with the Acquisition of Natural Gas Supply and Natural Gas Transportation Services.

These services would include:

- Date collection and review of financial, operating and billing information;
- Updating financial and rate models previously prepared for the City of Brenham;
- Benchmarking of City's current rate structure compared to other similar municipal utility providers;
- Conduct meetings with City staff to present analysis and results and discuss potential rate adjustments over the next six (6) years;
- Finalize six (6) year plan and supporting rate model for each utility; and
- Prepare presentation and supporting material to present to City Council for consideration.

The cost to provide these services is not to exceed \$58,000.00. Draft results will be presented to City staff for discussion within 90 to 120 days from the notice to proceed. Funding for this item will be split between the various utility divisions including water, wastewater, electric and gas.

ATTACHMENTS:

(1) Consulting Service Agreement Including Proposal

RELEVANCE TO COMPREHENSIVE PLAN:

Growth Capacity Goal GC 3: A growth pattern that provides for the long-term financial sustainability of the City.

RECOMMENDED ACTION:

Approve a Consulting Services Agreement between the City of Brenham and NewGen Strategies and Solutions, LLC in an amount not to exceed \$58,000.00 and authorize the Mayor to execute any necessary documentation.

CONSULTING SERVICES AGREEMENT

STATE OF TEXAS §
§
COUNTY OF WASHINGTON §

THIS AGREEMENT is made and entered into as of the ____ day of _____, 2021, by and between the City of Brenham, Texas, a Texas municipal corporation, with its principal office at 200 W. Vulcan, Brenham, Texas 77833, hereinafter called “CITY” and NewGen Strategies and Solutions, LLC, with its office at 275 W. Campbell Road., Suite 440, Richardson, Texas 75080, hereinafter called “CONSULTANT.”

WITNESSETH, that in consideration of the covenants and agreements herein contained, the parties hereto do mutually agree as follows:

ARTICLE 1 **EMPLOYMENT OF CONSULTANT**

The CITY hereby contracts with the CONSULTANT, as an independent contractor, and the CONSULTANT hereby agrees to perform the services herein as stated in the sections to follow, with diligence and in accordance with the highest professional standards customarily obtained for such services in the State of Texas.

ARTICLE 2 **SCOPE OF SERVICES**

The CONSULTANT, upon the request of the CITY, shall perform the following services in a professional manner:

- A. All those services set forth in the Scope of Services document which is attached hereto and made a part hereof as Exhibit “A” as if written word for word herein. CONSULTANT shall not self-initiate any project or work.
- B. If there is any conflict between the terms of this Agreement and the exhibits attached to this Agreement, the terms and conditions of this Agreement will control over the terms and conditions of the attached exhibits or task orders.

ARTICLE 3

PERIOD OF SERVICE

This Agreement shall become effective upon execution of this Agreement by the CITY and the CONSULTANT and shall remain in force for the period which may reasonably be required for the completion of the tasks requested by the CITY, and any required extensions approved in writing by the City Manager or designee. This Agreement may be sooner terminated in accordance with the provisions hereof. Time is of the essence in this Agreement. The CONSULTANT shall make all reasonable efforts to complete the services set forth herein as expeditiously as possible and to meet the schedule established by the CITY.

ARTICLE 4

COMPENSATION

- A. COMPENSATION, BILLING AND PAYMENT: For and in consideration of the professional services to be performed by the CONSULTANT herein, the CITY agrees to pay the rates shown in Exhibit "A" which is attached hereto and made a part of this Agreement as if written word for word herein.

Nothing contained in this Article shall require the CITY to pay for any work which is unsatisfactory, as reasonably determined by the Mayor or the City Council, or which is not submitted in compliance with the terms of this Agreement. The CITY shall not be required to make any payments to the CONSULTANT when the CONSULTANT is in default under this Agreement.

It is specifically understood and agreed that the CONSULTANT shall not be authorized to undertake any work pursuant to this Agreement without first having obtained written authorization from the City Manager or designee. CONSULTANT shall not be compensated for any self-initiated projects or self-initiated work.

- B. PAYMENT: If the CITY fails to make payments due the CONSULTANT for services and expenses within thirty (30) days after CITY'S receipt of the CONSULTANT's undisputed statement thereof, as provided in Chapter 2251, Texas Government Code, interest on overdue payments shall accrue at the rate as provided in Chapter 2251, Texas Government Code, provided, however, nothing herein shall require the CITY to pay the interest as set forth herein if the CITY reasonably determines that the work, or portion thereof, is unsatisfactory, in accordance with this Article 4, "Compensation."

ARTICLE 5
OBSERVATION AND REVIEW OF THE WORK

The CONSULTANT will exercise reasonable care and due diligence in discovering and promptly reporting to the CITY any defects or deficiencies in the work of the CONSULTANT or any subcontractors or subconsultants.

ARTICLE 6
OWNERSHIP OF DOCUMENTS

All documents prepared or furnished by the CONSULTANT (and CONSULTANT's subcontractors or subconsultants) pursuant to this Agreement are instruments of service and shall become the property of the CITY upon the payment of the CONSULTANT pursuant to the terms of this Agreement. The CONSULTANT is entitled to retain copies of all such documents.

ARTICLE 7
INDEPENDENT CONTRACTOR

CONSULTANT shall provide services to CITY as an independent contractor, not as an employee of the CITY. CONSULTANT shall not have or claim any right arising from employee status.

ARTICLE 8
INDEMNITY AGREEMENT

THE CONSULTANT SHALL INDEMNIFY AND SAVE AND HOLD HARMLESS THE CITY AND ITS OFFICERS, AGENTS, AND EMPLOYEES FROM AND AGAINST ANY AND ALL LIABILITY, CLAIMS, DEMANDS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING, BUT NOT LIMITED TO COURT COSTS AND REASONABLE ATTORNEY FEES INCURRED BY THE CITY, AND INCLUDING, WITHOUT LIMITATION, DAMAGES FOR BODILY AND PERSONAL INJURY, DEATH AND PROPERTY DAMAGE, RESULTING FROM THE NEGLIGENT ACTS OR OMISSIONS OF THE CONSULTANT OR ITS OFFICERS, SHAREHOLDERS, AGENTS, OR EMPLOYEES IN THE EXECUTION, OPERATION, OR PERFORMANCE OF THIS AGREEMENT.

NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO CREATE A LIABILITY TO ANY PERSON WHO IS NOT A PARTY TO THIS AGREEMENT, AND NOTHING HEREIN SHALL WAIVE ANY OF THE PARTIES' DEFENSES, BOTH AT LAW OR EQUITY, TO ANY CLAIM, CAUSE OF ACTION, OR LITIGATION FILED BY ANYONE NOT A PARTY TO THIS AGREEMENT, INCLUDING THE DEFENSE OF GOVERNMENTAL IMMUNITY, WHICH DEFENSES ARE HEREBY EXPRESSLY RESERVED.

ARTICLE 9
TERMINATION OF AGREEMENT

- A. Notwithstanding any other provision of this Agreement, either party may terminate for convenience, without cause, by giving thirty (30) days' advance written notice to the other party.
- B. This Agreement may be terminated in whole or in part in the event of either party substantially failing to fulfill its obligations under this Agreement. No such termination will be effective unless the other party is given (1) written notice (delivered by certified mail, return receipt requested) of intent to terminate and setting forth the reasons specifying the non-performance, and not less than thirty (30) calendar days to cure the failure; and (2) an opportunity for consultation with the terminating party prior to termination.
- C. If the Agreement is terminated prior to completion of the services to be provided hereunder, CONSULTANT shall immediately cease all services and shall render a final bill for services to the CITY within thirty (30) days after the date of termination. The CITY shall pay CONSULTANT for all services properly rendered and satisfactorily performed and for reimbursable expenses to termination incurred prior to the date of termination, in accordance with Article 4 "Compensation." Should the CITY subsequently contract with a new consultant for the continuation of services on the Project, CONSULTANT shall cooperate in providing information to the CITY and the new consultant. The CONSULTANT shall turn over all documents prepared or furnished by CONSULTANT pursuant to this Agreement to the CITY on or before the date of termination but may maintain copies of such documents for its use.

ARTICLE 10
RESPONSIBILITY FOR CLAIMS AND LIABILITIES

Approval by the CITY shall not constitute, nor be deemed a release of the responsibility and liability of the CONSULTANT, its employees, associates, agents, subcontractors, and subconsultants for the accuracy and competency of their designs or other work; nor shall such approval be deemed to be an assumption of such responsibility by the CITY for any defect in the design or other work prepared by the CONSULTANT, its employees, subcontractors, agents, and consultants.

ARTICLE 11
NOTICES

All notices, communications, and reports required or permitted under this Agreement shall be personally delivered or mailed to the respective parties by depositing same in the United States mail to the address shown below, certified mail, return receipt requested, unless otherwise

specified herein. Mailed notices shall be deemed communicated as of three (3) days after mailing:

To CONSULTANT:

NewGen Strategies and Solutions, LLC
Attn: Chris D. Ekrut, CFO
275 W Campbell Road, Suite 440
Richardson, Texas 75080

To CITY:

City of Brenham
Attn: Donald C. Reese
ACM /Public Services/Utilities
P.O. Box 1059
Brenham, Texas 77834-1059

All notices shall be deemed effective upon receipt by the party to whom such notice is given, or within three (3) days after mailing.

ARTICLE 12
ENTIRE AGREEMENT

This Agreement, consisting of eight (8) pages and one (1) exhibit, constitutes the complete and final expression of the agreement of the parties, and is intended as a complete and exclusive statement of the terms of their agreements, and supersedes all prior or contemporaneous offers, promises, representations, negotiations, discussions, communications, and agreements which may have been made in connection with the subject matter hereof.

ARTICLE 13
SEVERABILITY

If any provision of this Agreement is found or deemed by a court of competent jurisdiction to be invalid or unenforceable, it shall be considered severable from the remainder of this Agreement and shall not cause the remainder to be invalid or unenforceable. In such event, the parties shall reform this Agreement to replace such stricken provision with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.

ARTICLE 14
COMPLIANCE WITH LAWS

The CONSULTANT shall comply with all federal, state, and local laws, rules, regulations, and ordinances applicable to the work covered hereunder as they may now read or hereinafter be amended.

ARTICLE 15
DISCRIMINATION PROHIBITED

In performing the services required hereunder, the CONSULTANT shall not discriminate against any person on the basis of race, color, religion, sex, national origin, age, disability, or other unlawful basis.

ARTICLE 16
PERSONNEL

- A. The CONSULTANT represents that it has or will secure, at its own expense, all personnel required to perform all the services required under this Agreement. Such personnel shall not be employees or officers of, or have any contractual relations with, the CITY. CONSULTANT shall inform the CITY of any conflict of interest or potential conflict of interest that may arise during the term of this Agreement.
- B. All services required hereunder will be performed by the CONSULTANT or under its supervision. All personnel engaged in work shall be qualified and shall be authorized and permitted under state and local laws to perform such services.

ARTICLE 17
ASSIGNABILITY

The CONSULTANT shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement (whether by assignment, novation, or otherwise) without the prior written consent of the CITY.

ARTICLE 18
MODIFICATION

No waiver or modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith, and no evidence of any waiver or modification shall be offered or received in evidence in any proceeding arising between the parties hereto out of or affecting this Agreement, or the rights or obligations of the parties hereunder, and unless such waiver or modification is in writing and duly executed; and the parties further agree that the provisions of this section will not be waived unless as set forth herein.

ARTICLE 19
MISCELLANEOUS

- A. The following exhibits are attached to and made a part of this Agreement:
 - 1. Exhibit A: Scope of Services and Costs

- B. CONSULTANT agrees that CITY shall, until the expiration of three (3) years after the final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers, and records of the CONSULTANT involving transactions relating to this Agreement. CONSULTANT agrees that CITY shall have access during normal working hours to all necessary CONSULTANT facilities and shall be provided adequate and appropriate working space in order to conduct audits in compliance with this section. CITY shall give CONSULTANT reasonable advance notice of intended audits.
- C. Venue of any suit or cause of action under this Agreement shall lie exclusively in Washington County, Texas. This Agreement shall be construed in accordance with the laws of the State of Texas without regard to any conflicts of law provisions.
- D. For the purpose of this Agreement, the key person who will perform the majority of the work hereunder shall be Chris Ekrut. However, nothing herein shall limit CONSULTANT from using other qualified and competent members of its firm to perform the services required herein.
- E. CONSULTANT shall commence, carry on, and complete any and all projects with all applicable dispatch, in a sound, economical, and efficient manner and in accordance with the provisions hereof. In accomplishing the projects, CONSULTANT shall take such steps as are appropriate to ensure that the work involved is properly coordinated with related work being carried on by the CITY.
- F. The CITY shall assist the CONSULTANT by placing at the CONSULTANT's disposal all reasonably available information pertinent to a project, including previous reports, any other data relative to the project, and arranging for the access thereto, and make all reasonable provisions for the CONSULTANT to enter in or upon public and private property as required for the CONSULTANT to perform services under this Agreement.
- G. The captions of this Agreement are for informational purposes only and shall not in any way affect the substantive terms or conditions of this Agreement.
- H. To the extent this Agreement is considered a contract for goods or services subject to 2270.002 Texas Government Code, User verifies that it: i) does not boycott Israel; and ii) will not boycott Israel during the term of this Agreement.

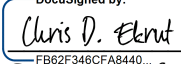
IN WITNESS HEREOF, the City of Brenham, Texas has caused this Agreement to be executed by its duly authorized representative, and CONSULTANT has executed this Agreement through its duly authorized representative on this the ____ day of _____, 20____.

CITY OF BRENHAM, TEXAS

Milton Tate, Mayor

NewGen Strategies & Solutions, LLC

Name of Company

DocuSigned by:

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Signature of Authorized Representative

Chris D. Ekrut Chief Financial officer

Printed Name and Title

Attest:

Signature

Printed Name and Title

EXHIBIT "A"



275 W Campbell Road
Suite 440
Richardson, TX 75080
Phone: (972) 680-2000

January 21, 2021
via email

Ms. Debbie Gaffey, CPA
Strategic Budget Officer
City of Brenham
200 W Vulcan St
Brenham, Texas 77833

Subject: Update to Electric, Water, Wastewater, and Gas Rates

Dear Ms. Gaffey:

Based on our conversations, NewGen Strategies and Solutions, LLC (NewGen) is pleased to offer our services to assist the City of Brenham (City) in performing an update to the City's Electric, Water, Wastewater, and Gas Rates. Members of NewGen have previously assisted the City in evaluating and amending the City's rates for these utility services, and these updates will build from the previous experience and analytical work of our Project Team. What follows is our anticipated scope of services, proposed timing, and proposed professional fees associated with the anticipated scope.

Proposed Scope of Services

As part of performing the requested update, the Project Team anticipates providing the following services:

- Collect the necessary data from City staff including, but not limited to, necessary financial, operating, and billing data;
- Review the data received and meet with City staff to discuss any questions or to clarify the data received;
- Using the financial and rate models previously prepared by the Project Team, perform updates to these models and evaluate the adequacy and sufficiency of current rate levels in light of current and future financial needs;
- Where possible, benchmark the City's current rates with comparable municipal utility providers and provide the City with an estimate of its competitive position;
- Meet with City staff to present and discuss results and receive direction on potential rate adjustments over the next six (6) years based on the Project Team's analysis;
- Finalize a six (6) year rate plan and supporting rate model, specific to each utility service; and
- Prepare presentations and necessary briefing materials to present the results of the rate updates to the City Council and participate in the presentation of results.

Ms. Debbie Gaffey, CPA

January 21, 2021

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Proposed Timing

Subject to timely response to information and data requests as well as availability of data, NewGen will have draft results for discussion with City staff within 90 to 120 days from notice to proceed, dependent on the availability and quality of required data. NewGen understands that time is of the essence in the completion of this study and will endeavor to deliver results as quickly as possible, depending upon the accuracy and availability of data. NewGen recognizes that this analysis will support the City's FY 2022 budget efforts, with rates anticipated to be effective as early as October 1, 2021.

Proposed Project Fees

Based on the scope of work outlined herein, the Project Team agrees to a **not-to-exceed project fee of \$58,000, inclusive of out-of-pocket expenses**, associated with the outlined scope of services.

In recognition of the current impacts of the COVID pandemic, and in an effort to provide the requested services as economically as possible, project meetings will be conducted via web conference. However, it is anticipated that any presentations made to the City Council will be made in person, unless otherwise requested.

NewGen invoices its clients monthly for actual services performed at our then applicable billing rates, plus out-of-pocket expenses incurred at cost. Payment is due within thirty (30) days of the invoice date. Our current hourly billing rates, which will remain in effect through December 31, 2021, are as follows:

NewGen Strategies and Solutions 2021 Billing Rates	
Position	Hourly Billing Rate
President / Managing Director / Director	\$230 - \$360
Executive Consultant	\$220 - \$320
Senior Consultant	\$190 - \$220
Consultant	\$135 - \$150
Administrative Services	\$110

Note: Billing rates are subject to change based on annual reviews and salary increases.

This agreement is subject to cancellation by the City with thirty (30) days prior written notice provided to NewGen. In the event of cancellation, all labor and expense charges incurred by NewGen through the date of cancellation will be considered due at the time notice of cancellation is delivered, regardless of work product and/or engagement status.

By engaging NewGen, you agree that the services rendered by NewGen will be performed in accordance with instructions or specifications provided by City staff and will be provided with the degree of skill and judgment exercised by recognized professionals performing services of similar nature and consistent with the applicable industry best practices. You further agree that compensation for services rendered will be provided to NewGen regardless of the outcome of the engagement.

All payments under this agreement should be remitted to:

Ms. Debbie Gaffey, CPA

January 21, 2021

Page 3

NewGen Strategies and Solutions, LLC
275 W Campbell Road, Suite 440
Richardson, Texas 75080

If this letter is in agreement with your understanding of the scope of services to be provided, and the terms and conditions are acceptable, please execute one copy and return to our Richardson, Texas office.

If you should have any questions and/or require additional information, please feel free to contact Mr. Chris Ekrut at (972) 232-2234 or via e-mail at cekrut@newgenstrategies.net. Again, we appreciate the opportunity to assist the City in this matter and look forward to working with you.

Sincerely,

NewGen Strategies and Solutions, LLC

DocuSigned by:

Chris D. Ekrut

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Chris D. Ekrut

Chief Financial Officer

Accepted By: _____

Title: _____

Date: _____



Regular City Council
AGENDA ITEM 11.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham Code of Ordinances, Chapter 26 - Utilities, Article II - Industrial Wastewater and Discharge Standards and Pretreatment Program

Meeting Type: Regular Meeting-February 25, 2021

Department: Public Utilities

Staff Contact: Donald Reese

Classification: Regular

SUMMARY STATEMENT:

On October 14, 2005, the Environmental Protection Agency (EPA) revised 40 CFR Part 403 called the "Pretreatment Streamlining Rule". Due to the revision, it was made mandatory that all Pretreatment Programs implement and modify their Pretreatment Programs to include these changes.

The process of implementing and revising the Pretreatment Program which incorporated the "Streamlining Rules" started in 2008 with help of Jones and Carter Inc. On February 27, 2010, TCEQ acknowledged that all changes to the program including the ordinance were technically complete and that City staff could move forward with the City Council's approval of the ordinance and program. Council approved the revised Pretreatment Program on April 8, 2010.

On January 8, 2020, the Texas Commission on Environmental Quality (TCEQ) contacted the City of Brenham and stated that the Streamlining Modification has been approved but based on how the current Pretreatment team/personnel is conducting the Streamlining reviews, some of the required elements for the Streamlining Rule seemed to be incomplete or missing.

On June 4, 2020, the City of Brenham received from the TCEQ the criteria of what changes needed to be incorporated within the Pretreatment Program. The current revisions were done with the assistance of Bleyl Engineering. On January 5, 2021 TCEQ acknowledged that all changes to the program including the ordinance were technically complete and that City staff could move forward with the City Council's approval of the Ordinance and Program. Numerous changes were made to the ordinance. In the attached redlined ordinance, you will see the elements that were revised due to the "Streamlining Rules". The revisions were made to the following: Pretreatment Ordinance, Industrial WW Discharge Permit, Field Investigation and Inspection Form, Enforcement Response Plan and Standard Operating Procedures.

Currently there are four (4) significant industrial users in our Pretreatment Program which include Blue Bell Creameries, Longwood Elastomers, PPE-LLC and L&G Environmental. These industries are monitored by City Staff on a monthly and bi-annual basis to determine and ensure that all process waste discharged from the facility complies with the pretreatment standards of the program. The Technically Based Local Limits (TBLLs) are sampled on a bi-annual basis and Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) are sampled on a bi-monthly basis.

ATTACHMENTS:

- | |
|---|
| (1) Redlined Version of Ordinance No. O-10-005
(2) Clean Version of the New 2021 Ordinance Submitted for First Reading |
|---|

RELEVANCE TO COMPREHENSIVE PLAN:

Not Applicable.

RECOMMENDED ACTION:

Approve an Ordinance on its first reading substantially modifying the City of Brenham's Pre-Treatment Program as mandated by the Texas Commission on Environmental Quality.

INDUSTRIAL WASTEWATER DISCHARGE STANDARDS AND
PRETREATMENT ORDINANCE
CITY OF BRENHAM, TEXAS
TPDES PERMIT NO. WQ0010388001

DIVISION 1. GENERAL PROVISIONS

Sec. 26-20. Purpose and policy.

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Brenham and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (c) To ensure the quality of sludge to allow its use and disposal in compliance with statutes and regulations;
- (d) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (e) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (f) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (g) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Ordinance shall apply to all Users of the Publicly Owned Treatment Works. The Ordinance authorizes the issuance of wastewater discharge permits; allows the City to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users; provides for monitoring, compliance, and enforcement activities;

establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 26-21. Administration.

Except as otherwise provided herein, the Director of Public Utilities shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Utilities may be delegated to other City personnel.

Sec. 26-22. Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

- BOD – Biochemical Oxygen Demand
- CFR – Code of Federal Regulations
- COD – Chemical Oxygen Demand
- EPA – U.S. Environmental Protection agency
- Gpd – gallons per day
- Mg/l – milligrams per liter
- TPDES – Texas Pollutant Discharge Elimination System
- POTW – Publicly Owned Treatment Works
- RCRA = Resource Conservation and Recovery Act
- SIC – Standard Industrial Classification
- TSS – Total Suspended Solids
- U.S.C. – United States Code

Sec. 26-23. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- (a) *Act or "the Act."* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- (b) *Approval Authority.* The Executive Director of the Texas Commission on Environmental Quality, Austin, Texas
- (c) *Authorized Representative of the User.*
 - (1) If the User is a corporation:
 - a. The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other

person who performs similar policy or decision-making functions for the corporation; or

- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- (d) *Best Management Practices (BMPs)*. Scheduling activities, prohibiting practices, enforcing maintenance procedures, and other management practices to implement prohibitions listed in 40 CFR Chapter I, Subchapter N, 403.5 (a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Such BMPs shall be considered local limits and pretreatment standards for the purposes of 40 CFR 403 and Section 307(b) of the Clean Water Act.
 - (e) *Biochemical Oxygen Demand or BOD*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
 - (f) *Categorical Industrial User*. . An Industrial User subject to a Categorical

Pretreatment Standard or Categorical Standard.

- (g) *Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which emerge in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (h) *City.* The City of Brenham, Washington County, Texas.
- (i) *Composite Sample.* A 24-hour flow proportional composite sample. Sampling may be done manually or automatically, and discretely or continuously. If discrete sampling is employed, at least twelve (12) aliquots should be composited. Discrete sampling may be flow proportional either by varying the time interval between each aliquot or the volume of each aliquot. All composites should be flow proportional to either the stream flow at the time of collection of the aliquot or to the total flow since the previous aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.
- (j) *Control Authority.* The City of Brenham, POTW if the POTW's submission for its pretreatment program has been approved in accordance with the requirements of 403.11; or the Approval Authority if the Submission has not been approved.
- (k) *Daily discharge.* The "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- (l) *Daily maximum limit.* The highest allowable "daily discharge."
- (m) *Director of Public Utilities.* The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- (n) *Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or the other duly authorized official of said agency.
- (o) *Existing Source.* Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- (p) *Grab Sample.* A sample, which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (q) *Indirect Discharge or discharge.* The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- (r) *Industrial User (IU).* The term Industrial User or User means a source of indirect discharge.
- (s) *Instantaneous Maximum Limit.* The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event
- (t) *Interference.* A discharge, which alone or in conjunction with a discharge or discharges from another sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's TPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of swage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (u) *Medical Waste.* Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (v) *Monthly Average limit.* The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month

(w) *New Source.*

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at the source; or
 - c. The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the new owner or operator has:
 - a. Begun, or caused to begin, as part of a continuous onsite construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (x) *Noncontact cooling Water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (y) *Pass Through.* A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's TPDES permit, including an increase in the magnitude or duration of a violation.
- (z) *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. This definition includes all Federal, State, and local governmental entities.
- (aa) *pH.* A measure of the negative logarithm of the Hydrogen ion concentration aqueous solution, or a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (bb) *Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (cc) *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (dd) *Pretreatment Requirements.* Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

- (ee) *Pretreatment Standards or Standards.* Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (ff) *Process waste water.* Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.
- (gg) *Prohibited Discharge Standards or Prohibited Discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 26-24 of this Ordinance.
- (hh) *Publicly Owned Treatment Works or POTW.* A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (ii) *Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (jj) *Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.).
- (kk) *Significant Industrial User.*
 - (1) A User subject to categorical pretreatment standards; or
 - (2) A User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designed as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
 - (3) Upon a finding that a User meeting the criteria in paragraph (2) has no

reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

- (ll) *Slug Load or Slug Discharge.* Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 26-24 of this Ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (mm) *Standard Industrial Classification (SIC) Code.* A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (nn) *Storm Water.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (oo) *Technically Based Local Limits -* Discharge limits applicable to Industrial Users of the Control Authority's system developed by the Control Authority in accordance with 40 CFR 403.5(c).
- (pp) *Total Suspended Solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (qq) *User or Industrial User.* A source of indirect discharge.
- (rr) *Wastewater.* Liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (ss) *Wastewater Treatment Plant or Treatment Plant.* That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

DIVISION 2. GENERAL SEWER USE REQUIREMENTS

Sec. 26-24. Prohibited discharge standards.

- (a) *General Prohibitions.* No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These

general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

- (b) *Specific Prohibitions.* No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.5 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than the one-half inch (1/2") in any dimension;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than 104°F (40°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the production of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the Director of Public Utilities in accordance with Section 26-32 of this Ordinance;
 - (9) Noxious or malodorous liquids, gases, or solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or prevent entry into the sewers for maintenance or repair;

- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's TPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director of Public Utilities;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Director of Public Utilities in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 105°F.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 26-25. National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- ~~(a) — Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Public Utilities may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(e).~~
- (ab) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Utilities shall

impose an alternate limit using the combined wastestream formula in 40CFR 403.6(e).

- (be) A User may obtain a variance from a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(c) The Director of Public Utilities may develop Best Management Practices (BMPs), by Ordinance or in individual wastewater discharge permits.

~~(d) A User may obtain a net gross adjustment to a categorical standard in accordance with CFR 403.15.~~

~~(1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.~~

~~(2) Criteria:~~

a. ~~Either~~

~~(i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or~~

~~(ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.~~

~~b. Credit for generic pollutants such as Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), and Oil and Grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.~~

- e. ~~Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.~~
- d. ~~Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.~~

Sec. 26-26. Local limits.

- (a) The following pollutant limits are established to protect against pass through and interference, No person shall discharge wastewater containing in excess of the following instantaneous maximum discharge limits stated in terms of milligrams per liter (mg/l):

~~the following instantaneous maximum discharge limits stated in terms of milligrams per liter (mg/l):~~

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Instantaneous Maximum Limit (mg/l)

Arsenic	0.20
Cadmium	0.14
Chromium	3.97
Copper	0.59
Lead	0.62
Mercury	0.000
Molybdenum	0.47
Nickel	1.47
Selenium	0.04
Silver	0.43
Zinc	1.96
Cyanide	0.10
NH3-N	35
TSS	Allocated per SIU (see below)

Industry	FLOW RATE*	
	(MGD)	TSS (mg/L)
Bluebell		
Snack Plant	0.042	2,570
Backline	0.008	3,000
Flowmeter	0.133	2,500
Longwood	0.008	1,050

* The flow rate in the above table are the five-year projected flows for each industry.

- (b) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for the metallic substances are for “total” metal unless indicated otherwise. The Director of Public Utilities may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- (c) All other pollutants of concern shall be regulated by individual permit.
- ~~(d) The Director of Public Utilities may develop Best Management Practices (BMPs), by Ordinance or in individual wastewater discharge permits to implement Local Limits and the requirements of Section 26-24.~~

Sec. 26-27. The City’s right of revision.

The City reserves the right to establish, by Ordinance or in wastewater discharge permits, more stringent requirements, as may be required to meet future state, federal or local standards, on discharges to the POTW

Sec. 26-28. Dilution.

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Public Utilities may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

DIVISION 3. PRETREATMENT OF WASTEWATER

Sec. 26-29. Pretreatment facilities.

Users shall provide and operate wastewater treatment as necessary to comply with this

Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 26-24 through 26-26 of this Ordinance within the time limitations specified by EPA, the State, or the Director of Public Utilities, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Utilities for review, and shall be acceptable to the Director of Public Utilities before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Ordinance.

Sec. 26-30. Additional pretreatment measures.

- (a) Whenever deemed necessary, the Director of Public Utilities may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
- (b) The Director of Public Utilities may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Utilities, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the Director of Public Utilities and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 26-31. Accidental discharge/slug control plan.

At least once every two (2) years, the Director of Public Utilities shall evaluate testing/monitoring records and site inspection reports to determine whether each Significant Industrial User needs an accidental discharge/slug control plan. The Director of Public Utilities may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Director of Public Utilities may develop such a plan for any User at the User's expense. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Director of Public Utilities of any accidental or slug discharge, as required by Section 26-54 of this Ordinance; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (e) The City has the legal authority to revise slug control requirements, if necessary, to modify control mechanisms as needed.
- ~~(e)~~ (f) The City has the legal authority and responsibility to evaluate within one year of being designated as a SIU whether each such SIU needs a plan or other action to control slug discharges. The evaluations will be documented and the results will be made available to the Approval Authority upon request.

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Sec. 26-32. Hauled wastewater.

- (a) Septic tank waste may be introduced into the POTW only at locations and times designated by the Director of Public Utilities. Such waste shall not violate Division 2 of this Ordinance or any other requirements established by the City. The Director of Public Utilities may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) The Director of Public Utilities shall require haulers of industrial waste to obtain wastewater discharge permits. The Director of Public Utilities may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director of Public Utilities also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- (c) Industrial waste haulers may discharge loads only at locations designated by the Director of Public Utilities. No load may be discharged without prior consent. The Director of Public Utilities may collect samples of each hauled load to ensure compliance with applicable standards and may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of the sources of the waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Sec. 26-33. Provisions governing fraud and false statements.

- (a) Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Federal Water Pollution Control Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is a violation committed after a first conviction of such person under this paragraph, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.
- (b) Responsible corporate officer as “person”. For the purpose of this subsection, the term “person” means, in addition to the definition contained in Section 502(5) of the Federal Water Pollution Control Act, any responsible corporate officer.

DIVISION 4. WASTEWATER DISCHARGE PERMIT APPLICATION

Sec. 26-34. Wastewater analysis.

When requested by the Director of Public Utilities, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director of Public Utilities is authorized to prepare a form for this purpose and may periodically require Users to update this information.

- (a) POTW has the authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants received by Industrial Users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its TPDES permit.

Sec. 26-35. Wastewater discharge permit requirement.

- (a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Public Utilities, except that a Significant Industrial User that has filed a timely application pursuant to Section 26-36 of this Ordinance may continue to discharge for the time period

specified therein.

- (b) The Director of Public Utilities may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
- (c) Any violation of the terms and conditions of the wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Divisions 10 through 12 of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Sec. 26-36. Wastewater discharge permitting: existing connections.

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director of Public Utilities for a wastewater discharge permit in accordance with Section 26-38 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Director of Public Utilities.

Sec. 26-37. Wastewater discharge permitting: New connections.

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 26-38 of this Ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

Sec. 26-38. Wastewater discharge permit application contents.

All Users required to obtain a wastewater discharge permit must submit a permit application. The Director of Public Utilities may require all Users to submit as part of an application the following information:

- (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing User;
- (b) An inventory of all sources located within the contributing User that are discharging to the POTW; and
- (c) Such other information as the Director of Public Utilities may deem necessary.

- (d) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (e) Number and type of employees and proposed or actual hours of operation;
- (f) Each product produced by type, amount, process or processes, and rate of production;
- (g) Type and amount of raw materials processed (average and maximum per day);
- (h) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (i) Time and duration of discharges;
- (j) Information showing the measured or proposed average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);
- (k) Compliance schedule for installation of control technology to remedy or avoid a violation of the Ordinance or Industrial User Permit; or
- (l) Any other information as may be deemed necessary by the Director of Public Utilities to evaluate the wastewater discharge permit application.

Applicants for a renewal permit may be allowed to submit an application in simplified form when their discharge in terms of flow, quality and pretreatment processes does not vary from the original permit request. In this case, the User will be required to sign a formal statement to confirm that the above noted conditions will remain unchanged.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

Sec. 26-39. Application signatories and certification.

- (a) All wastewater discharge permit applications and User reports must be signed by an authorized representative of the User meeting the requirements of 403.12(1) and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system

designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations”

- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director of Public Utilities prior to or together with any reports to be signed by an Authorized Representative.

Sec. 26-40. Wastewater discharge permit decisions.

The Director of Public Utilities will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director of Public Utilities will determine whether or not to issue a wastewater discharge permit. The Director of Public Utilities may deny, for good cause, any application for a wastewater discharge permit.

DIVISION 5. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

Sec. 26-41. Wastewater discharge permit duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date on the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Utilities. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Sec. 26-42. Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Public Utilities to prevent pass through or interference, protect the quality of the water body receiving the treatment plant’s effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (a) Wastewater discharge permits must contain:
 - (1) A statement that indicates wastewater discharge permit issuance date, effective date, and expiration date, which in no event shall be more than five

- (5) years after the effective date;
 - (2) A statement that the wastewater discharge permit is non transferable without prior notification to the City in accordance with Section 26-45 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Discharge limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, BMP compliance and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices), to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (b) Wastewater discharge permits may contain any conditions as deemed appropriate by the Director of Public Utilities to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations. Permits may contain, but not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designated to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment; and

- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

- ~~(7)~~(8) Requirements to control Slug Discharge, if determined by the Director of Public Utilities to be necessary.

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Sec. 26-43. Wastewater discharge permit appeals.

Any person, including the User, may petition the Director of Public Utilities to reconsider the terms of a wastewater discharge permit within fifteen (15) days of its issuance.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the failed administrative appeal.
- (b) In its petition, the appealing parties must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (d) If the Director of Public Utilities fails to act within fifteen (15) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the District Court in and for the State of Texas within thirty (30) days of denial of said permit according to the procedure provided by Section 54.039 of the Texas Local Government Code.

Sec. 26-44. Wastewater discharge permit modification.

The Director of Public Utilities may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new revised Federal, State, or local pretreatment standards or

requirements;

- (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- (c) A change in the POTW that requires either temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator per Section 26-45 of this Ordinance.

Sec. 26-45. Wastewater discharge permit transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director of Public Utilities and receives approval of the wastewater discharge permit transfer. The notice to the Director of Public Utilities must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

Sec. 26-46. Wastewater discharge permit revocation.

The Director of Public Utilities may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the Director of Public Utilities of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the Director of Public Utilities of changed conditions pursuant to Section 26-53 of this Ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports or certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Director of Public Utilities timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedule;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Ordinance.

A 48-hour period must pass before a suspension or restriction is effective. The waiting period may be dispensed with in emergency situations relating to public health and safety or a significant impairment of the treatment process.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

Sec. 26-47. Wastewater discharge permit reissuance.

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application to the extent required by Federal, State, and/or local regulations, in accordance with Section 26-38 of this Ordinance, a minimum of thirty (30) days prior to the expiration of the User's existing wastewater discharge permit.

Sec. 26-48. Regulation of waste received from other jurisdictions.

- (a) If another municipality, or User located within another jurisdiction, contributes wastewater to the POTW, the Director of Public Utilities shall enter into an agreement with the contributing User.
- (b) Prior to entering into an agreement required by paragraph (a), above, the Director of Public Utilities shall request the following information from the contributing User:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing User;
 - (2) An inventory of all sources located within the contributing User that are discharging to the POTW; and
 - (3) Such other information as the Director of Public Utilities may deem necessary.
- (c) An agreement, as required by paragraph (a), above, shall contain the following conditions:
 - (1) A requirement for the contributing User to adopt a sewer use Ordinance or policy which is at least as stringent as this Ordinance and local limits which are at least as stringent as those set out in Section 26-26 of this Ordinance. The requirements shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the City's Ordinance of local limits;
 - (2) A requirement for the contributing User to submit a revised User inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing User; which of these activities will be conducted by the Director of Public Utilities; and which of these activities will be conducted jointly by the contributing User and the

Director of Public Utilities;

- (4) A requirement for the contributing User to provide the Director of Public Utilities with access to all information that the contributing User obtains as part of its pretreatment activities;
- (5) Limits on nature, quality, and volume of the contributing User's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing User's discharge;
- (7) A provision ensuring the Director of Public Utilities access to the facilities of customers located within the contributing User's jurisdictional boundaries for the purpose of inspection, sampling, and other duties deemed necessary by the Director of Public Utilities; and
- (8) A provision specifying remedies available for breach of the terms of the agreement.

DIVISION 6. REPORTING REQUIREMENTS

Sec. 26-49. Baseline monitoring reports.

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Users subject to categorical standards currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Utilities a report which contains the information listed in Section 26-49(b).. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Utilities a report which contains the information listed in Section 26-49(b).- A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the following information.
 - (1) *Identifying Information.* The name and address of the facility,

including the name of the operator and owner.

- (2) *Environmental Permits.* A list of any environmental control permits held by or for the facility.

- ~~(3)~~ *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

- ~~(3)(4)~~ *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

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- ~~(4)(5)~~ *Measurement of Pollutants.*

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- a. The categorical pretreatment standards applicable to each regulated process.
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
- d. The result of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Utilities, of regulated pollutants in the discharge from each regulated process. Daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative

of daily operations and shall be analyzed in accordance with procedures set out in Section 26-58 of this Ordinance.

- e. Sampling must be performed in accordance with procedures set out in Section 26-59 of this Ordinance.
 - f. The Director of Public Utilities may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - g. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
 - h. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director of Public Utilities or the applicable Standards to determine compliance with the Standard.
- (6) *Certification.* A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 26-50 of this Ordinance.
- (8) *Signature and Certification.* All baseline monitoring reports must be signed and certified in accordance with Section 26-39 of this Ordinance.

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Sec. 26-50. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by Section 26-

49(b)(7) of this Ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring and engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;
- (c) The User shall submit a progress report to the Director of Public Utilities no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Utilities.

Sec. 26-51. Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the Director of Public Utilities a report containing the information described in Section 26-49(b)(4-6) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 26-39 of this Ordinance. All sampling will be done in conformance with Section 26-59 of the Ordinance.

Sec. 26-52. Periodic compliance reports.

- (a) The City may choose to sample and analyze User discharges in lieu of requiring the Users to conduct the sampling and analysis. If this is the case, the reporting requirements in paragraph (b) below may not be applicable.
- (b) All Significant Industrial Users shall, at a frequency determined by the Director of Public Utilities but in no case less than twice per year (in June and December),

submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director of Public Utilities or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 26-39 of this Ordinance.

- (c) All wastewater samples submitted by the User must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (d) If a User subject to the reporting requirements in this Section monitors any pollutant more frequently than required by the Director of Public Utilities, the results shall be submitted to the City at a frequency determined by the Director of Public Utilities but in no cases less than twice a year (in June and December). Sampling and analytical procedures shall be those as prescribed in Section 26-58 and 26-59 of this Ordinance and all reports must be signed and certified in accordance with Section 26-39 of this Ordinance.

Sec. 26-53. Reports of changed conditions.

Each User must notify the Director of Public Utilities of any planned significant changes to the User's operations or system which might adversely alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- (a) The Director of Public Utilities may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 26-38 of this Ordinance.
- (b) The Director of Public Utilities may issue a wastewater discharge permit under Section 26-40 of this Ordinance or modify an existing wastewater discharge permit under Section 26-44 of this Ordinance in response to changed conditions or

anticipated changed conditions.

- (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of twenty percent (20%) or more, and the discharge of any previously unreported pollutants.

Sec. 26-54. Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Director of Public Utilities of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the Director of Public Utilities, submit a detailed written report describing the cause(s) 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 POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to the Ordinance.
- (c) Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the Director of Public Utilities immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 26-55. Reports from unpermitted Users.

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Public Utilities as may be required.

Sec. 26-56. Notice of violation/repeat sampling and reporting.

- (a) If sampling conducted by the User indicates a violation, the User must notify the Director of Public Utilities within twenty-four (24) hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Utilities within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Director of Public Utilities monitors at the User's facility at least once a month, if the Director

of Public Utilities samples between the initial sampling and when the User receives the results of this sampling, or if the Director of Public Utilities chooses to perform the repeat sampling and analysis at the User's expense.

- (b) If the sampling and analysis conducted by the City indicates a violation, the City will perform the repeat sampling and analysis unless the City orders the User to perform the repeat sampling and analysis in accordance with 40 CFR 403.12(g)(2). The results of the repeat sample by the City or the User shall be submitted to the Director of Public Utilities within thirty (30) days after becoming aware of the violation.

Sec. 26-57. Discharge of hazardous waste.

The discharge of hazardous waste by any User to the POTW is strictly prohibited by this Ordinance.

Sec. 26-58. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director of Public Utilities or other parties approved by EPA.

Total residual chlorine, pH, and temperature samples cannot be "composited" under any circumstances. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized in writing by the City.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the 40 CFR Part 136, "Guidelines Establishing Test Procedures for the Analysis of Pollutants under the Clean Water Act" and amendments, 40 CFR 403.8(f)(2)(vii), 403.12(g)(3), (4), and (5) and 403.12(h), or with any other test procedures approved by EPA.

Sec. 26-59. Sample collection.

- (a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (b) Except as indicated in Section (b), below, wastewater samples must be collected

using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Public Utilities may authorize the use of time proportional sampling or a minimum of four (4) grab samples where this will provide a representative sample of the effluent being discharged.

- (c) Samples of oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (d) “ND” (Not Detected) may only be used to demonstrate that a pollutant is not present if the EPA analytical method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis, as this applies to categorical pretreatment standards and requirements contained in 40 CFR § 405-471, as applicable

Sec. 26-60. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Sec. 26-61. Record keeping.

Users shall retain and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 26-26(d). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director of Public Utilities.

DIVISION 7. COMPLIANCE MONITORING

Sec. 26-62. Right of entry: inspection and sampling.

The Director of Public Utilities shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any wastewater discharge permit or order issued hereunder. This inspection and monitoring shall be performed at a frequency as required to determine compliance, but in no case less than once per year. Users shall allow the Director of Public Utilities ready access to all parts of the premises at reasonable times for the purpose of inspection, sampling, records examination and copying, and

the performance of any additional duties.

- (a) Where a User has security measures in force, which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Utilities will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The Director of Public Utilities shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (c) The Director of Public Utilities may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written and verbal request of the Director of Public Utilities and shall not be replaced. The costs of clearing such access shall be born by the User.
- (e) Unreasonable delays in allowing the Director of Public Utilities access to the User's premises shall be a violation of this Ordinance

Sec. 26-63. Search warrants.

If the Director of Public Utilities has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Public Utilities may seek issuance of a search warrant from the District Court in and for the State of Texas.

DIVISION 8. CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director of Public Utilities inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Utilities, that the release of such information would divulge information, processes, or

methods of production entitled to protection of trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for use related to TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

DIVISION 9. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director of Public Utilities shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily, maximum, long-term average, instantaneous limit, or narrative Standards which may include operational standards, narrative limits, and enforceable best management practices) that the Director of Public Utilities has determined has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Utilities exercise of its emergency authority to halt or prevent such discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for

starting construction, completing construction, or attaining final compliance;

~~(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;~~

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(f) Failure to provide within ~~thirty (30)~~fourty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

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(g) Failure to accurately report noncompliance; or

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(h) Any other violation(s) or group of violations, which may include a violation of Best Management Practices, which the Director of Public Utilities determines will adversely affect the operation or implementation of the local pretreatment program.

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DIVISION 10. ADMINISTRATIVE ENFORCEMENT REMEDIES

Sec. 26-64. Notification of violation.

When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard requirement, the Director of Public Utilities may serve upon that User a written Notice of Violation. Within twenty-one (21) days of the receipt of notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director of Public Utilities. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director of Public Utilities to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Sec. 26-65. Consent orders.

The Director of Public Utilities may enter into Consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative order issued pursuant to Sections 26-66 and 26-67 of this Ordinance and shall be judicially enforceable.

Sec. 26-66. Show cause hearing.

The Director of Public Utilities may order a User which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Public Utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

Sec. 26-67. Administrative orders.

When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Utilities may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer services may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designated to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation.

Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Sec. 26-68. Cease and desist orders.

When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director of Public Utilities may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any

other action against the User.

Sec. 26-69. Administrative fines.

- (a) When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Utilities may fine such User in an amount not to exceed \$2,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- (c) Users desiring to dispute such fines must file a written request for the Director of Public Utilities to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Director of Public Utilities may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director of Public Utilities may add additional costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (d) Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the User.
- (e) This Ordinance shall be enforceable under the jurisdiction of the City of Brenham municipal Court.

Sec. 26-70. Emergency suspensions.

The Director of Public Utilities may immediately suspend a User's discharge, after informal notice to the User, whichever such suspension is necessary to stop an actual or threatened discharge which responsibly appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Public Utilities may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply

voluntarily with the suspension order, the Director of Public Utilities may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Public Utilities may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director of Public Utilities that the period of endangerment has passed, unless the termination proceedings in Section 26-71 of this Ordinance are initiated against the User.

- (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrences, to the Director of Public Utilities prior to the date of any show cause or termination hearing under Sections 26-66 or 26-71 of this Ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

Sec. 26-71. Termination of discharge.

In addition to the provisions in Section 26-46 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge
- (d) Refusal of responsible access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Division 2 of this Ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 26-66 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director of Public Utilities shall not be a bar to, or a prerequisite for, taking any other action against the User.

DIVISION 11. JUDICIAL ENFORCEMENT REMEDIES

Sec. 26-72. Injunctive relief.

When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Utilities may petition the District Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirements imposed by this Ordinance on activities of the User. The Director of Public Utilities may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the User.

Sec. 26-73. Civil penalties.

- (a) A User who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$2,000 per violation, per day. In the case of a monthly or long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The Director of Public Utilities may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual expenses incurred by the City.
- (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 26-74. Criminal prosecution.

- (a) A User who willfully or negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class C misdemeanor, punishable by a fine of not more than \$2,000 per violation, per day.
- (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class C misdemeanor and be subject to a penalty of at least \$2,000. This penalty

shall be in addition to any other cause or action for personal injury or property damage available under State law.

- (c) A User knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be

punished by a fine of not more than \$2,000 per violation, per day and may be punished to the maximum extent possible under Federal law.

- (d) In the event of a second conviction, a User shall be punished by a fine of not more than \$2,000 per violation, per day.

Sec. 26-75. Remedies nonexclusive.

The remedies provided for in this Ordinance are not exclusive. The Director of Public Utilities may take any, all, or a combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director of Public Utilities may take other action against any User when circumstances warrant. Further, the Director of Public Utilities is empowered to take more than one enforcement action against any noncompliant User.

DIVISION 12. SUPPLEMENTAL ENFORCEMENT ACTION

Sec. 26-76. Performance bonds.

The Director of Public Utilities may, for good cause, decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director of Public Utilities to be necessary to achieve consistent compliance.

Sec. 26-77. Liability insurance.

The Director of Public Utilities may, for good cause, decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

Sec. 26-78. Water supply severance.

Whenever a User has violated or continues to violate any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, which causes the City to be noncompliant with Federal, State or local discharge requirements, water service to the User may be severed. Service will only recommence, at the User's expense, after the User has satisfactorily demonstrated its ability to comply.

Sec. 26-79. Public nuisances.

A violation of any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Utilities. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code of the City of Brenham regarding nuisances.

Sec. 26-80. Contractor listing.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director of Public Utilities.

DIVISION 13. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 26-81. Act of God.

- (a) An event that would otherwise be a violation of a statute within the TCEQ's jurisdiction or a rule adopted or an order or a permit issued under such a statute that was caused solely by an Act of God, war, strike, riot, or other catastrophe within the meaning of Section 7.252 of the Texas Water Code, as amended, then such event (an "Act of God Event") is not a violation of that statute, rule, order, or permit. An Act of God Event does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (b) A User who wishes to establish an Act of God Event shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An Act of God Event occurred and the User can identify the cause(s) of the Act of God Event;

- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The User has submitted the following information to the Pretreatment Coordinator verbally within twenty-four (24) hours and in writing within five (5) days of becoming aware of the Act of God Event:
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the User seeking to establish the occurrence of an Act of God Event shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of Act of God Event only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Sec. 26-82. Prohibited discharge standards.

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 26-24 of this Ordinance or the specific prohibitions in Sections 26-24(b)(3) through (17) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or

constituents from the User's prior discharge when the City was regularly in compliance with its TPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Sec. 26-83. Bypass.

- (a) For purposes of this Section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production
- (b) A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.
- (c)
 - (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director of Public Utilities, at least ten (10) days before the date of the bypass, if possible.
 - (2) A User shall submit oral notice to the Director of Public Utilities of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Public Utilities may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (d)

- (1) Bypass is prohibited, and the Director of Public Utilities may take an enforcement action against a User for a bypass, unless
 - a. Bypass was avoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - c. The User submitted notices as required under paragraph (c) of this Section.
- (2) The Director of Public Utilities may approve an anticipated bypass, after considering its adverse effects, if the Director of Public Utilities determines that it will meet the three conditions listed in paragraph (d)(1) of this Section.

DIVISION 14. WASTEWATER TREATMENT RATES

Wastewater treatment rates are those established by separate City Ordinance for the various User classifications set forth therein.

DIVISION 15. MISCELLANEOUS PROVISIONS

Sec. 26-84. Pretreatment charges and fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and preparing/reviewing monitoring reports;
- (c) Fees for reviewing and responding to accidental discharge procedures and

construction;

- (d) Fees for filing appeals; and
- (e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

Sec. 26-85. Interjurisdictional pretreatment agreement.

The City of Brenham, as owner and operator of the City of Brenham WWTP, has the authority and obligation to control the wastewater discharges to the plant from each industrial User throughout the service area to ensure compliance by industries with applicable pretreatment standards and requirements. The City must exercise this authority to include industrial Users located in outlying jurisdictions that want to discharge to the plant.

Sec. 26-86. Serviceability.

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

DIVISION 16. EFFECTIVE DATE

This Ordinance shall be in full force and effect on the date it is approved by the TCEQ and is incorporated into the City's TPDES permit.

INDUSTRIAL WASTEWATER DISCHARGE STANDARDS AND
PRETREATMENT ORDINANCE
CITY OF BRENHAM, TEXAS
TPDES PERMIT NO. WQ0010388001

DIVISION 1. GENERAL PROVISIONS

Sec. 26-20. Purpose and policy.

This Ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Brenham and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (c) To ensure the quality of sludge to allow its use and disposal in compliance with statutes and regulations;
- (d) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (e) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (f) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (g) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Ordinance shall apply to all Users of the Publicly Owned Treatment Works. The Ordinance authorizes the issuance of wastewater discharge permits; allows the City to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users; provides for monitoring, compliance, and enforcement activities;

establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

Sec. 26-21. Administration.

Except as otherwise provided herein, the Director of Public Utilities shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Utilities may be delegated to other City personnel.

Sec. 26-22. Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

- BOD – Biochemical Oxygen Demand
- CFR – Code of Federal Regulations
- COD – Chemical Oxygen Demand
- EPA – U.S. Environmental Protection agency
- Gpd – gallons per day
- Mg/l – milligrams per liter
- TPDES – Texas Pollutant Discharge Elimination System
- POTW – Publicly Owned Treatment Works
- RCRA = Resource Conservation and Recovery Act
- SIC – Standard Industrial Classification
- TSS – Total Suspended Solids
- U.S.C. – United States Code

Sec. 26-23. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- (a) *Act or “the Act.”* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- (b) *Approval Authority.* The Executive Director of the Texas Commission on Environmental Quality, Austin, Texas
- (c) *Authorized Representative of the User.*
 - (1) If the User is a corporation:

- a. The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.
- (d) *Best Management Practices (BMPs)*. Scheduling activities, prohibiting practices, enforcing maintenance procedures, and other management practices to implement prohibitions listed in 40 CFR Chapter I, Subchapter N, 403.5 (a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. Such BMPs shall be considered local limits and pretreatment standards for the purposes of 40 CFR 403 and Section 307(b) of the Clean Water Act.
- (e) *Biochemical Oxygen Demand or BOD*. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

- (f) *Categorical Industrial User.* . An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- (g) *Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which emerge in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (h) *City.* The City of Brenham, Washington County, Texas.
- (i) *Composite Sample.* A 24-hour flow proportional composite sample. Sampling may be done manually or automatically, and discretely or continuously. If discrete sampling is employed, at least twelve (12) aliquots should be composited. Discrete sampling may be flow proportional either by varying the time interval between each aliquot or the volume of each aliquot. All composites should be flow proportional to either the stream flow at the time of collection of the aliquot or to the total flow since the previous aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.
- (j) *Control Authority.* The City of Brenham.
- (k) *Daily discharge.* The “discharge of a pollutant” measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the “daily discharge” is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the “daily discharge” is calculated as the average measurement of the pollutant over the day.
- (l) *Daily maximum limit.* The highest allowable “daily discharge.”
- (m) *Director of Public Utilities.* The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- (n) *Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or the other duly authorized official of said agency.
- (o) *Existing Source.* Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- (p) *Grab Sample*. A sample, which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (q) *Indirect Discharge or discharge*. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- (r) *Industrial User (IU)*. The term Industrial User or User means a source of indirect discharge.
- (s) *Instantaneous Maximum Limit*. The maximum allowable concentration of a pollutant determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event
- (t) *Interference*. A discharge, which alone or in conjunction with a discharge or discharges from another sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's TPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of swage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (u) *Medical Waste*. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (v) *Monthly Average limit*. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month
- (w) *New Source*.
 - (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- a. The building, structure facility, or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at the source; or
 - c. The production of wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) b. or c. above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the new owner or operator has:
- a. Begun, or caused to begin, as part of a continuous onsite construction program
 - i. any placement, assembly, or installation of facilities or equipment; or
 - ii. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

- (x) *Noncontact cooling Water.* Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (y) *Pass Through.* A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's TPDES permit, including an increase in the magnitude or duration of a violation.
- (z) *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. This definition includes all Federal, State, and local governmental entities.
- (aa) *pH.* A measure of the negative logarithm of the Hydrogen ion concentration aqueous solution, or a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (bb) *Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (cc) *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (dd) *Pretreatment Requirements.* Any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.
- (ee) *Pretreatment Standards or Standards.* Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (ff) *Process waste water.* Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

- (gg) *Prohibited Discharge Standards or Prohibited Discharges.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 26-24 of this Ordinance.
- (hh) *Publicly Owned Treatment Works or POTW.* A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
- (ii) *Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (jj) *Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.).
- (kk) *Significant Industrial User.*
- (1) A User subject to categorical pretreatment standards; or
 - (2) A User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designed as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
 - (3) Upon a finding that a User meeting the criteria in paragraph (2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

- (ll) *Slug Load or Slug Discharge.* Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 26-24 of this Ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (mm) *Standard Industrial Classification (SIC) Code.* A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (nn) *Storm Water.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (oo) *Technically Based Local Limits -* Discharge limits applicable to Industrial Users of the Control Authority's system developed by the Control Authority in accordance with 40 CFR 403.5(c).
- (pp) *Total Suspended Solids.* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (qq) *User or Industrial User.* A source of indirect discharge.
- (rr) *Wastewater.* Liquid and water carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (ss) *Wastewater Treatment Plant or Treatment Plant.* That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

DIVISION 2. GENERAL SEWER USE REQUIREMENTS

Sec. 26-24. Prohibited discharge standards.

- (a) *General Prohibitions.* No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- (b) *Specific Prohibitions.* No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.5 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than the one-half inch (1/2") in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than 104°F (40°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the production of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director of Public Utilities in accordance with Section 26-32 of this Ordinance;
- (9) Noxious or malodorous liquids, gases, or solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's TPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director of Public Utilities;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Director of Public Utilities in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 105°F.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Sec. 26-25. National categorical pretreatment standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (a) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Utilities shall impose an alternate limit using the combined wastestream formula in 40CFR 403.6(e).
- (b) A User may obtain a variance from a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (c) The Director of Public Utilities may develop Best Management Practices (BMPs), by Ordinance or in individual wastewater discharge permits.

Sec. 26-26. Local limits.

- (a) The following pollutant limits are established to protect against pass through and interference, No person shall discharge wastewater containing in excess of the following instantaneous maximum discharge limits stated in terms of milligrams per liter (mg/l):

Instantaneous Maximum Limit (mg/l)

Arsenic	0.20
Cadmium	0.14
Chromium	3.97
Copper	0.59
Lead	0.62
Mercury	0.000
Molybdenum	0.47
Nickel	1.47
Selenium	0.04
Silver	0.43
Zinc	1.96
Cyanide	0.10
NH3-N	35
TSS	Allocated per SIU (see below)

Industry	FLOW RATE*	
	(MGD)	TSS (mg/L)
Bluebell		
Snack Plant	0.042	2,570
Backline	0.008	3,000
Flowmeter	0.133	2,500
Longwood	0.008	1,050

* The flow rate in the above table are the five-year projected flows for each industry.

- (b) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for the metallic substances are for “total” metal unless indicated otherwise. The Director of Public Utilities may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

- (c) All other pollutants of concern shall be regulated by individual permit.

Sec. 26-27. The City's right of revision.

The City reserves the right to establish, by Ordinance or in wastewater discharge permits, more stringent requirements, as may be required to meet future state, federal or local standards, on discharges to the POTW

Sec. 26-28. Dilution.

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Public Utilities may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

DIVISION 3. PRETREATMENT OF WASTEWATER

Sec. 26-29. Pretreatment facilities.

Users shall provide and operate wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 26-24 through 26-26 of this Ordinance within the time limitations specified by EPA, the State, or the Director of Public Utilities, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Utilities for review, and shall be acceptable to the Director of Public Utilities before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Ordinance.

Sec. 26-30. Additional pretreatment measures.

- (a) Whenever deemed necessary, the Director of Public Utilities may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.

- (b) The Director of Public Utilities may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Utilities, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the Director of Public Utilities and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 26-31. Accidental discharge/slug control plan.

At least once every two (2) years, the Director of Public Utilities shall evaluate testing/monitoring records and site inspection reports to determine whether each Significant Industrial User needs an accidental discharge/slug control plan. The Director of Public Utilities may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Director of Public Utilities may develop such a plan for any User at the User's expense. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Director of Public Utilities of any accidental or slug discharge, as required by Section 26-54 of this Ordinance; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (e) The City has the legal authority to revise slug control requirements, if necessary, to modify control mechanisms as needed.

- (f) The City has the legal authority and responsibility to evaluate within one year of being designated as a SIU whether each such SIU needs a plan or other action to control slug discharges. The evaluations will be documented and the results will be made available to the Approval Authority upon request.

Sec. 26-32. Hauled wastewater.

- (a) Septic tank waste may be introduced into the POTW only at locations and times designated by the Director of Public Utilities. Such waste shall not violate Division 2 of this Ordinance or any other requirements established by the City. The Director of Public Utilities may require septic tank waste haulers to obtain wastewater discharge permits.
- (b) The Director of Public Utilities shall require haulers of industrial waste to obtain wastewater discharge permits. The Director of Public Utilities may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director of Public Utilities also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- (c) Industrial waste haulers may discharge loads only at locations designated by the Director of Public Utilities. No load may be discharged without prior consent. The Director of Public Utilities may collect samples of each hauled load to ensure compliance with applicable standards and may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of the sources of the waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Sec. 26-33. Provisions governing fraud and false statements.

- (a) Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Federal Water Pollution Control Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is a violation committed after a first conviction of such

person under this paragraph, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

- (b) Responsible corporate officer as “person”. For the purpose of this subsection, the term “person” means, in addition to the definition contained in Section 502(5) of the Federal Water Pollution Control Act, any responsible corporate officer.

DIVISION 4. WASTEWATER DISCHARGE PERMIT APPLICATION

Sec. 26-34. Wastewater analysis.

When requested by the Director of Public Utilities, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director of Public Utilities is authorized to prepare a form for this purpose and may periodically require Users to update this information.

- (a) POTW has the authority to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants received by Industrial Users where such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the POTW to violate its TPDES permit.

Sec. 26-35. Wastewater discharge permit requirement.

- (a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Public Utilities, except that a Significant Industrial User that has filed a timely application pursuant to Section 26-36 of this Ordinance may continue to discharge for the time period specified therein.
- (b) The Director of Public Utilities may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
- (c) Any violation of the terms and conditions of the wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Divisions 10 through 12 of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligations to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Sec. 26-36. Wastewater discharge permitting: existing connections.

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Director of Public Utilities for a wastewater discharge permit in accordance with Section 26-38 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Director of Public Utilities.

Sec. 26-37. Wastewater discharge permitting: New connections.

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 26-38 of this Ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

Sec. 26-38. Wastewater discharge permit application contents.

All Users required to obtain a wastewater discharge permit must submit a permit application. The Director of Public Utilities may require all Users to submit as part of an application the following information:

- (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing User;
- (b) An inventory of all sources located within the contributing User that are discharging to the POTW; and
- (c) Such other information as the Director of Public Utilities may deem necessary.
- (d) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (e) Number and type of employees and proposed or actual hours of operation;
- (f) Each product produced by type, amount, process or processes, and rate of production;
- (g) Type and amount of raw materials processed (average and maximum per day);

- (h) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (i) Time and duration of discharges;
- (j) Information showing the measured or proposed average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e);
- (k) Compliance schedule for installation of control technology to remedy or avoid a violation of the Ordinance or Industrial User Permit; or
- (l) Any other information as may be deemed necessary by the Director of Public Utilities to evaluate the wastewater discharge permit application.

Applicants for a renewal permit may be allowed to submit an application in simplified form when their discharge in terms of flow, quality and pretreatment processes does not vary from the original permit request. In this case, the User will be required to sign a formal statement to confirm that the above noted conditions will remain unchanged.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

Sec. 26-39. Application signatories and certification.

- (a) All wastewater discharge permit applications and User reports must be signed by an authorized representative of the User meeting the requirements of 403.12(l) and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations”

- (b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director of Public Utilities prior to or together with any reports to be signed by an Authorized Representative.

Sec. 26-40. Wastewater discharge permit decisions.

The Director of Public Utilities will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director of Public Utilities will determine whether or not to issue a wastewater discharge permit. The Director of Public Utilities may deny, for good cause, any application for a wastewater discharge permit.

DIVISION 5. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

Sec. 26-41. Wastewater discharge permit duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date on the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Utilities. Each wastewater discharge permit will indicate a specific date upon which it will expire.

Sec. 26-42. Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Public Utilities to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

- (a) Wastewater discharge permits must contain:
 - (1) A statement that indicates wastewater discharge permit issuance date, effective date, and expiration date, which in no event shall be more than five (5) years after the effective date;
 - (2) A statement that the wastewater discharge permit is non transferable without prior notification to the City in accordance with Section 26-45 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

- (3) Discharge limits, including Best Management Practices, based on applicable Pretreatment Standards;
 - (4) Self-monitoring, sampling, reporting, notification, BMP compliance and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practices), to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (b) Wastewater discharge permits may contain any conditions as deemed appropriate by the Director of Public Utilities to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations. Permits may contain, but not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designated to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment; and
 - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

- (8) Requirements to control Slug Discharge, if determined by the Director of Public Utilities to be necessary.

Sec. 26-43. Wastewater discharge permit appeals.

Any person, including the User, may petition the Director of Public Utilities to reconsider the terms of a wastewater discharge permit within fifteen (15) days of its issuance.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the failed administrative appeal.
- (b) In its petition, the appealing parties must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (d) If the Director of Public Utilities fails to act within fifteen (15) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (e) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the District Court in and for the State of Texas within thirty (30) days of denial of said permit according to the procedure provided by Section 54.039 of the Texas Local Government Code.

Sec. 26-44. Wastewater discharge permit modification.

The Director of Public Utilities may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new revised Federal, State, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- (c) A change in the POTW that requires either temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the wastewater discharge permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator per Section 26-45 of this Ordinance.

Sec. 26-45. Wastewater discharge permit transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Director of Public Utilities and receives approval of the wastewater discharge permit transfer. The notice to the Director of Public Utilities must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

Sec. 26-46. Wastewater discharge permit revocation.

The Director of Public Utilities may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the Director of Public Utilities of significant changes to the wastewater prior to the changed discharge;

- (b) Failure to provide prior notification to the Director of Public Utilities of changed conditions pursuant to Section 26-53 of this Ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports or certification statements;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Director of Public Utilities timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedule;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Ordinance.

A 48-hour period must pass before a suspension or restriction is effective. The waiting period may be dispensed with in emergency situations relating to public health and safety or a significant impairment of the treatment process.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

Sec. 26-47. Wastewater discharge permit reissuance.

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application to the extent required by Federal, State, and/or local regulations, in accordance with Section 26-38 of this Ordinance, a minimum of thirty (30) days prior to the expiration of the User's existing wastewater discharge permit.

Sec. 26-48. Regulation of waste received from other jurisdictions.

- (a) If another municipality, or User located within another jurisdiction, contributes wastewater to the POTW, the Director of Public Utilities shall enter into an agreement with the contributing User.
- (b) Prior to entering into an agreement required by paragraph (a), above, the Director of Public Utilities shall request the following information from the contributing User:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing User;
 - (2) An inventory of all sources located within the contributing User that are discharging to the POTW; and
 - (3) Such other information as the Director of Public Utilities may deem necessary.
- (c) An agreement, as required by paragraph (a), above, shall contain the following conditions:
 - (1) A requirement for the contributing User to adopt a sewer use Ordinance or policy which is at least as stringent as this Ordinance and local limits which are at least as stringent as those set out in Section 26-26 of this Ordinance. The requirements shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the City's Ordinance of local limits;
 - (2) A requirement for the contributing User to submit a revised User inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing User; which of these activities will be conducted by the Director of Public Utilities; and which of these activities will be conducted jointly by the contributing User and the Director of Public Utilities;
 - (4) A requirement for the contributing User to provide the Director of Public Utilities with access to all information that the contributing User obtains as part of its pretreatment activities;

- (5) Limits on nature, quality, and volume of the contributing User's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing User's discharge;
- (7) A provision ensuring the Director of Public Utilities access to the facilities of customers located within the contributing User's jurisdictional boundaries for the purpose of inspection, sampling, and other duties deemed necessary by the Director of Public Utilities; and
- (8) A provision specifying remedies available for breach of the terms of the agreement.

DIVISION 6. REPORTING REQUIREMENTS

Sec. 26-49. Baseline monitoring reports.

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Users subject to categorical standards currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Utilities a report which contains the information listed in Section 26-49(b).. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Utilities a report which contains the information listed in Section 26-49(b). A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the following information.
 - (1) *Identifying Information.* The name and address of the facility, including the name of the operator and owner.
 - (2) *Environmental Permits.* A list of any environmental control permits held by or for the facility.

- (3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) *Measurement of Pollutants.*
 - a. The categorical pretreatment standards applicable to each regulated process.
 - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. The result of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Utilities, of regulated pollutants in the discharge from each regulated process. Daily maximum and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 26-58 of this Ordinance.
 - e. Sampling must be performed in accordance with procedures set out in Section 26-59 of this Ordinance.

- f. The Director of Public Utilities may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - g. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
 - h. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director of Public Utilities or the applicable Standards to determine compliance with the Standard.
- (6) *Certification.* A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - (7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 26-50 of this Ordinance.
 - (8) *Signature and Certification.* All baseline monitoring reports must be signed and certified in accordance with Section 26-39 of this Ordinance.

Sec. 26-50. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by Section 26-49(b)(7) of this Ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring and

engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (b) No increment referred to above shall exceed nine (9) months;
- (c) The User shall submit a progress report to the Director of Public Utilities no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Utilities.

Sec. 26-51. Reports on compliance with categorical pretreatment standard deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the Director of Public Utilities a report containing the information described in Section 26-49(b)(4-6) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 26-39 of this Ordinance. All sampling will be done in conformance with Section 26-59 of the Ordinance.

Sec. 26-52. Periodic compliance reports.

- (a) The City may choose to sample and analyze User discharges in lieu of requiring the Users to conduct the sampling and analysis. If this is the case, the reporting requirements in paragraph (b) below may not be applicable.
- (b) All Significant Industrial Users shall, at a frequency determined by the Director of Public Utilities but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director

of Public Utilities or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Section 26-39 of this Ordinance.

- (c) All wastewater samples submitted by the User must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (d) If a User subject to the reporting requirements in this Section monitors any pollutant more frequently than required by the Director of Public Utilities, the results shall be submitted to the City at a frequency determined by the Director of Public Utilities but in no cases less than twice a year (in June and December). Sampling and analytical procedures shall be those as prescribed in Section 26-58 and 26-59 of this Ordinance and all reports must be signed and certified in accordance with Section 26-39 of this Ordinance.

Sec. 26-53. Reports of changed conditions.

Each User must notify the Director of Public Utilities of any planned significant changes to the User's operations or system which might adversely alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- (a) The Director of Public Utilities may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 26-38 of this Ordinance.
- (b) The Director of Public Utilities may issue a wastewater discharge permit under Section 26-40 of this Ordinance or modify an existing wastewater discharge permit under Section 26-44 of this Ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of twenty percent (20%) or more, and the discharge of any previously unreported pollutants.

Sec. 26-54. Reports of potential problems.

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Director of Public Utilities of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the Director of Public Utilities, submit a detailed written report describing the cause(s) 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 POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to the Ordinance.
- (c) Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the Director of Public Utilities immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 26-55. Reports from unpermitted Users.

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Public Utilities as may be required.

Sec. 26-56. Notice of violation/repeat sampling and reporting.

- (a) If sampling conducted by the User indicates a violation, the User must notify the Director of Public Utilities within twenty-four (24) hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Utilities within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Director of Public Utilities monitors at the User's facility at least once a month, if the Director of Public Utilities samples between the initial sampling and when the User receives the results of this sampling, or if the Director of Public Utilities chooses to perform the repeat sampling and analysis at the User's expense.

- (b) If the sampling and analysis conducted by the City indicates a violation, the City will perform the repeat sampling and analysis unless the City orders the User to perform the repeat sampling and analysis in accordance with 40 CFR 403.12(g)(2). The results of the repeat sample by the City or the User shall be submitted to the Director of Public Utilities within thirty (30) days after becoming aware of the violation.

Sec. 26-57. Discharge of hazardous waste.

The discharge of hazardous waste by any User to the POTW is strictly prohibited by this Ordinance.

Sec. 26-58. Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director of Public Utilities or other parties approved by EPA. Total residual chlorine, pH, and temperature samples cannot be “composited” under any circumstances. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized in writing by the City.

Sec. 26-59. Sample collection.

- (a) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (b) Except as indicated in Section (b), below, wastewater samples must be collected using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Public Utilities may authorize the use of time proportional sampling or a minimum of four (4) grab samples where this will provide a representative sample of the effluent being discharged.
- (c) Samples of oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

- (d) “ND” (Not Detected) may only be used to demonstrate that a pollutant is not present if the EPA analytical method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis, as this applies to categorical pretreatment standards and requirements contained in 40 CFR § 405-471, as applicable

Sec. 26-60. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

Sec. 26-61. Record keeping.

Users shall retain and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 26-26(d). Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director of Public Utilities.

DIVISION 7. COMPLIANCE MONITORING

Sec. 26-62. Right of entry: inspection and sampling.

The Director of Public Utilities shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any wastewater discharge permit or order issued hereunder. This inspection and monitoring shall be performed at a frequency as required to determine compliance, but in no case less than once per year. Users shall allow the Director of Public Utilities ready access to all parts of the premises at reasonable times for the purpose of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (a) Where a User has security measures in force, which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Utilities will be permitted to enter without delay for the purposes of performing specific responsibilities.

- (b) The Director of Public Utilities shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (c) The Director of Public Utilities may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- (d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written and verbal request of the Director of Public Utilities and shall not be replaced. The costs of clearing such access shall be born by the User.
- (e) Unreasonable delays in allowing the Director of Public Utilities access to the User's premises shall be a violation of this Ordinance

Sec. 26-63. Search warrants.

If the Director of Public Utilities has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Public Utilities may seek issuance of a search warrant from the District Court in and for the State of Texas.

DIVISION 8. CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director of Public Utilities inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Utilities, that the release of such information would divulge information, processes, or methods of production entitled to protection of trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to

governmental agencies for use related to TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

DIVISION 9. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director of Public Utilities shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily, maximum, long-term average, instantaneous limit, or narrative Standards which may include operational standards, narrative limits, and enforceable best management practices) that the Director of Public Utilities has determined has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Utilities exercise of its emergency authority to halt or prevent such discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

- (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s) or group of violations, which may include a violation of Best Management Practices, which the Director of Public Utilities determines will adversely affect the operation or implementation of the local pretreatment program.

DIVISION 10. ADMINISTRATIVE ENFORCEMENT REMEDIES

Sec. 26-64. Notification of violation.

When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard requirement, the Director of Public Utilities may serve upon that User a written Notice of Violation. Within twenty-one (21) days of the receipt of notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director of Public Utilities. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director of Public Utilities to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Sec. 26-65. Consent orders.

The Director of Public Utilities may enter into Consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative order issued pursuant to Sections 26-66 and 26-67 of this Ordinance and shall be judicially enforceable.

Sec. 26-66. Show cause hearing.

The Director of Public Utilities may order a User which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Public Utilities and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not

be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

Sec. 26-67. Administrative orders.

When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Utilities may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer services may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designated to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation.

Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Sec. 26-68. Cease and desist orders.

When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director of Public Utilities may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Sec. 26-69. Administrative fines.

- (a) When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Utilities may fine such User in an amount not to exceed \$2,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (b) Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of twenty percent (20%) of the unpaid balance, and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.
- (c) Users desiring to dispute such fines must file a written request for the Director of Public Utilities to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Director of Public Utilities may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director of Public Utilities may add additional costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (d) Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the User.
- (e) This Ordinance shall be enforceable under the jurisdiction of the City of Brenham municipal Court.

Sec. 26-70. Emergency suspensions.

The Director of Public Utilities may immediately suspend a User's discharge, after informal notice to the User, whichever such suspension is necessary to stop an actual or threatened discharge which responsibly appears to present or cause an imminent or substantial endangerment to the health of welfare of persons. The Director of Public Utilities may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Public Utilities may take such steps as deemed necessary, including immediate severance of the sewer connection,

to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Public Utilities may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director of Public Utilities that the period of endangerment has passed, unless the termination proceedings in Section 26-71 of this Ordinance are initiated against the User.

- (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrences, to the Director of Public Utilities prior to the date of any show cause or termination hearing under Sections 26-66 or 26-71 of this Ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

Sec. 26-71. Termination of discharge.

In addition to the provisions in Section 26-46 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge
- (d) Refusal of responsible access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Division 2 of this Ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 26-66 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Director of Public Utilities shall not be a bar to, or a prerequisite for, taking any other action against the User.

DIVISION 11. JUDICIAL ENFORCEMENT REMEDIES

Sec. 26-72. Injunctive relief.

When the Director of Public Utilities finds that a User has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Utilities may petition the District Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirements imposed by this Ordinance on activities of the User. The Director of Public Utilities may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the User.

Sec. 26-73. Civil penalties.

- (a) A User who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$2,000 per violation, per day. In the case of a monthly or long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (b) The Director of Public Utilities may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual expenses incurred by the City.
- (c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 26-74. Criminal prosecution.

- (a) A User who willfully or negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a Class C misdemeanor, punishable by a fine of not more than \$2,000 per violation, per day.

- (b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a Class C misdemeanor and be subject to a penalty of at least \$2,000. This penalty shall be in addition to any other cause or action for personal injury or property damage available under State law.
- (c) A User knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be

punished by a fine of not more than \$2,000 per violation, per day and may be punished to the maximum extent possible under Federal law.
- (d) In the event of a second conviction, a User shall be punished by a fine of not more than \$2,000 per violation, per day.

Sec. 26-75. Remedies nonexclusive.

The remedies provided for in this Ordinance are not exclusive. The Director of Public Utilities may take any, all, or a combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director of Public Utilities may take other action against any User when circumstances warrant. Further, the Director of Public Utilities is empowered to take more than one enforcement action against any noncompliant User.

DIVISION 12. SUPPLEMENTAL ENFORCEMENT ACTION

Sec. 26-76. Performance bonds.

The Director of Public Utilities may, for good cause, decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director of Public Utilities to be necessary to achieve consistent compliance.

Sec. 26-77. Liability insurance.

The Director of Public Utilities may, for good cause, decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

Sec. 26-78. Water supply severance.

Whenever a User has violated or continues to violate any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, which causes the City to be noncompliant with Federal, State or local discharge requirements, water service to the User may be severed. Service will only recommence, at the User's expense, after the User has satisfactorily demonstrated its ability to comply.

Sec. 26-79. Public nuisances.

A violation of any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Utilities. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code of the City of Brenham regarding nuisances.

Sec. 26-80. Contractor listing.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director of Public Utilities.

DIVISION 13. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Sec. 26-81. Act of God.

- (a) An event that would otherwise be a violation of a statute within the TCEQ's jurisdiction or a rule adopted or an order or a permit issued under such a statute that was caused solely by an Act of God, war, strike, riot, or other catastrophe within the meaning of Section 7.252 of the Texas Water Code, as amended, then such event (an "Act of God Event") is not a violation of that statute, rule, order, or permit. An Act

of God Event does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

- (b) A User who wishes to establish an Act of God Event shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An Act of God Event occurred and the User can identify the cause(s) of the Act of God Event;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the Pretreatment Coordinator verbally within twenty-four (24) hours and in writing within five (5) days of becoming aware of the Act of God Event:
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (c) In any enforcement proceeding, the User seeking to establish the occurrence of an Act of God Event shall have the burden of proof.
- (d) Users will have the opportunity for a judicial determination on any claim of Act of God Event only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (e) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Sec. 26-82. Prohibited discharge standards.

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 26-24 of this Ordinance or the specific prohibitions in Sections 26-24(b)(3) through (17) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its TPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Sec. 26-83. Bypass.

- (a) For purposes of this Section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production
- (b) A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.
- (c)
 - (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director of Public Utilities, at least ten (10) days before the date of the bypass, if possible.
 - (2) A User shall submit oral notice to the Director of Public Utilities of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the

User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Public Utilities may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d)

- (1) Bypass is prohibited, and the Director of Public Utilities may take an enforcement action against a User for a bypass, unless
 - a. Bypass was avoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - c. The User submitted notices as required under paragraph (c) of this Section.
- (2) The Director of Public Utilities may approve an anticipated bypass, after considering its adverse effects, if the Director of Public Utilities determines that it will meet the three conditions listed in paragraph (d)(1) of this Section.

DIVISION 14. WASTEWATER TREATMENT RATES

Wastewater treatment rates are those established by separate City Ordinance for the various User classifications set forth therein.

DIVISION 15. MISCELLANEOUS PROVISIONS

Sec. 26-84. Pretreatment charges and fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and preparing/reviewing monitoring reports;
- (c) Fees for reviewing and responding to accidental discharge procedures and construction;
- (d) Fees for filing appeals; and
- (e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

Sec. 26-85. Interjurisdictional pretreatment agreement.

The City of Brenham, as owner and operator of the City of Brenham WWTP, has the authority and obligation to control the wastewater discharges to the plant from each industrial User throughout the service area to ensure compliance by industries with applicable pretreatment standards and requirements. The City must exercise this authority to include industrial Users located in outlying jurisdictions that want to discharge to the plant.

Sec. 26-86. Serviceability.

If any provision of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

DIVISION 16. EFFECTIVE DATE

This Ordinance shall be in full force and effect on the date it is approved by the TCEQ and is incorporated into the City's TPDES permit.



Regular City Council
AGENDA ITEM 12.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedules for the City of Brenham Water Services

Meeting Type: Regular Meeting-February 25, 2021

Department: Public Utilities

Staff Contact: Donald Reese

Classification: Regular

SUMMARY STATEMENT:

City staff has conducted a review and cost study of the various water services that are provided by City staff and found that the majority of these services are being provided either free of charge or at a fee that is considerably less than the actual cost of the service.

The results of this study were presented to Council during a work session on 11/19/2020. At that time staff was instructed to meet with the Utilities Subcommittee to come up with a plan to implement the increases while minimizing the impact on our citizens and developers.

As instructed, staff met with the Utilities Subcommittee and it was determined that the best approach would be to phase the increase in equally over three years. Attached to this agenda item is a redlined version of the proposed rate tariff changes that represent the increases as described above.

If this ordinance is approved, the rate changes would not go into effect until October 1, 2021.

ATTACHMENTS:

- (1) Redlined Version of Proposed Water Rate Tariff Changes
- (2) Ordinance for First Reading
- (3) Ex A to Ordinance

RELEVANCE TO COMPREHENSIVE PLAN:

N/A

RECOMMENDED ACTION:

Approve an Ordinance on its first reading amending the rate tariff schedules for the City of Brenham water services.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES

600

610

TARIFF

SECTION NO.

SHEET NO.

WATER RATE SCHEDULE

~~OCTOBER 1, 2019~~ OCTOBER 1, 2021

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change effective

~~10/01/08~~10/01/19)

GENERAL SERVICE - URBAN

RATE SCHEDULE - W-A

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 3.93/1,000 gallons
10,001 – 25,000 gallons	\$ 4.92/1,000 gallons
25,001 and above	\$ 6.15/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
 200 WEST VULCAN STREET P. O. BOX 1059
 BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	611
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2019	<u>OCTOBER 1, 2021</u>
SECTION TITLE	EFFECTIVE DATE	
<u>10/01/19</u>	(Supersedes Rate Change effective <u>10/01/08</u>)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.

~~5. A special charge will be made for a requested service turn-off or on as follows:~~

- ~~— A. \$10 if such service is requested to be rendered during normal business hours.~~
~~— B. \$20 if such service is requested to be rendered during non-business hours.~~

~~6.5.~~

The homeowner will be billed for metered water when City personnel find the water meter on.

~~7.6.~~ Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.

~~8.7.~~ Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	620
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2019	OCTOBER 1, 2021
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes	Rate Change effective
10/01/08 10/01/19)		

GENERAL SERVICE - RURAL

RATE SCHEDULE W-B

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 20.60
3,001 – 10,000 gallons	\$ 4.52/1,000 gallons
10,001 – 25,000 gallons	\$ 5.66/1,000 gallons
25,001 and above	\$ 7.07/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 20.60

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	621
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2019	<u>OCTOBER 1, 2021</u>
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective	
10.01.08 <u>10/01/19</u>)		

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.

~~5. A special charge will be made for a requested service turn-off or on as follows:~~

- ~~— A. \$10 if such service is requested to be rendered during normal business hours.~~
~~— B. \$20 if such service is requested to be rendered during non-business hours.~~

~~6.5.~~

The customer will be billed for metered water when City personnel find the water meter on.

~~7.6.~~ Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.

~~8.7.~~ Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	630
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 4/01/12)	

TEMPORARY CONSTRUCTION SERVICE

RATE SCHEDULE W-D

APPLICABILITY

This rate is applicable to all customers that receive water delivered into a tank truck, tank trailer, portable sprayer, portable mixer, or other similar container from a temporary meter set on a fire hydrant.

AVAILABILITY

This rate and service is only applicable to those who pay the required deposit and the fee for meter placement, and who are approved by the General Manager of Public Utilities prior to usage.

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 5.21/1,000 gallons
10,001 – 25,000 gallons	\$ 6.51/1,000 gallons
25,001 and above	\$ 8.14/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, the customer will forfeit the entire deposit and the City may, at its sole option, remove the fire hydrant meter and terminate service to the customer.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	631
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	

(Supersedes Rate Change effective 4/01/12)

SPECIAL CONDITIONS OF SERVICE

1. The customer will pay an initial deposit of three hundred dollars (\$300.00) in cash or check to the City of Brenham.
2. In addition, where service is rendered from a fire hydrant, the customer will be required to pay an a non-refundable fee of two hundred dollars (\$200.00) to cover the City's cost of setting up and removing a temporary meter on a fire hydrant. The superintendent of the Water Distribution Department has the authority to refuse service from any fire hydrant where, in his opinion, the rendering of such service would have an adverse effect on the pressure or flow to other customers in the surrounding area.
3. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
4. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES

600

640

TARIFF

SECTION NO.

SHEET NO.

WATER RATE SCHEDULES

~~OCTOBER 1, 2019~~ OCTOBER 1, 2021

SECTION TITLE

EFFECTIVE DATE

(Supersedes Rate Change effective

~~10/01/08~~ 10/01/19)

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-E

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation, which serves which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 4.25/1,000 gallons
10,001 – 25,000 gallons	\$ 5.31/1,000 gallons
25,001 and above	\$ 6.65/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENNHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	641
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	<u>OCTOBER 1, 2021</u>
SECTION TITLE	EFFECTIVE DATE	
10.01.08 <u>10/01/19</u>)	(Supersedes Rate Change effective	

SPECIAL CONDITIONS OF SERVICE

- Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
- Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
- Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
- If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.

~~5. A special charge will be made for a requested service turn-off or on as follows:~~

~~— A. \$10 if such service is requested to be rendered during normal business hours.~~

~~— B. \$20 if such service is requested to be rendered during non-business hours.~~

~~65.~~

The customer will be billed for metered water when City personnel find the water meter on.

~~7.6.~~ Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.

~~8.7.~~ Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	642
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	OCTOBER 1, 2021
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective	
10/01/0810/01/19)		

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-I

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located inside the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 4.25/1,000 gallons
10,001 – 25,000 gallons	\$ 5.31/1,000 gallons
25,001 and above	\$ 6.65/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next work day. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
 200 WEST VULCAN STREET P. O. BOX 1059
 BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	643
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	<u>OCTOBER 1, 2021</u>
SECTION TITLE	EFFECTIVE DATE	
10/01/08 <u>10/01/19</u>	(Supersedes Rate Change effective	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.

~~5. A special charge will be made for a requested service turn-off or on as follows:~~

~~— A. \$10 if such service is requested to be rendered during normal business hours.~~

~~— B. \$20 if such service is requested to be rendered during non-business hours.~~

~~6.5.~~

The customer will be billed for metered water when City personnel find the water meter on.

~~7.6.~~ Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.

~~8.7.~~ Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	650
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	OCTOBER 1, 2021
SECTION TITLE	EFFECTIVE DATE	
10/01/0810/01/19)	(Supersedes Rate Change effective	

GENERAL SERVICE - URBAN

RATE SCHEDULE W-F

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 2.46/1,000 gallons
10,001 – 25,000 gallons	\$ 3.08/1,000 gallons
25,001 and above	\$ 3.85/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	651
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	<u>OCTOBER 1, 2021</u>
SECTION TITLE	EFFECTIVE DATE	
effective 10/01/08 <u>10/01/19</u>	(Supersedes Rate Change	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.

~~5. A special charge will be made for a requested service turn-off or on as follows:~~

- ~~— A. \$10 if such service is requested to be rendered during normal business hours.~~
~~— B. \$20 if such service is requested to be rendered during non-business hours.~~

~~6.5~~ The homeowner will be billed for metered water when City personnel find the water meter on.

~~7.6~~ Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.

~~8.7~~ Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	660
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	<u>OCTOBER 1, 2021</u>
SECTION TITLE	EFFECTIVE DATE	
10/01/08 <u>10/1/19</u>	(Supersedes Rate Change effective	

GENERAL SERVICE - RURAL

RATE SCHEDULE W-G

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 20.60
3,001 – 10,000 gallons	\$ 2.84/1,000 gallons
10,001 – 25,000 gallons	\$ 3.55/1,000 gallons
25,001 and above	\$ 4.43/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 20.60

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
 200 WEST VULCAN STREET P. O. BOX 1059
 BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES TARIFF	600	661
WATER RATE SCHEDULES	SECTION NO.	SHEET NO.
SECTION TITLE	—OCTOBER 1, 2019 <u>OCTOBER 1, 2021</u>	
<u>10/01/08</u> <u>10/01/19</u>)	EFFECTIVE DATE	
	Supersedes Rate Change effective	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.

~~5. A special charge will be made for a requested service turn-off or on as follows:~~

- ~~— A. \$10 if such service is requested to be rendered during normal business hours.~~
~~— B. \$20 if such service is requested to be rendered during non-business hours.~~

~~6.5~~ The customer will be billed for metered water when City personnel find the water meter on.

~~7.6~~ Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.

~~8.7~~ Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	670
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	OCTOBER 1, 2021
SECTION TITLE	EFFECTIVE DATE	
10/01/0810/01/19)	(Supersedes Rate Change effective	

YARD SPRINKLER SYSTEM - RURAL

RATE SCHEDULE W-H

APPLICABILITY

This rate is applicable to all residential, commercial and industrial service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas

RATES

0 – 10,000 gallons	\$ 4.89/1,000 gallons
10,001 – 25,000 gallons	\$ 6.10/1,000 gallons
25,001 and above	\$ 7.63/1,000 gallons

MINIMUM CHARGES

No minimum monthly charge

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	671
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	<u>OCTOBER 1, 2021</u>
SECTION TITLE	EFFECTIVE DATE	
10/01/08 <u>10/01/19</u>)	(Supersedes Rate Change effective	

SPECIAL CONDITIONS OF SERVICE

- Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
- Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
- Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
- If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.

~~5. A special charge will be made for a requested service turn-off or on as follows:~~

- ~~— A. \$10 if such service is requested to be rendered during normal business hours.~~
~~— B. \$20 if such service is requested to be rendered during non-business hours.~~

~~6.5~~ The customer will be billed for metered water when City personnel find the water meter on.

~~7.6~~ Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.

~~8.7~~ Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	680A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

FIRE LINE SERVICE - URBAN

RATE SCHEDULE 20, 21, 22, 23, and 24

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 20)	\$ 21.38
6 inch (Rate Schedule 21)	62.11
8 inch (Rate Schedule 22)	132.36
10 inch (Rate Schedule 23)	238.02
12 inch (Rate Schedule 24)	384.48

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	681A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	680B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

FIRE LINE SERVICE - RURAL

RATE SCHEDULE 30, 31, 32, 33, AND 34

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 30)	\$ 24.59
6 inch (Rate Schedule 31)	71.43
8 inch (Rate Schedule 32)	152.21
10 inch (Rate Schedule 33)	273.73
12 inch (Rate Schedule 34)	442.15

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	681B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BREHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	690
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	October 1, 2021	MARCH 19, 1998
SECTION TITLE	EFFECTIVE DATE	
3/19/1998 7/1/95)	Supersedes	Rate Change effective

WATER TAPPING SERVICE FEES

RATE SCHEDULE W-N

APPLICABILITY

This rate ~~schedule~~ is applicable to the installation of service taps, service lines, ~~and~~ water meters, ~~and other miscellaneous water service-related items~~, for residential, commercial, and/or industrial customers.

AVAILABILITY

Th~~ese~~is rates ~~are~~is available to all customers or prospective customers of the City's water system.

- I. The actual tapping of a water main, ~~by City staff~~, to provide service to an adjoining lot. ~~The fee for connecting a meter to a line that has not been pre-stubbed, or has been pre-stubbed by the City, shall be based on meter size: A pre-stubbed water service is defined as a water service that has already been tapped at the main and has had the water service line extended to the property line. These fees are as follows:~~

RATES

1 l inch service tap, service line, and meter	\$1,030.00 494.00
1-1/2 l inch service tap, service line, and meter	\$1,530.00 627.00
2 l inch service tap, service line, and meter	\$1,715.00 727.00
*3 l inch service tap, service line, and meter	\$2,260.00 877.00
*4 l inch service tap, service line, and meter or larger—actual cost of installation including, but not limited to, materials, labor, and equipment, including appropriate factors for overhead	\$3,000.00

* Turbine meters only

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing will be added to these fees based on actual cost.

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CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	690691
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	October 1, 2021	MARCH 19, 1998
SECTION TITLE	EFFECTIVE DATE	
	Supersedes Rate Change effective 3/19/1998	

7/1/95)

Note: A water service installation that requires removal of pavement in a TxDOT right-of-way will be charged at the actual cost of work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the water service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City's specifications (or approved alternatives), as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the water service installation.

The fees for the installation of an irrigation meter commonly referred to as a split service are set forth below.

If a split service meter is installed at the same time as the installation of a new service connection, the fee is as follows:

<u>1 Inch Split Service off a 1 Inch Service</u>	<u>\$265.00</u>
<u>1 Inch Split Service off a 1 ½ Inch Service</u>	<u>\$275.00</u>
<u>1 Inch Split Service off a 2 Inch Service</u>	<u>\$290.00</u>

If a split service meter is installed after the installation of a new service connection, the fee is as follows:

<u>1 Inch Split Service off a 1 Inch Service</u>	<u>\$375.00</u>
<u>1 Inch Split Service off a 1 ½ Inch Service</u>	<u>\$385.00</u>
<u>1 Inch Split Service off a 2 Inch Service</u>	<u>\$400.00</u>

II. Setting meters at existing water services provided by the Developer.

Water Hook-up Fees \$ 35.00

III. Developments where the City has provided water service and the services are available at each individual property. The fees for connecting a meter to a line that has been pre-stubbed at no expense to the City shall be based on meter size, and are as follows:

<u>1 inch</u>	<u>\$260.00</u>
<u>1-1/2 inch</u>	<u>\$645.00</u>
<u>2 inch</u>	<u>\$710.00</u>
<u>43 inch or larger</u>	<u>\$1,300.00</u>

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CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENNHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES

600

691692

TARIFF

SECTION NO.

SHEET NO.

WATER RATE SCHEDULES

October 1, 2021 MARCH 19, 1998

SECTION TITLE

EFFECTIVE DATE

Supersedes Rate Change effective

3/19/1998 7/1/95)

III. The fee for the installation, by the City, of taps on existing water mains for the connection of new water mains are as follows:

Existing Main Size (inches)	New Main Size (inches)	Connection Fee
6	4	\$840.00
6	6	\$935.00
8	4	\$870.00
8	6	\$920.00
8	8	\$1,105.00
10	4	\$835.00
10	6	\$945.00
10	8	\$1,085.00
10	10	\$1,440.00
12	4	\$970.00
12	6	\$1,050.00
12	8	\$1,170.00
12	10	\$1,465.00
12	12	\$1,725.00

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing will be added to these fees based on actual cost.

Note: A water service installation that requires removal of pavement in a TxDOT right-of-way will be charged at the actual cost of work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the water service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City's specifications (or approved) alternatives, as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the water service installation.

IV. Miscellaneous Water Service Fees:

The fee for installation of one or more fire hydrants shall be based on actual cost.

The fee for replacing a 1" curb stop damaged by other than City personnel - \$95.00. Replacement of curb stops larger than 1" will be charged at actual cost.

The fee for moving meter at customer's request shall be as follows:

Meter Size	Moving Meter up to Fifteen (15) Feet	Moving Meter between Fifteen (15) and Thirty (30) Feet
1 Inch	\$225.00	\$365.00
1 1/2 Inch	\$285.00	\$430.00
2 Inch	\$315.00	\$460.00

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	692693
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	October 1, 2021	MARCH 19, 1998
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective	

3/19/1998-7/1/95)

Note: Moving meters larger than 2" will be charged at actual cost.

The fee for raising or adjusting a meter at customer's request shall be as follows:

Meter Size	Fee
1 Inch	\$70.00
1 1/2 Inch	\$210.00
2 Inch	\$270.00

Note: Raising or adjusting meters larger than 2" will be charged at actual cost.

The fee for installing or extending a water mainline from an existing tap to the property line shall be based on actual cost.

The fee for changing meter size shall be based on the following:

Downsizing a 2", 1 1/2" and 1" meter - \$50.00

Downsizing a 3" and larger meter - \$300.00

Note: When an existing meter is changed to a larger size and a new tap and service line are required, the fee shall be the same as for a new connection of the same size.

The fee for turning water service off/on for repairs at customer request shall be \$50.00 plus \$25.00 additional if done after regular business hours (regular business hours are 8:00 a.m. to 5:00 pm, Monday – Friday, excluding holidays).

The fees for services not specifically addressed in this tariff will be charged in the amount of the actual cost of performing the service.

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CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	691 694
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	MARCH 19, 1998
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective	
3/19/98 7/1/95)		

IV. Replacement of water taps due to deterioration. Water tap deterioration will be determined by the City based on standards set by the Texas ~~Natural Resource Conservation~~ Commission on Environmental Quality, or its successor agency and the ~~Southern Plumbing Code~~ edition of the International Plumbing Code, as amended, in effect at the time of the determination, for minimum residual pressure and flow.

All Taps	No Charge
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CHARACTER OF SERVICE

Facilities provided under this rate will consist of the installation of an appropriate size corporation stop or tapping saddle, installation of an appropriate size angle meter stop or gate valve, installation of an appropriate size meter, installation of a meter box, and the installation of a sufficient amount of an appropriate size service line to allow the placement of the meter at or near the customer's property line.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations as may be amended~~in effect~~ from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. In the event a customer desires to increase the size of an existing service, the cost of such enlargement will be equal to the cost of the installation of the new size of service.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	693695
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	APRIL 1, 2012	
SECTION TITLE	EFFECTIVE DATE	

RECLAIMED WHOLESALE WATER

RATE SCHEDULE W-R

APPLICABILITY

This rate is applicable to all customers that receive Type 1 Reclaimed Water to be used for industrial and manufacturing processing, residential irrigation, irrigation for urban or rural uses, food crops, municipality-owned right-of-way, fire protection, maintenance of off-channel impoundments, toilet flush water, dust control, road construction, construction activities and process water.

AVAILABILITY

This rate is available to all customers who enter into a Reclaimed Water Use Agreement, pay the applicable deposit, and receive Type 1 Reclaimed Water at the Reclaimed Water Station located at 2005 Old Chappell Hill Rd.

RATES

\$4.00 per 1,000 gallons

MINIMUM CHARGES

No minimum charge.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, the customer's deposit will be forfeited and the City may, at its sole option, terminate services and the Reclaimed Water Use Agreement, according to its terms.

CHARACTER OF SERVICE

Reclaimed water supplied under this rate schedule is Type 1 Reclaimed Water produced at the Brenham Wastewater Treatment Plant that is authorized and approved for re-sale by the Texas Commission on Environmental Quality. (Authorization # R10388001)

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES

600

694696

TARIFF

SECTION NO.

SHEET NO.

WATER RATE SCHEDULES

APRIL 1, 2012

SECTION TITLE

EFFECTIVE DATE

SPECIAL CONDITIONS OF SERVICE

1. Where service is rendered from the Reclaimed Bulk Water Station, the customer will be required to pay an initial deposit of three hundred dollars (\$300.00). The customer will also be required to sign a Reclaimed Water Use Agreement prior to usage of the station. The station will have 24-hour access and will be controlled through individual pin codes per account that are distributed upon compliance with the above requirements.
2. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
3. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WATER RATE TARIFF SCHEDULES FOR WATER SERVICES FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE:

WHEREAS, the City Council for the City of Brenham, Texas ("City Council") deems it necessary to change the rates charged for water services to its customers in order to provide for conditions of utility service which promote health, safety, and welfare of the citizens of Brenham, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

SECTION I

The City Council of the City of Brenham, Texas does hereby adopt the Water Rate Schedules for water services set forth in the attached Exhibit "A", which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after October 1, 2021.

SECTION II

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after October 1, 2021.

PASSED AND APPROVED, on its first reading this the ____ day of _____, 2021.

PASSED AND APPROVED, on its second reading this the ____ day of _____, 2021.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

Exhibit A

ALL SERVICES	600	610
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

GENERAL SERVICE - URBAN

RATE SCHEDULE - W-A

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 3.93/1,000 gallons
10,001 – 25,000 gallons	\$ 4.92/1,000 gallons
25,001 and above	\$ 6.15/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	611
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The homeowner will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	620
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

GENERAL SERVICE - RURAL

RATE SCHEDULE W-B

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 20.60
3,001 – 10,000 gallons	\$ 4.52/1,000 gallons
10,001 – 25,000 gallons	\$ 5.66/1,000 gallons
25,001 and above	\$ 7.07/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 20.60.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	621
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	630
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 4/01/12)	

TEMPORARY CONSTRUCTION SERVICE

RATE SCHEDULE W-D

APPLICABILITY

This rate is applicable to all customers that receive water delivered into a tank truck, tank trailer, portable sprayer, portable mixer, or other similar container from a temporary meter set on a fire hydrant.

AVAILABILITY

This rate and service is only applicable to those who pay the required deposit and the fee for meter placement, and who are approved by the General Manager of Public Utilities prior to usage.

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 5.21/1,000 gallons
10,001 – 25,000 gallons	\$ 6.51/1,000 gallons
25,001 and above	\$ 8.14/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, the customer will forfeit the entire deposit and the City may, at its sole option, remove the fire hydrant meter and terminate service to the customer.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	631
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 4/01/12)	

SPECIAL CONDITIONS OF SERVICE

1. The customer will pay an initial deposit of three hundred dollars (\$300.00) in cash or check to the City of Brenham.
2. In addition, where service is rendered from a fire hydrant, the customer will be required to pay a non-refundable fee of two hundred dollars (\$200.00) to cover the City's cost of setting up and removing a temporary meter on a fire hydrant. The superintendent of the Water Distribution Department has the authority to refuse service from any fire hydrant where, in his opinion, the rendering of such service would have an adverse effect on the pressure or flow to other customers in the surrounding area.
3. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
4. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	640
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-E

APPLICABILITY

This rate is applicable to all residential customers receiving water service through a permanent meter installation, which serves which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 4.25/1,000 gallons
10,001 – 25,000 gallons	\$ 5.31/1,000 gallons
25,001 and above	\$ 6.65/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	641
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	642
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

YARD SPRINKLER SYSTEM SERVICE – URBAN

RATE SCHEDULE W-I

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located inside the corporate limits of the City of Brenham, Texas.

RATES

0 – 10,000 gallons	\$ 4.25/1,000 gallons
10,001 – 25,000 gallons	\$ 5.31/1,000 gallons
25,001 and above	\$ 6.65/1,000 gallons

MINIMUM CHARGES

No minimum monthly bill

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	643
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	650
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

GENERAL SERVICE - URBAN

RATE SCHEDULE W-F

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 17.92
3,001 – 10,000 gallons	\$ 2.46/1,000 gallons
10,001 – 25,000 gallons	\$ 3.08/1,000 gallons
25,001 and above	\$ 3.85/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 17.92.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	651
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The homeowner will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	660
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

GENERAL SERVICE - RURAL

RATE SCHEDULE W-G

APPLICABILITY

This rate is applicable to all commercial and industrial customers receiving water service through a permanent meter installation.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

First 3,000 gallons or less	\$ 20.60
3,001 – 10,000 gallons	\$ 2.84/1,000 gallons
10,001 – 25,000 gallons	\$ 3.55/1,000 gallons
25,001 and above	\$ 4.43/1,000 gallons

MINIMUM CHARGES

The minimum monthly bill shall be \$ 20.60.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES TARIFF	600	661
SECTION NO.	SHEET NO.	
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	Supersedes Rate Change effective 10/01/19)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	670
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

YARD SPRINKLER SYSTEM - RURAL

RATE SCHEDULE W-H

APPLICABILITY

This rate is applicable to all residential, commercial and industrial service through a permanent meter installation, which serves only a yard sprinkler system.

AVAILABILITY

This rate is available to all customers located outside the corporate limits of the City of Brenham, Texas

RATES

0 – 10,000 gallons	\$ 4.89/1,000 gallons
10,001 – 25,000 gallons	\$ 6.10/1,000 gallons
25,001 and above	\$ 7.63/1,000 gallons

MINIMUM CHARGES

No minimum monthly charge

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	671
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 10/01/19)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and meter is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. The customer will be billed for metered water when City personnel find the water meter on.
6. Abnormally high water bills caused when a customer has a water leak (break in line, leaking commode, etc) will be adjusted a maximum of \$150 for a maximum of two billing periods. A customer whose current water bill is abnormally high because of a water leak must bring or mail a receipt to the Utility Billing Department showing that the problem has been fixed or a written and signed statement from the customer if the customer repaired the problem himself. Utility Billing will require the completion of one additional full billing cycle in order to be certain that the problem has been fixed. If the customer's water bill returns to normal, they will be credited for one-half of the water that leaked for a total maximum adjustment of \$150. If necessary, this adjustment/credit may be made for a maximum of two billing periods if the customer experienced an abnormally high water bill for more than one billing period.
7. Minimum water bills will be assessed based on the number of electric meters. Apartments will be billed one minimum for each rental unit on the premises.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	680A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

FIRE LINE SERVICE - URBAN

RATE SCHEDULE 20, 21, 22, 23, and 24

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located within the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 20)	\$ 21.38
6 inch (Rate Schedule 21)	62.11
8 inch (Rate Schedule 22)	132.36
10 inch (Rate Schedule 23)	238.02
12 inch (Rate Schedule 24)	384.48

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	681A
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	680B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

FIRE LINE SERVICE - RURAL

RATE SCHEDULE 30, 31, 32, 33, AND 34

APPLICABILITY

This rate is applicable to all residential, commercial, and industrial customers receiving unmetered standby water service for the sole purpose of feeding an automatic fire sprinkler system or similar apparatus.

AVAILABILITY

This rate schedule is available to all customers located outside the corporate limits of the City of Brenham, Texas.

RATES

Size of Service Line	Flat Monthly Rate
4 inch (Rate Schedule 30)	\$ 24.59
6 inch (Rate Schedule 31)	71.43
8 inch (Rate Schedule 32)	152.21
10 inch (Rate Schedule 33)	273.73
12 inch (Rate Schedule 34)	442.15

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, all of the customer's utility services will be considered delinquent and subject to disconnection.

CHARACTER OF SERVICE

Water supplied under this rate schedule is normally treated surface water approved for public water supply by the Texas Commission on Environmental Quality.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	681B
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	OCTOBER 1, 2019	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 1/22/06)	

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
2. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.
3. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
4. If the installation of a service tap and service line is necessary to provide the customer with service, the cost of such installation is the responsibility of the customer.
5. Service rendered under this schedule is for standby service only. Connection of fixtures or facilities used on a regular basis is specifically prohibited.
6. The City does not guarantee minimum pressure or rates of flow for service provided under this schedule.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES TARIFF	600 SECTION NO.	690 SHEET NO.
WATER RATE SCHEDULES SECTION TITLE	OCTOBER 1, 2021 EFFECTIVE DATE	
	(Supersedes Rate Change effective 3/19/1998)	

WATER SERVICE FEES

RATE SCHEDULE W-N

APPLICABILITY

This rate schedule is applicable to the installation of service taps, service lines, water meters, and other miscellaneous water service-related items, for residential, commercial, and/or industrial customers.

AVAILABILITY

These rates are available to all customers or prospective customers of the City's water system.

- I. The actual tapping of a water main, by City staff, to provide service to an adjoining lot. The fee for connecting a meter to a line that has not been pre-stubbed, or has been pre-stubbed by the City, shall be based on meter size: A pre-stubbed water service is defined as a water service that has already been tapped at the main and has had the water service line extended to the property line. These fees are as follows:

1 Inch service tap, service line, and meter	\$1,030.00
1-1/2 Inch service tap, service line, and meter	\$1,530.00
2 Inch service tap, service line, and meter	\$1,715.00
*3 Inch service tap, service line, and meter	\$2,260.00
*4 Inch service tap, service line, and meter	\$3,000.00

* Turbine meters only

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing will be added to these fees based on actual cost.

Note: A water service installation that requires removal of pavement in a TxDOT right-of-way will be charged at the actual cost of work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the water service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City's specifications (or approved alternatives), as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the water service installation.

The fees for the installation of an irrigation meter commonly referred to as a split service are set forth below.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES TARIFF	600 SECTION NO.	691 SHEET NO.
WATER RATE SCHEDULES SECTION TITLE	OCTOBER 1, 2021 EFFECTIVE DATE	
	(Supersedes Rate Change effective 3/19/1998)	

If a split service meter is installed at the same time as the installation of a new service connection, the fee is as follows:

1 Inch Split Service off a 1 Inch Service	\$265.00
1 Inch Split Service off a 1 ½ Inch Service	\$275.00
1 Inch Split Service off a 2 Inch Service	\$290.00

If a split service meter is installed after the installation of a new service connection, the fee is as follows:

1 Inch Split Service off a 1 Inch Service	\$375.00
1 Inch Split Service off a 1 ½ Inch Service	\$385.00
1 Inch Split Service off a 2 Inch Service	\$400.00

- II. The fees for connecting a meter to a line that has been pre-stubbed at no expense to the City shall be based on meter size, and are as follows:

1 Inch	\$ 260.00
1-1/2 Inch	\$ 645.00
2 Inch	\$ 710.00
4 Inch or larger	\$1,300.00

- III. The fee for the installation, by the City, of taps on existing water mains for the connection of new water mains are as follows:

Existing Main Size (inches)	New Main Size (inches)	Connection Fee
6	4	\$ 840.00
6	6	\$ 935.00
8	4	\$ 870.00
8	6	\$ 920.00
8	8	\$1,105.00
10	4	\$ 835.00
10	6	\$ 945.00
10	8	\$1,085.00
10	10	\$1,440.00
12	4	\$ 970.00
12	6	\$1,050.00
12	8	\$1,170.00
12	10	\$1,465.00
12	12	\$1,725.00

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES TARIFF	600 SECTION NO.	692 SHEET NO.
WATER RATE SCHEDULES SECTION TITLE	OCTOBER 1, 2021 EFFECTIVE DATE	
(Supersedes Rate Change effective 3/19/1998)		

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing will be added to these fees based on actual cost.

Note: A water service installation that requires removal of pavement in a TxDOT right-of-way will be charged at the actual cost of work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the water service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City's specifications (or approved) alternatives, as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the water service installation.

IV. Miscellaneous Water Service Fees:

The fee for installation of one or more fire hydrants shall be based on actual cost.

The fee for replacing a 1" curb stop damaged by other than City personnel - \$95.00. Replacement of curb stops larger than 1" will be charged at actual cost.

The fee for moving meter at customer's request shall be as follows:

Meter Size	Moving Meter up to Fifteen (15) Feet	Moving Meter between Fifteen (15) and Thirty (30) Feet
1 Inch	\$225.00	\$365.00
1 1/2 Inch	\$285.00	\$430.00
2 Inch	\$315.00	\$460.00

Note: Moving meters larger than 2" will be charged at actual cost.

The fee for raising or adjusting a meter at customer's request shall be as follows:

Meter Size	Fee
1 Inch	\$ 70.00
1 1/2 Inch	\$210.00
2 Inch	\$270.00

Note: Raising or adjusting meters larger than 2" will be charged at actual cost.

The fee for installing or extending a water mainline from an existing tap to the property line shall be based on actual cost.

The fee for changing meter size shall be based on the following:

Downsizing a 2", 1 1/2" and 1" meter - \$50.00

CITY OF BRENHAM
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BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES TARIFF	600 SECTION NO.	693 SHEET NO.
WATER RATE SCHEDULES SECTION TITLE	OCTOBER 1, 2021 EFFECTIVE DATE	
	(Supersedes Rate Change effective 3/19/98)	

Downsizing a 3" and larger meter - \$300.00

Note: When an existing meter is changed to a larger size and a new tap and service line are required, the fee shall be the same as for a new connection of the same size.

The fee for setting a fire hydrant meter shall be \$200.00 and requires a \$300.00 deposit.

The fee for turning water service off/on for repairs at customer request shall be \$50.00 plus \$25.00 additional if done after regular business hours (regular business hours are 8:00 a.m. to 5:00 p.m., Monday – Friday, excluding holidays).

The fees for services not specifically addressed in this tariff will be charged in the amount of the actual cost of performing the service.

- V. Replacement of water taps due to deterioration. Water tap deterioration will be determined by the City based on standards set by the Texas Commission on Environmental Quality, or its successor agency and the edition of the International Plumbing Code, as amended, in effect at the time of the determination, for minimum residual pressure and flow.

All Taps	No Charge
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CHARACTER OF SERVICE

Facilities provided under this rate will consist of the installation of an appropriate size corporation stop or tapping saddle, installation of an appropriate size angle meter stop or gate valve, installation of an appropriate size meter, installation of a meter box, and the installation of a sufficient amount of an appropriate size service line to allow the placement of the meter at or near the customer's property line.

SPECIAL CONDITIONS OF SERVICE

1. Service rendered under this schedule is subject to the City's Rules and Regulations as may be amended from time to time.
2. Service will be rendered under this schedule when the City has facilities immediately adjacent to the customer's premises. If a main line extension is required to provide service to the customer, the customer's cost of the line extension will be determined in accordance with the City's extension policy in effect at the time of the extension.
3. In the event a customer desires to increase the size of an existing service, the cost of such enlargement will be equal to the cost of the installation of the new size of service.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	694
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULE	APRIL 1, 2012	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 3/19/98)	

RECLAIMED WHOLESALE WATER

RATE SCHEDULE W-R

APPLICABILITY

This rate is applicable to all customers that receive Type 1 Reclaimed Water to be used for industrial and manufacturing processing, residential irrigation, irrigation for urban or rural uses, food crops, municipality-owned right-of-way, fire protection, maintenance of off-channel impoundments, toilet flush water, dust control, road construction, construction activities and process water.

AVAILABILITY

This rate is available to all customers who enter into a Reclaimed Water Use Agreement, pay the applicable deposit, and receive Type 1 Reclaimed Water at the Reclaimed Water Station located at 2005 Old Chappell Hill Rd.

RATES

\$4.00 per 1,000 gallons

MINIMUM CHARGES

No minimum charge.

TERMS OF PAYMENT

All rates specified herein are net, and the gross rates for delinquent payments are ten percent (10%) higher. Each bill for service is due within fifteen (15) days after issuance unless such day falls on a holiday or weekend, in which case payment is due on the next workday. If full payment is not received at the City's offices or other approved payment location on or before the due date, the customer's deposit will be forfeited and the City may, at its sole option, terminate services and the Reclaimed Water Use Agreement, according to its terms.

CHARACTER OF SERVICE

Reclaimed water supplied under this rate schedule is Type 1 Reclaimed Water produced at the Brenham Wastewater Treatment Plant that is authorized and approved for re-sale by the Texas Commission on Environmental Quality. (Authorization # R10388001)

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	600	695
TARIFF	SECTION NO.	SHEET NO.
WATER RATE SCHEDULES	APRIL 1, 2012	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change effective 3/19/98)	

SPECIAL CONDITIONS OF SERVICE

1. Where service is rendered from the Reclaimed Bulk Water Station, the customer will be required to pay an initial deposit of three hundred dollars (\$300.00). The customer will also be required to sign a Reclaimed Water Use Agreement prior to usage of the station. The station will have 24-hour access and will be controlled through individual pin codes per account that are distributed upon compliance with the above requirements.
2. Service rendered under this schedule is subject to the City's Rules and Regulations in effect from time to time.
3. Bills will be adjusted by the proportionate part of any tax or charge levied or assessed against the City or upon its water business as a result of any new or amended laws becoming effective after the effective date of this rate schedule.



Regular City Council
AGENDA ITEM 13.

Agenda Item: Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer System

Meeting Type: Regular Meeting-February 25, 2021

Department: Public Utilities

Staff Contact: Donald Reese

Classification: Regular

SUMMARY STATEMENT:

City staff has conducted a review and cost study of the various wastewater services that are provided by City staff and found that the majority of these services are being provided either free of charge or at a fee that is considerably less than the actual cost of the service.

The results of this study were presented to Council during a work session on 11/19/2020. At that time staff was instructed to meet with the Utilities Subcommittee to come up with a plan to implement the increases while minimizing the impact on our citizens and developers.

As instructed, staff met with the Utilities Subcommittee and it was determined that the best approach would be to phase the increase in equally over three years. Attached to this agenda item is a redlined version of the proposed rate tariff changes that represent the increases as described above.

If this ordinance is approved, the rate change would not go into effect until October 1, 2021.

ATTACHMENTS:

- (1) Redline of Proposed Wastewater Rate Tariff
- (2) Ordinance for First Reading
- (3) Ex A to Ordinance

RELEVANCE TO COMPREHENSIVE PLAN:

N/A

RECOMMENDED ACTION:

Approve an ordinance on its first reading amending the rate tariff schedules for the City of Brenham sanitary sewer system.

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	700	790A
TARIFF	SECTION NO.	SHEET NO.
SANITARY SEWER RATE SCHEDULE	October 1, 2021	OCTOBER 1, 2014
SECTION TITLE	EFFECTIVE DATE	
10/1/2014/1/1995)	(Supersedes Rate Change Effective	

SANITARY SEWER WASTEWATER TAPPING SERVICE FEES

APPLICABILITY

This rate is applicable to the installation of sanitary sewer service taps, and service lines, and other miscellaneous sanitary sewer related items for residential, commercial, and/or industrial service.

AVAILABILITY

This rate schedule is available to all customers or prospective customers of the City's Sanitary Sewer System.

RATES

I. The actual tapping of sewer main to provide service to an adjoining lot. Line not pre-stubbed: line pre-stubbed at City expense. For each individual connection where such connection is made to a pre-existing stub installed at City expense or where such connection is not made to a pre-existing stub, the fee shall be as follows. A pre-stubbed service line is defined as a sanitary sewer service that has already been tapped at the main and has had the sewer service line extended to the property line.

Tap Size (Inches)	Connection Fee
4	\$685.00
6	\$750.00
8	\$900.00

4-inch Service Tap, Service Line \$450.00
6-inch Service Tap, Service Line \$450.00

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing to be added to these fees based on actual cost.

Note: For taps made on sewer main lines or manholes at depths greater than ten (10) feet, fees will be based on actual cost.

Note: A sanitary sewer service installation that requires removal of pavement in TxDOT right of way will be charged at the actual cost of the work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the sewer service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City specifications (or approved alternatives), as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the sanitary sewer service installation.

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CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

<u>ALL SERVICES</u>	700	<u>790B</u>
TARIFF	SECTION NO.	SHEET NO.
SANITARY SEWER RATE SCHEDULE	<u>October 1, 2021</u>	<u>OCTOBER 1, 2014</u>
SECTION TITLE	EFFECTIVE DATE	

Supersedes Rate Change Effective
10/1/20141/1/1995)

II. ~~Developments where the City has provided sewer services and the service is available at each individual property. Line pre-stubbed at no expense to the City. For each individual connection where such connection is made to a pre-existing stub installed at no expense to the City, the fee shall be as follows:~~

<u>Connection Size (Inches)</u>	<u>Connection Fee</u>
<u>4</u>	<u>\$200.00</u>
<u>6</u>	<u>\$350.00</u>
<u>8</u>	<u>\$450.00</u>

4-Inch Connection \$200.00
6-Inch Connection \$350.00

III. ~~Miscellaneous Wastewater Service Fees~~

Connection of existing sewer services provided by the Developer.

Hook-Up Sewer Fee \$ 45.00

Install Clean-out at Customer's Request \$320.00

Manhole Installation Price to be based on actual cost.

The fees for services not specifically addressed in this tariff will be charged in the amount of the actual cost of performing the service.

TERMS OF PAYMENT

The ~~Customer~~ shall make advance payments ~~in the amount of the total estimated actual cost of the installation~~, prior to commencement of work. If the amount of advance payment is in excess of the actual cost of the installation, the amount of over payment will be refunded. If the amount of advance payment is less than the actual cost of the installation, the customer will be required to remit the amount of the shortage within ten (10) days after the completion of the installation. The City will not provide service to the customer until the entire cost of the installation is paid in full.

CHARACTER OF SERVICE

Facilities provided under this rate will consist of the installation of an appropriate size tapping Y and the installation of a sufficient amount of an appropriate size service line to allow customer connection at or near the customer's property line.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE SANITARY SEWER RATE TARIFF SCHEDULES FOR SANITARY SERVICES FOR THE CITY OF BRENHAM, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE:

WHEREAS, the City Council for the City of Brenham, Texas ("City Council") deems it necessary to change the rates charged for sanitary sewer services to its customers in order to provide for conditions of utility service which promote health, safety, and welfare of the citizens of Brenham, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRENHAM, TEXAS:

SECTION I

The City Council of the City of Brenham, Texas does hereby adopt the Sanitary Sewer Rate Schedules for sanitary services set forth in the attached Exhibit "A", which is made a part hereof for all purposes pertinent, to be effective with utility billing occurring on or after October 1, 2021.

SECTION II

This Ordinance shall take effect as provided by the Charter of the City of Brenham, Texas. The implementation of rates as forth herein and on the attached Exhibit "A" shall be effective with utility billing occurring on and after October 1, 2021.

PASSED AND APPROVED, on its first reading this the ____ day of _____, 2021.

PASSED AND APPROVED, on its second reading this the ____ day of _____, 2021.

Milton Y. Tate, Jr.
Mayor

ATTEST:

Jeana Bellinger, TRMC, CMC
City Secretary

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

Exhibit A

ALL SERVICES	700	790A
TARIFF	SECTION NO.	SHEET NO.
SANITARY SEWER RATE SCHEDULE	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 10/1/2014)	

SANITARY SEWER SERVICE FEES

APPLICABILITY

This rate is applicable to the installation of sanitary sewer service taps, service lines, and other miscellaneous sanitary sewer related items for residential, commercial, and/or industrial service.

AVAILABILITY

This rate schedule is available to all customers or prospective customers of the City's Sanitary Sewer System.

- I. Line not pre-stubbed; line pre-stubbed at City Expense. A pre-stubbed line is defined as a sanitary sewer service that has already been tapped at the main and has had the sewer service line extended to the property line. For each individual connection where such connection is made to a pre-existing stub installed at City expense or where such connection is not made to a pre-existing stub, the fee shall be as follows:

Tap Size (Inches)	Connection Fee
4	\$685.00
6	\$750.00
8	\$900.00

Note: The fees established herein do not include cost for boring and casing, if required. Costs for boring and casing to be added to these fees based on actual cost.

Note: For taps made on sewer main lines or manholes at depths greater than ten (10) feet, fees will be based on actual cost.

Note: A sanitary sewer service installation that requires removal of pavement in TxDOT right of way will be charged at the actual cost of the work performed or incurred by the City. An owner may choose to hire a contractor to install the service at their own cost and the City will inspect the work to determine if the sewer service installation complies with the City's specifications. If an owner chooses to hire a contractor to install the service, the work must be completed in compliance with the City specifications (or approved alternatives), as determined by the City, in its sole discretion, after inspection of the work. The final pavement repair must be performed immediately upon completion of the sanitary sewer service installation.

- II. Line pre-stubbed at no expense to the City. For each individual connection where such connection is made to a pre-existing stub installed at no expense to the City, the fee shall be as follows:

CITY OF BRENHAM
200 WEST VULCAN STREET P. O. BOX 1059
BRENHAM, WASHINGTON COUNTY, TEXAS 77834-1059

ALL SERVICES	700	790B
TARIFF	SECTION NO.	SHEET NO.
SANITARY SEWER RATE SCHEDULE	OCTOBER 1, 2021	
SECTION TITLE	EFFECTIVE DATE	
	(Supersedes Rate Change Effective 10/1/2014)	

Connection Size (Inches)	Connection Fee
4	\$200.00
6	\$350.00
8	\$450.00

III. Miscellaneous Wastewater Service Fees:

Install Clean-out at Customer's Request	\$320.00
Manhole Installation	Price to be based on actual cost.

The fees for services not specifically addressed in this tariff will be charged in the amount of the actual cost of performing the service.

TERMS OF PAYMENT

The Customer shall make advance payment in the amount of the total estimated actual cost of the installation, prior to commencement of work. If the amount of advance payment is in excess of the actual cost of the installation, the amount of over payment will be refunded. If the amount of advance payment is less than the actual cost of the installation, the customer will be required to remit the amount of the shortage within ten (10) days after the completion of the installation. The City will not provide service to the customer until the entire cost of the installation is paid in full.

CHARACTER OF SERVICE

Facilities provided under this rate will consist of the installation of an appropriate size tapping Y and the installation of a sufficient amount of an appropriate size service line to allow customer connection at or near the customer's property line.



Regular City Council
AGENDA ITEM 14.

Agenda Item: Section 551.071 - Texas Government Code - Consultation with Attorney - Consultation with City Attorney Regarding Pending Litigation: D. Guyton v. City of Brenham, Texas et al., Cause No. 1:20-CV-00412-RP, United States District Court, Western District of Texas, Austin Division

Meeting Type: Regular Meeting-February 25, 2021

Department: Administration

Staff Contact: James Fisher

Classification: Executive Session

SUMMARY STATEMENT:

To be discussed in Executive Session

ATTACHMENTS:

None

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

No action.



Regular City Council
AGENDA ITEM 15.

Agenda Item: Discuss and Possibly Act Upon Pending Litigation: D. Guyton v. City of Brenham, Texas, et al., Cause No. 1:20-CV-00412-RP, United States District Court, Western District of Texas, Austin Division

Meeting Type: Regular Meeting-February 25, 2021

Department: Administration

Staff Contact: James Fisher

Classification: Regular

SUMMARY STATEMENT:

To be discussed in Executive Session.

ATTACHMENTS:

None

RELEVANCE TO COMPREHENSIVE PLAN:

RECOMMENDED ACTION:

As discussed in Executive Session.