

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, "UTILITIES", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 11, "UTILITIES", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 34 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2005.

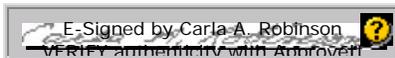
APPROVED:

ATTEST:

RON SILVIA, Mayor

Connie Hooks, City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That Chapter 11, "UTILITIES", of the Code of Ordinances of the City of College Station, Texas, is hereby amended in its entirety as set out hereafter to read as follows:

SECTION 1: GENERAL PROVISIONS**A. DEFINITIONS**

- (1) Automated Container: A container provided by the City of varying capacity used for garbage collection.
- (2) Bag: Plastic sack or trash compactor sack designed to store refuse and having sufficient wall strength to maintain physical integrity when lifted at the top, the opening closed by tie or other seal.
- (3) Benefited Property: A lot or tract, which drains into a creek, river, slough, culvert, or other channel that is part of the municipal drainage utility system.
- (4) Biochemical Oxygen Demand (BOD): The quantity of oxygen utilized in biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Centigrade (20°C), expressed in parts per million by weight.
- (5) Brush: Cuttings or trimmings from trees, shrubs, or lawns and similar materials.
- (6) Building Drain: That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.
- (7) Building Sewer: The extension from the building drain to the public sewer or other place of disposal.
- (8) Bulky Waste: See definition for Waste.
- (9) Bundle: Loose objects of the same characteristics, such as tree, shrub or brush trimmings, or papers and magazines, securely tied together forming an easily handled package not exceeding three cubic feet (3 cu.ft.) in volume, or fifty pounds (50 lb.) in weight or four feet (4') in length.
- (10) Chlorinated Fluorocarbon (CFC): A refrigerant used in freezers, refrigerators, and air conditioners.
- (11) Church: A place for the purpose of religious study, worship, fellowship, education and contemplation, including but not limited to a sanctuary, parish house, public school, parochial school, rectory or convent. For the purpose of this ordinance, real property used as a church shall be considered a commercial usage.
- (12) City: The City of College Station located in Brazos County, Texas.
- (13) City Manager: The City Manager or that person's designee.
- (14) Commercial Customer: Any customer who is an enterprise or establishment whose main purpose is to carry on a commercial activity whether for profit or not. Said definition shall

include all uses not falling within the category of Residential including, but not limited to churches, hospitals, schools and industries.

- (15) Conservation: Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.
- (16) Construction Demolition Waste: See definition for Waste.
- (17) Curbside: The area directly behind the curb. In the absence of a curb, the area directly behind the edge of roadway.
- (18) Customer: Any person receiving any provided utility service from the City.
- (19) Customer Service Line: The potable water line from the customer's residence, building or place of business to the water meter located near the intersection of the customer's property and the City's right-of-way or utility easement. Or, the sewer line from the customer's residence, building or place of business to a customer supplied clean out located at the intersection of the customer's property and the City's right-of-way or utility easement.
- (20) Dead Animal: Any animal or portion thereof, having expired from any cause.
- (21) Discard: To abandon a material and not use, re-use, reclaim, or recycle it. A material is abandoned by being disposed of; burned or incinerated (except where the material is being burned as a fuel for the purpose of recovering usable energy); or physically, chemically, or biologically treated (other than burned or incinerated) in lieu of or prior to being disposed.
- (22) Discharge: Includes deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release, or to allow, permit, or suffer any of these acts or omissions.
- (23) Disposal Site: A managed area of land upon which solid waste is disposed of in accordance with standards, rules or orders established by the State of Texas.
- (24) Drip Irrigation: The controlled, slow application of small amounts of water to soil over a long period of time, usually several hours.
- (25) Excess Wastewater: Potable or nonpotable water from dripping or leaking pipes, valves, plumbing or fixtures, or seep water, rain water or storm water entering into sewer customer service lines through cracks, pipe joints, openings or other defects in the sewer customer service lines.
- (26) Garbage: See definition for Waste.
- (27) Grab Sample: A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (28) Handicapped Household: A residential unit where all adult occupants are certified by a licensed medical doctor as being physically incapable of transporting Municipal Solid Waste to the property curbside.
- (29) Hazardous Substance: Those materials as defined in City of College Station, Texas, Ordinance No. 1820 approved September 14, 1989.
- (30) Hazardous Waste: See definition for Waste.
- (31) Hospital: A building or portion thereof, used or designed for the housing or treatment of the sick, aged, mentally ill, injured, or infirm persons; provided that this definition shall not

include rooms in any residential dwelling, hotel, or apartment hotel. For the purpose of this ordinance, real property used as a hospital shall be considered a commercial usage.

- (32) Household Waste: See definition for Waste.
- (33) Industrial: Real property on which manufacture or assembly is carried on for profit, employing labor or machinery.
- (34) Industrial Solid Waste: See definition for Waste.
- (35) Inert Material: A naturally occurring non-putrescible material that is essentially insoluble such as soil, dirt, clay, sand, gravel, and rock.
- (36) Infectious Wastes: See definition for Waste.
- (37) Instantaneous Maximum Allowable Discharge Limit: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (38) Interference: A discharge, which alone or in conjunction with a discharge or discharges from other 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 or of the prevention of sewage 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.
- (39) Lead Acid Battery: A secondary or storage battery that uses lead as the electrode and dilute sulfuric acid as the electrolyte and is used to generate electrical current.
- (40) Liquid Waste: See definition for Waste.
- (41) Litter: Any man-made or man-used object, organic or inorganic material, or solid waste and specifically includes, but is not limited to, waste as defined in this ordinance which is not placed in: a container, or an authorized sanitary waste disposal site; or another approved area, depository or vehicle designated for transport or disposal of litter, garbage or waste.
- (42) Medical Waste: See definition for Waste.
- (43) Municipal Drainage Utility System: The drainage system owned or controlled in whole or in part by the City and dedicated to the service of benefited property.
- (44) Municipal Solid Waste: See definition for Waste.
- (45) Non-Contact Cooling Water: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (46) Non-Essential Water Use: Water uses that are neither essential nor required for the protection of public health, safety, and welfare including:
 - (a) Irrigation of landscaped areas, including parks, athletic fields, and golf courses, except as otherwise provided by Section 9 herein;
 - (b) Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;

- (c) Use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas except to maintain health and safety conditions;
 - (d) Use of water to wash down buildings or structures for purposes other than immediate fire protection;
 - (e) Flushing gutters or permitting water to run or accumulate in any gutter or street;
 - (f) Use of water to fill, refill, or add to any swimming pools or Jacuzzi-type pools;
 - (g) Use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
 - (h) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
 - (i) Use of water from hydrants for construction purposes or any other purposes other than fire fighting, or other activities necessary to maintain public health, safety, and welfare.
- (47) pH: The logarithm (base 10) of the reciprocal of the hydrogen ion concentration of a solution.
- (48) Pass Through: A discharge which exits the POTW into 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.
- (49) Person: Any individual, partnership, copartnership, 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.
- (50) Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, sewage sludge, garbage, munitions, chemical wastes, biological materials, medical wastes, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt; municipal, agricultural and industrial wastewater; and certain characteristics of wastewater, including but not limited to pH, temperature, TSS, turbidity, color BOD, COD, toxicity, or odor.
- (51) Pollution: The man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of an ecosystem.
- (52) Premises: An estate including land and buildings thereon contiguous and under one ownership.
- (53) 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.
- (54) Publicly Owned Treatment Works or POTW: A "treatment works," as defined by 33 U.S.C. §1292 as it currently exists or as it may be amended from time to time, 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.
- (55) Putrescible Waste: See definition for Waste.

- (56) Reclaimed Water: Domestic or municipal wastewater which has been treated to a quality suitable for a beneficial use, pursuant to the provisions of 30 Texas Administrative Code §210, as it currently exists or may be amended from time to time, and other applicable rules and permits.
- (57) Recyclable Material: A material that has been recovered or diverted from the non-hazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste. However, recyclable material may become solid waste at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be solid waste with respect only to the party actually abandoning or disposing of the material.
- (58) Recycling: A process by which materials that have served their intended use or are scrapped, discarded, used, surplus, or obsolete are collected, separated, or processed and returned to use in the form of raw materials in the production of new products. Except for mixed municipal solid waste composting, that is, composting of the typical mixed solid waste stream generated by residential, commercial, and/or institutional sources, recycling includes the composting process if the compost material is put to beneficial use.
- (59) Recycling Drop-off Center: A location, either temporary or permanent, within the City established for the receipt of recyclable solid waste including, but not limited to, aluminum, metal and glass.
- (60) Residential: Any building or portion of a building occupied by a person or group of persons as a place of residence.
- (61) Residential Unit: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family, such as a house, an apartment, a group of rooms or a single room intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have a direct access from the outside of the building or through a common hall. In accordance with this definition, each apartment unit in an apartment building is counted as one residential unit. Residential units include conventional "stick-built" units, prefabricated panelized, componentized, sectional, and modular units, dormitories and rooming houses, manufactured (mobile) homes, moved or relocated units, and separate living quarters created in an existing residential or nonresidential structure.
- (62) Returned Check: Any payment instrument returned to the City for insufficient funds or any other reason.
- (63) Returned Check Fee: A fee levied by the City each time a payment instrument is returned to the City for insufficient funds or any other reason.
- (64) Right-of-Way: Real property owned in fee simple or as an easement interest for the purpose of placing utilities or roadways. For the purpose of this ordinance, real property used as right-of-way shall be considered a commercial usage.
- (65) Rubbish: Non-putrescible solid waste (excluding ashes) consisting of both combustible and noncombustible waste materials. Combustible waste materials include but are not limited to paper, rags, cartons, wood, excelsior, furniture, rubber, plastic, yard trimmings and leaves. Noncombustible waste materials include but are not limited to glass, crockery, tin cans, aluminum cans, metal furniture and other materials that will not burn at ordinary incinerator temperatures of 1,600 degrees to 1,800 degrees Fahrenheit.
- (66) Sanitary Sewer: A sewer which carries sewage and to which storm, surface, and groundwater's are not intentionally admitted.

- (67) Scrap Tire: Any tire that can no longer be used for its original intended purpose.
- (68) Service Line: The potable water line from the City's water main to the intersection of the customer's property and the City's right-of-way or utility easement. Or, the sewer line from the City's sewer main to a customer's property and the City's right-of-way or utility easement.
- (69) Sewage: A combination of the water carried wastes from residences, commercial buildings, institutions and industrial establishments.
- (70) Sewer: All facilities for collecting, pumping, treating, and disposing of sewage.
- (71) Special Waste: See definition for Waste.
- (72) Suspended Solids (SS): Solids which either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
- (73) Storage: The holding of solid waste for a temporary period, at the end of which the solid waste is processed, disposed of, or stored elsewhere. Facilities established as a nonputrescible recyclable wastes, for consolidation of parking lot or street sweepings or wastes collected and received in sealed plastic bags from such activities as periodic citywide cleanup campaigns and cleanup of rights-of-way or roadside parks, or for accumulation of used or scrap tires prior to transportation to a processing or disposal site are considered examples of storage facilities. Storage includes operation of pre-collection and post-collection as follows:
- (a) Pre-collection: That storage by the generator, normally on his premises, prior to initial collection;
 - (b) Post-collection: That storage by a transporter or processor, at a processing site, while the waste is awaiting processing or transfer to another storage, disposal or recovery facility.
- (74) Storm Drain (sometimes termed storm sewer): A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- (75) Storm Water: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snow melt.
- (76) System Failure: Any mechanical failure of pumping equipment or system component that causes a loss of capability to provide water service to the City.
- (77) TCEQ: Texas Commission on Environmental Quality
- (78) Tire: A circular continuous cushion or part thereof designed for encircling a wheel to facilitate vehicular movement.
- (79) Transportation Unit: A truck, trailer, open-top box, enclosed container, rail car, piggy-back trailer, ship, barge or other transportation vehicle used to contain solid waste being transported from one geographical area to another.
- (80) Transporter: A person who collects and transports solid waste; does not include a person transporting his or her household waste.
- (81) Unprepared Solid Waste: See definition for Waste.
- (82) Utilities: Any property or facility owned by a private or public utility, for the purpose of providing water, sewer, solid waste, drainage or electric service.

- (83) Vector: An agent, such as an insect, snake, rodent, bird, or animal capable of mechanically or biologically transferring a pathogen from one organism to another.
- (84) Waste:
- (a) Bulky Waste: Large objects or stable matter with weights and/or dimensions and proportions greater than those allowed for in basic collection, including but not limited to stoves, refrigerators, water tanks, washing machines, furniture, brush, and bundles in excess of fifty pounds (50 lb.) in weight. This definition shall exclude household waste, construction demolition waste, dead animals or hazardous waste.
 - (b) Construction Demolition Waste: Waste resulting from construction or demolition projects; includes all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber and plastics.
 - (c) Garbage: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage, and sale of produce.
 - (d) Hazardous Waste: Any solid or liquid waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) pursuant to the Federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 USC, §6901 et seq., as amended.
 - (e) Household Waste: Any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas); excluding yard waste or brush that is completely free of any household wastes.
 - (f) Industrial Solid Waste: Solid waste resulting from or incidental to any process of industry, manufacturing, mining, or agricultural operations.
 - (g) Infectious Wastes: Waste material containing pathogens or biologically active materials which because of its type, concentration, and quality are capable of transmitting disease to persons exposed to the waste materials.
 - (h) Liquid Waste: Any waste material that is determined to contain "free liquids" as defined by EPA Method 9095 (Paint Filter Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical methods" (EPA Publication Number SW-846).
 - (i) Medical Waste: Animal waste, bulk blood and blood products, microbiological waste, pathological waste, sharps, and special waste from health care-related facilities as those terms are defined in 25 Texas Administrative Code Section 1.132 (Tex. Dept. of Health, Definition, Treatment and Disposition of Special Waste from Health Care-Related Facilities). The term excludes artificial, non-human materials removed from a patient and requested by the patient, including but not limited to orthopedic devices and breast implants.
 - (j) Municipal Solid Waste: Solid waste resulting from or incidental to municipal, community, commercial, institutional, and recreational activity, including garbage, rubbish, ashes, street cleaning, dead animals, abandoned vehicles, and all other waste, excluding industrial solid waste and hazardous waste or substances.
 - (k) Putrescible Waste: Organic wastes, such as garbage, waste water treatment plant sludge, and grease interceptor waste, that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors or gases or is capable of providing food for or attracting birds, animals, and disease vectors.

- (l) **Special Waste:** Any solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemical characteristics, or biological properties requires special handling and disposal to protect the human health or the environment. [If improperly handled, transported, stored, processed or disposed of or otherwise managed, it may pose a present or potential danger to the human health or the environment.]
- (m) **Unprepared Solid Waste:** Any solid waste garbage, brush, rubbish or yard waste which has not been placed in an approved container or prepared for collection and is in contact with the ground, regardless of surface.
- (85) **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.
- (86) **White Goods:** Major appliances such as refrigerators, freezers, washing machines, dryers, hot water heaters, stoves, dishwashers, etc.
- (87) **Xeriscape:** A method of landscaping which conserves water through the use of specific principles of design, plant selection, installation, maintenance, and irrigation methods.

B. DEPOSITS AND FEES FOR UTILITY SERVICE

Any person desiring utility service from the City of College Station, Texas, shall be required to pay an administrative charge covering the cost of labor for the connection of utility service. Deposits will be required from customers who do not maintain a good payment record with the City. Customers who have twelve (12) consecutive months of service with no more than two late payments are considered to have a good payment record.

C. RESIDENTIAL SERVICE

(1) Deposits Required

Residential Customers who do not maintain good payment records, must make a deposit with the City in the minimum amounts as set below as a condition for continuing connection for electricity and/or water.

Water Deposit - \$30.00 per residential unit

Electric Deposit - \$105.00 per residential

(2) Deposit Returned

Residential Customers who have twelve (12) consecutive months of service with not more than two late payments may request that the deposit be returned to them by the City.

A subsequent failure to maintain a good payment history shall be deemed as just cause to require a subsequent cash deposit.

D. COMMERCIAL AND INDUSTRIAL CUSTOMERS

(1) Deposits Required

Any commercial or industrial customer, that fails to maintain a good payment record, shall make a deposit with the City in an amount sufficient to cover the average utility bill for a two month period. An average of the customer's last twelve (12) monthly bills, or a lesser number of months if twelve are not available, shall be used in computing the minimum deposit. Such deposit may be made in the form of cash, the pledging and assignment of a certificate of deposit, a valid non-documentary bank letter of credit, or placement of a surety bond with an insurance company licensed to do business in Texas, with the best bond rating as accepted by the City.

(2) Deposit returned

Commercial and industrial customers who have twenty-four (24) consecutive months of service and have no more than two late payments in the last twelve months may request that their deposit be released by the City. A subsequent failure to maintain a good payment record shall be deemed as just cause to require a deposit as outlined in paragraph 1 of this subsection.

E. ACCESS TO METERS

The provision of utilities is a contract entered into by the City and its customers. The customer shall provide access to meters for reading and service; and in view of that fact, no authorized City representative shall be denied access to meters. Adequate access is a condition precedent to the receipt of utility service from the City. Access is also a requirement of continued service. Failure to provide access shall be the basis for termination of service. For the purposes of this section, "adequate access" is defined as the ability of an authorized City representative to get to a meter without visual aids or without the presence of the customer. Adequate access also requires the authorized City representative to be able to get to a meter without threat of bodily injury.

If an authorized City representative determines that he does not have adequate access, he will so notify the property owner by tagging the door of the premises. The representative will tag the premises no more than on three separate occasions. Utility usage will be estimated during these billing periods. On the fourth occasion access is denied, the City will notify the customer in writing, by certified letter, giving the customer ten (10) days to provide access. Failure to come into compliance within the ten (10) day period shall be grounds for termination of service. In the event that the customer has not come into compliance within ten (10) days, he will be charged the actual cost of disconnection and reconnection of service whether or not service is actually terminated.

F. CERTAIN CONDUCT AFFECTING WATER METERS PROHIBITED;

(1) Unlawful Acts

Unless written permission is first obtained from the City, it shall be unlawful for any person, other than an officer or employee of said City within College Station Utilities, to knowingly or intentionally:

- (a) Tap onto or connect or cause to be tapped onto or connected any pipe with any water distribution main or line owned by said City,
- (b) Disconnect or cause to be disconnected any such water meter from any such water distribution main or line owned by said City,
- (c) Remove or cause to be removed the cover from any such water meter.

- (2) A violation of any portion or provision of this section shall constitute prima facie evidence against the person having subscribed for water service or the person having the custody, control, or management of the building, room, or place for which such subscription is made.

G. CERTAIN CONDUCT AFFECTING ELECTRICAL METERS PROHIBITED**(1) Unlawful Acts**

It shall be unlawful for any person, other than an officer or employee of the City within the College Station Utilities, Building Official or Fire Department, to knowingly or intentionally:

- (a) Remove or cause to be removed any electrical meter owned by said City from any electrical meter terminal box;
- (b) Remove or cause to be removed the cover or any other part or portion from any such meter or terminal box, or loosen or cause to be loosened any part or portion thereof;
- (c) Insert or cause to be inserted any foreign object or inject or cause to be injected any foreign substance into any such meter or terminal box;
- (d) Make or cause to be made any adjustment in the mechanism of any such meter or terminal box;
- (e) Tap onto or connect or cause to be tapped onto or connected any wire to the supply conductor of any such terminal box;
- (f) To deny access at any time to any meter by enclosing the meter within a fence without available means of passage, or by enclosing the meter within any structure,
- (g) To deny access at any time to any meter by harboring vicious or threatening animals in the vicinity of the meter.

(2) Defense to Prosecution

In the prosecution of any offense charged under paragraph (1) above, it shall be a complete defense to such offense if the person charged shows to the court by legal and competent evidence that such meter was removed for purpose of protecting life or preserving property from being immediately threatened by a fire on the premises served by such meter; that such meter was removed for the purpose of preventing a fire to the structure served by it due to a short circuiting in the electrical conductor between the terminal box in which such meter was housed and a main line switch or fuse box; or that such meter was removed by a duly licensed electrician to facilitate the repair of defective electrical conductor or for checking supply voltage, and at a time when an employee of the City within College Station Utilities was not available to remove such meter.

(3) Removal by Licensed Electrician

In the event of the removal of any electrical meter by a duly licensed electrician under the circumstances enumerated in Section 2 above, the fact of such removal and the circumstances permitting the same must be reported to the Superintendent of the Electric Division of College Station Utilities by such electrician not later than one (1) hour after the commencement of the work day of such municipal employee next following such removal.

- (4) A violation of any portion or provision of this section shall constitute prima facie evidence against the person having subscribed for electric service or the person having the custody, control, or management of the building, room, or place for which such subscription is made.

H. FINES AND PENALTIES

- (1) Any person who violates or fails to comply with a provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to fines and/or penalties pursuant to the General Penalty set out in Chapter 1, Section 5, of the Code of Ordinances, City of College Station, Texas. Each day during which a violation occurs

shall be considered a separate violation. Nothing in this section shall prevent the City from seeking any other relief for any violations of this chapter.

- (2) In addition to any fines and/or penalties the customer is subject to all costs (labor, equipment, materials, and contractors) incurred by the City for the remediation caused by the violation.
- (3) The customer will also be subject to all reconnect fees if any utility service had been disconnected because of the violation.

I. PAYMENT OF BILLS

Payments must be received at the Utility Customer Service office on or before the due date to avoid late charges. Payments received after the due date will be assessed a penalty equaling ten percent (10%) of the current monthly charges with a minimum charge of Three Dollars (\$3.00).

J. RETURNED CHECK FEE

A fee of \$25.00 will be charged for each returned check used to pay any amount on a utility account. This fee is in addition to other fees owed to the City for utility services.

K. DISCONNECTION AND RECONNECTIONS

(1) When Utility Connections May Be Severed

- (a) All utility connections may be severed for any customer who fails to pay all or any part of his total bill by the due date.
- (b) Any person found to be in violation of any section of the chapter shall be served a written notice stating the nature of the violation. The City is authorized to immediately disconnect the offending person's service upon such notice and to not reconnect the service as long as the violation continues.

(2) Restoration of Services

- (a) When connections for services have been severed, or are considered to be severed, the same shall be restored only when all amounts past due to the City have been paid in full. A \$25.00 fee for the reconnection of service will be charged on each account.
- (b) All connections, reconnections and disconnections shall be made only by an authorized representative of the City.

L. UTILITY SERVICE TO ILLEGALLY SUBDIVIDED LOTS

The City will not serve or connect any lot or parcel with utility services if said lot or parcel has been illegally subdivided.

SECTION 2: WATER AND SEWER SERVICES**A. WATER AND SEWER CONNECTIONS**

All customers connecting to the water or sewerage system within or outside the corporate limits of the City will have connection, service and usage charges as established in this section.

B. SEWER CONNECTIONS REQUIRED**(1) Proximity to Public Sewer**

Every owner of a building or part thereof occupied by people for any purpose, any part of the day or night, situated on any City block in the City where a public sewer is laid and maintained within one hundred fifty feet (150') from the nearest lot line on which said building is located is required to install within said building or part of a building the plumbing fixtures as required in Chapter 3 of the Code of Ordinances, College Station, Texas and have them connected to the sewer. Owners of buildings coming within the terms of this subsection and located on acreage tracts shall be required to install the plumbing fixtures as required in Chapter 3 of the Code of Ordinances, College Station, Texas and connect same to the sewer if the said building at its nearest point is within two hundred fifty feet (250') of the sewer. Said plumbing fixtures shall, when required, discharge into the sewer.

(2) Workmanship and Materials

All workmanship and materials used in installing water closets required under this subsection shall comply with the requirements of Chapter 3 of the Code of Ordinances, College Station, Texas.

(3) Written Notice

Written notice shall be given by the City to property owners violating paragraph (1) of this subsection, said notice to inform the property owner that the water closet shall be installed and sewer connection made not later than sixty (60) days after date of the notice.

(4) Contractors to Provide Facilities

Contractors and others who employ workmen outside of buildings shall provide water closet facilities acceptable to the City, within twenty-four (24) hours of time of notice of such requirement. Said facilities shall be maintained in sanitary condition.

C. SUBMETERING

All structures containing multiple residential units, manufactured home rental communities and multiple use facilities, as those terms are defined in the City of College Station Unified Development Ordinance and Texas Water Code Chapter 13 Subchapter M, on which construction began after January 1, 2003, that are located within the City's water service area shall provide for the measurement of the quantity of water, if any, consumed by the occupants of each unit through the installation of one of the following, as required by the State of Texas:

(1) Individual meters owned by the City for each unit.

The City shall determine the feasibility of connecting individual water meters to the City's water lines for each unit.

- (2) Submeters, owned by the property owner or manager and supplied by a City master water meter, for each residential unit or rental unit.

Standard specifications applicable to regular meter sets shall apply to submeters.

Provided, however, that this requirement shall not apply if an exception under State law applies.

D. WATER AND SEWER RATES, USAGE CHARGES AND FEES

(1) Connection Fees Required for Water Service

Residential Customers:

Water Connection Fee - \$10.00

Commercial and Industrial Customers:

Water Connection Fee - \$20.00

(2) Rates for Water Service

- (a) All retail customers using water shall have a service charge based on the water meter size and a usage charge as follows.

Service Charge:

Meter Size	Service Charge
5/8 inch	\$ 8.30 per month
3/4 inch	\$ 8.30 per month
1 inch	\$ 10.45 per month
1.5 inch	\$ 15.50 per month
2 inch	\$ 24.50 per month
3 inch	\$ 77.40 per month
4 inch	\$115.00 per month
6 inch	\$140.00 per month

Usage Charge: \$ 2.03 per 1,000 gallons

- (b) Subject to available capacity under present City demand requirements, present system capability, anticipated demand requirements, and anticipated system capability, the City Council may enter into contracts for the sale of water to wholesale customers outside the City's corporate limits.
- (c) In the event the City is unable to meet the water service demands of its resident customers and/or those customers outside the City corporate limits then resident customers shall receive preference in service.
- (d) Temporary meters for construction purposes may be connected for a fee of \$300.00.

(3) Rates for Sewerage Service

- (a) For customers using sewerage service for household purposes, where water service is provided through a meter for each residential unit:

Service Charge:	\$15.75	for first 4,000 gallons of water metered
Usage Charge:	\$3.15	per 1,000 gallons of water usage for the next 6,000 gallons of water metered.
Maximum Billing:	\$34.65	cap for metered water is 10,000 gallons

- (b) For customers using sewerage service for household purposes, multi-family residences with kitchen facilities in each residential unit where water service is not provided with a meter for each residential unit:

Monthly Charge per Residential Unit: \$20.04

- (c) For customers using sewerage service for household purposes, multi-family residences with more than 50 residential units without kitchen facilities in each unit

Monthly Charge per Residential Unit: \$12.50

- (d) For customers using sewerage service for household purposes, multi-family residences having 50 residential units or less without kitchen facilities in each residential unit, where water service is not provided with a meter for each residential unit such as but not limited to Fraternity houses, Sorority houses, Boarding houses and Privately Owned Student Dorms

Service Charge: \$13.50 per month
Usage Charge: \$3.15 per 1,000 gallons of water usage.

- (e) For customers using sewerage service for commercial and/or industrial business establishments

Service Charge: \$13.50 per month
Usage Charge: \$3.75 per 1,000 gallons of water usage.

- (f) For customers outside the corporate limits of the City using sewerage service for household purposes where water service is not provided:

Monthly Charge per Residential Unit: \$23.05

- (g) Subject to available capacity under present City demand requirements, present system capability, anticipated demand requirements, and anticipated system capability, the City Council may enter into contracts for the sale of sanitary sewer service to wholesale customers outside the City's corporate limits.

- (h) All customers receiving sewer service under contract where the sewer rates are not addressed in the contract shall pay 1.15 times the amounts set forth above.

(4) Water and Sewer Tap Fees, Meter Set-In Fees, and Sewer Inspection Fees

The City shall set-in all or direct the set-in of all water meters and shall inspect all water and sewer taps and connections to the City water and/or sewer system. All taps and connections shall be made in accordance with the *Bryan/College Station Unified Design Guidelines and Technical Specifications*.

- (a) Fee for Water Tap

The City will charge a service charge to all customers connecting to the water system within or outside the corporate limits of the City. The service charge will be based on water tap size.

- (i) The water tap service charge shall apply to all connections to the water system requiring a tap to be made to the water main, construction of the service line and meter set-in.

Service Charge for Water Tap:

Tap Size	Charge
3/4 inch	\$ 400
1 inch	\$ 500
1 1/2 inch	\$ 800
2 inch	\$1,500
3 inch	\$1,300
4 inch	\$2,000

(ii) For 3 inch and 4 inch water taps, the service charge includes only the purchase of the meter and an inspection fee. Meters of this size must be purchased from the City. Developer is responsible for the making of the tap according to City specifications and is subject to City inspection.

(iii) Street Crossing Charge; Water

For those taps or meter set-ins which require crossing a street, thoroughfare, improved alley or any appurtenance or portion thereof, an additional charge will be assessed as described herein.

Street Crossing Charge: \$15 per linear foot.

(b) Fee for Sewer Tap

All customers connecting to the sewerage system within or outside the corporate limits of the City will have a service charge based on sewer tap size.

(i) Service Charge for Sewer Tap:

Sewer Tap Size	Charge
4 inch	\$350
6 inch	\$100

(ii) For 6" sewer taps, the service charge includes only an inspection fee. Developer is responsible for the making of the tap according to City specifications and is subject to City inspection.

(iii) Street Crossing Charge; Sewer

For those sewer taps which require crossing a street, thoroughfare, improved alley or any appurtenance or portion thereof, an additional charge will be assessed as described herein.

Street Crossing Charge \$15 per linear foot

(c) Materials and Equipment

All materials and equipment used in making any utility connection remains the property of the City.

(5) General Provisions

- (a) The City, shall be notified of any new service locations or changes in service levels. The City can require changes in service levels at any location when the current service is inadequate or is causing a health or service problem.

SECTION 3: WATER AND SEWER MAIN EXTENSION POLICIES**A. STANDARDS FOR CONSTRUCTION /REIMBURSEMENT FOR THE EXTENSION OF WATER AND SEWER MAINS****(1) Standards for Construction**

All extensions of water and sewer mains shall be constructed in accordance with the *Bryan/College Station Unified Design Guidelines and Technical Specifications* and all applicable Federal and State requirements. Where there is a conflict of standards, the more stringent standard as determined by the City Manager shall apply. The City shall accept for public use only water and sewer main extensions that comply with these standards for construction.

(2) Process for Acceptance

- (a) The owner of a lot or tract of land who constructs a water and/or sewer main extension to extend service to their property (hereinafter referred to as the "Developing Owner") shall retain a licensed engineer to design and observe construction of the water and/or sewer main extension in accordance with the *Bryan/College Station Unified Design Guidelines and Technical Specifications* and all applicable Federal and State requirements.
- (b) The Developing Owner's Engineer shall identify lots or tracts that front on the water and/or sewer main extension and that can physically be served by the extension. Each lot or tract identified shall include the legal description, street address and name of the current owner and the total acreage of each tract. Said information shall be submitted to the City. Identification and suitability of service of lots or tracts shall be subject to final approval by the City.
- (c) Design and construction documents must be reviewed and approved by the City prior to the beginning of construction.
- (d) The water and/or sewer main extension must be inspected and approved by the City's inspector both during and upon completion of construction.
- (e) The water and/or sewer main extension may not be made available for public use until the extension is accepted by the City as provided herein.

(3) Application for Reimbursement

A Developing Owner who dedicates a water and/or sewer main extension to the City for public use as provided above may be reimbursed for the extension cost from other line users who connect to such extension provided:

- (a) The Developing Owner shall file a complete application for reimbursement for costs expended for the design and construction of the water and/or sewer main extension on or before the commencement of construction of such extension with the City.
 - (i) The application for reimbursement may be obtained at the Planning and Development Services Department.
 - (ii) The application shall not be considered complete unless all information requested on the application has been provided by the applicant. All incomplete applications shall be returned to the applicant.
- (b) The water and/or sewer main extension must be constructed and accepted as described in this section.

- (c) The Developing Owner must provide an affidavit of bills paid for design and construction costs to the City.

B. CONNECTION BY SUBSEQUENT USERS

- (1) After such line has been accepted by the City Engineer for public use, other property owners (hereinafter referred to as "line users") may connect to such line to obtain service provided that each line user first pays his proportionate share for the cost of construction of the line to the City.
- (2) Payment from each line user shall be due and owing at the time of the issuance of a permit for the connection to the sewer or water main.

C. OVERSIZE PARTICIPATION

- (1) Prior to the construction of a proposed sewer or water main by the Developing Owner, City may request that the main be oversized. If City makes such a request, Developing Owner shall be eligible for oversize participation in accordance with City Subdivision Regulations contained in Chapter 9, Section 9 herein as it currently exists or as may be amended from time to time.
- (2) Oversize participation payment shall be governed by Chapter 9, Section 9 herein.

D. CALCULATION OF RATE BY ACREAGE

- (1) The rate charged to line users shall allocate the cost of the extension on a per acre basis.
- (2) The rate shall be calculated as follows:

$$\text{RATE} = \frac{\text{ENGINEERING} + \text{CONSTRUCTION COSTS}}{\text{TOTAL ACREAGE SERVED}}$$

E. TOTAL ACREAGE CHARGE PAYABLE BY LINE USERS

- (1) The per acre rate shall apply to all property regardless of its depth or front footage.
- (2) If a structure spans across more than one lot or tract of land, the total acreage amount due from that line user shall be based upon the total acreage of all lots occupied by the structure.
- (3) Should an identified property be subdivided after the rate has been paid by line user, then the terms of this section shall not apply.
- (4) The charge for line users shall be determined as follows:
- $$\text{CHARGE} = (\text{ACREAGE OWNED} \times \text{RATE})$$
- (5) The acreage charge for each property to be served by the line or main shall be determined by the City Engineer at the time an application is filed by a Developing Owner.
- (6) This section shall be applied to all of the lots or tracts of land accepted for final designation by the City Engineer.
- (7) The number of lots or tracts designated by Developing Owner may not be amended after the City Engineer has calculated the acreage rate. Designated lots or tracts that do not connect to the line shall not be required to pay an acreage charge.

(8) Lots or tracts not identified by Developing Owner's Engineer shall not be subject to acreage charges nor shall Developing Owner be reimbursed for undesignated lots or tracts.

(9) Developing Owner shall not be reimbursed for lots or tracts he/she owns.

F. TRUST FUND

The City shall establish a trust fund for the purpose of reimbursing a Developing Owner for constructing water or sewer mains.

G. REIMBURSEMENT FROM TRUST ACCOUNT

(1) The total acreage charge received from subsequent line users for connection to the water or sewer main shall be deposited into the trust fund established for reimbursement of the Developing Owner by City.

(2) After a line user connects to the sewer or water main, the acreage charge advanced for said tract shall be refunded to the Developing Owner from the trust account.

H. NOTIFICATION

(1) It is the Developing Owner's responsibility to notify the City Fiscal Department of any change of address or account number established by Developing Owner for payment.

(2) Should Developing Owner fail to notify City and payment made by City is returned, such reimbursements shall be retained in the trust account until such time that Developing Owner contacts City Fiscal Department either in person to collect any outstanding reimbursement or provides a new address in writing to which reimbursements may be mailed.

(3) City will notify potential line users as identified by developing owner(s) of the water/sewer main installation as follows:

(a) upon submittal by developing owner(s) of the engineer's cost estimate; and again

(b) upon the commencement of construction of said line.

I. NONLIABILITY

The City shall not be liable for its failure to collect any acreage charges from designated lots or tracts from line users. However, this shall not prevent any Developing Owner from pursuing the collection of these charges individually.

J. APPLICABILITY

The above methods shall be available only for use by a property owner to secure water and/or sanitary sewer service for their property.

K. FOXFIRE AND SANDSTONE SUBDIVISIONS SANITARY SEWER SERVICE MASTER PLAN AND ENFORCEMENT

(1) Master Plan Interpretation, Implementation and Enforcement

The master sanitary sewer plan for the Foxfire drainage basin as prepared by Municipal Development Group dated July 1987 shall be interpreted, implemented and enforced by the office of the City Engineer for the purpose of providing an efficient sanitary sewer system to serve the area.

(2) Design of Sewer Lines

Sewer lines shall be designed and constructed with the approval and inspection of the City Engineer in accordance with all City standards. The design shall comply with the location, provide the same capacity (as a minimum) and serve the area as described in the Design Report for Master Sanitary Sewer Plan for Foxfire Area, College Station, Brazos County, Texas, July 1987.

(3) Compliance

Compliance shall be a prerequisite to the City maintaining the line extension as a part of its public infrastructure system and providing sanitary sewer service to the residents in the designated Foxfire drainage basin.

SECTION 4: ELECTRICAL SERVICE

A. ELECTRIC SCHEDULE OF RATES

The monthly rates to be charged customers for public utility services, namely electrical service, shall be in accordance with the schedules as follows:

(1) Connection Fees:

- (a) Residential Service: \$15.00
- (b) Commercial and Industrial Service: \$30.00

(2) Electric Rate - Schedule R (Residential Customers)

- (a) Applicable to residential customers for all domestic usage where all energy is taken through a single meter. Service will be furnished under this rate schedule subject to the established rules and regulations of the City covering this type of service.
- (b) Character of Service - A.C., 60 cycles per second, single phase, 120/240 volts.
- (c) Rate:
 - Service Charge: \$7.00 per month, plus
 - Energy Charge: \$0.0722 per kWh for the first 500 kWh,
\$0.0656 per kWh for all kWh over 500, except
\$0.0596 per kWh for all kWh over 500 in the
billing months of November through April.
- (d) Residential units where served under one (1) master meter shall be billed under Rate Schedule R-1.
- (e) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).
- (f) Automatic-Leave-On-Service - Customers who qualify for automatic-leave-on service will be billed at the above rate except the monthly service charge will be deleted. Customers will be required to contract with the City for this service provision.

(3) Electric Rate - Schedule R-1 (Master Metered Residential Units)

- (a) Applicable to Residential units for all domestic usage where all energy is taken through one (1) master meter. Service will be furnished under this rate schedule subject to the established rules and regulations of the City covering this type of service.
- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 227/480, 2400/4160, 7200/12,470 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.
- (c) Rate - The monthly rate charge for service under this schedule shall be determined as follows:

The average kilowatt-hour usage per month per residential unit shall be determined by dividing the total monthly kilowatt-hours purchased as determined by the City's master meter, by eighty-five percent (85%) of the total number of permanently constructed residential units.

The individual energy charge per residential unit shall thence be computed on the basis of the average kilowatt-hour usage per month per residential unit figured at the following rate:

Energy Charge:	\$0.0722 per kWh for the first 500 kWh, \$0.0656 per kWh for all kWh over 500, except \$0.0596 per kWh for all kWh over 500 used per month in the billing months of November through April.
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The total monthly bill shall thence be determined by multiplying the energy charge per residential unit computed under the above rate by eighty-five percent (85%) of the number of permanently constructed residential units, and thence adding the following service charge:

Service Charge: \$100.00 per month per master meter

- (d) Transmission Delivery Adjustment - The monthly charge under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).
- (e) Submetering - Where electric service is submetered, the words "residential unit" in the above rate and minimum bill clauses shall be replaced with the word "submeter".

The customer operating the submetering system shall provide electric service to his tenants and render bills therefore in strict accordance with the electric submetering rules and regulations as established by the Public Utility Commission of Texas in Substantive Rule No. 25.142, a copy of which is on file in the office of the City Secretary and on the Internet at www.puc.state.us.tx/rules/subrules/electric/25.142/25.142.doc. All records and reports provided for in these rules and regulations, other than those specified below, shall be made available to the City upon request.

The customer shall not impose any additional charges on his tenants over and above those charges that are billed by the City. For verification purposes, the customer shall, within five days (5) after his tenant's bills are rendered each month, file a written report with the City showing a reconciliation of his billing to his tenants plus the billing for owner used energy with the charges that are billed by the City. This report shall provide as a minimum the following information:

A calculation of the average cost per kilowatt-hour for the current month.

A listing of all submeter readings and billings, including kilowatt-hour usage metered and total rate charge, for the current month.

- (4) Electric Rate-Schedule SC (Small Commercial Customers)
 - (a) Applicable to non-residential customers billed through a single meter whose monthly kilowatt demand does not exceed 15 kW. Service will be furnished under this rate schedule subject to the established rules and regulations of the City covering this type of service.

- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 277/480 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.
- (c) Rate:
- | | |
|-----------------|---|
| Service Charge: | \$9.00 per month, plus |
| Energy Charge: | \$0.0801 per kWh for the first 1000 kWh;
\$0.0612 per kWh for all kWh over 1000. |
- (d) Billing Demand - Demand meters may be installed on all such customers if (1) the installed load would indicate that demands over 15 kW would be experienced; or (2) if the monthly energy usage exceeds 5,250 kWh. A customer on this schedule whose metered demand exceeds 15 kW for any billing period shall be billed under Schedule LP-1 for the next twelve-month period beginning with the current month.
- (e) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).
- (5) Electric Rate-Schedule LP-1 (Medium Commercial Customers)
- (a) Applicable to all commercial or industrial customers where service is taken through one meter at one point of delivery and where the monthly kilowatt demand is between 15 kW and 300 kW. Before service is furnished hereunder, an individual service agreement contract between the Customer and the City may be required outlining all details of the service to be supplied, the terms of the contract, and the obligations of each party.
- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 277/480 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.
- (c) Rate:
- | | |
|-----------------|--|
| Service Charge: | \$25.00 per month, plus |
| Demand Charge: | \$8.44 per kW of monthly-billing demand,
plus |
| Energy Charge: | \$0.0397 per kWh for all kWh |
- (d) Minimum Monthly Charge - The minimum monthly charge under this rate schedule shall be the highest one of the following charges:
- (i) \$151.67 per month plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (ii) The sum of service, demand and energy charges under the above rate plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (iii) The minimum monthly charge specified in customer's service contract with the City plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (e) Billing Demand - The billing demand shall be in the maximum 15 minute measured kilowatt demand in the billing period, but not less than 50% of the

peak demand measured in the twelve month period ending with the current month. Unless otherwise specified in a firm electric service contract agreement, if at any time a customer billed under this schedule continues for a period of twelve consecutive months without a metered demand in excess of 15 kW, Schedule SC shall apply beginning with the first month succeeding such twelve month period. Likewise, a customer on this schedule whose metered demand exceeds 300 kW for any billing period shall be billed under Schedule LP-2 for the next twelve-month period beginning with the current month.

- (f) Power Factor - Should the power factor be lower than 0.90 lagging, the City may adjust the measured demand by multiplying by the ratio of 0.90 to the actual power factor.
- (g) Primary Service - Where service is taken by the customer at the City's available primary voltage and where the customer owns, operates, and maintains all service facilities except metering equipment, required to take service at such voltage, a credit of 2% of the base rate charges will be allowed. Metering may be primary or secondary (corrected for the transformer losses) at the City's option.
- (h) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).
- (i) Electric Off Peak Rider

This rider is used in lieu of demand fees when the off-peak demand exceeds the on-peak demand.

- (i) This off-peak rider shall apply in computing the customer's monthly electric bill. Under this rider, the demand for billing purposes shall be adjusted to be as follows:

$$\text{Off-peak Rider} = \frac{(X + Y)}{2}$$

Where:

X = the peak demand measured during the on-peak period

Y = the peak demand measured during the off-peak period

- (ii) However, in no case shall the billing demand in any month be less than 50% of the peak demand measured in the twelve-month period ending with the current month.

The periods for application of this rider are defined as follows:

On-Peak Period - 6:00 AM through 11:00 PM on Monday
through Friday

Off-Peak Period - 11:00 PM through 6:00 AM on Monday
through Friday and 11:00 PM on
Friday through 6:00 AM on Monday

(6) Electric Rate Schedule LP-2 (Large Commercial)

- (a) Applicable to all commercial or industrial customers where service is taken through one meter at one point of delivery and where the monthly kilowatt demand is from 300 kW to 1500 kW. Service will be furnished under this rate schedule subject to the established rules and regulations of the City covering this type of service. Before service is furnished hereunder, an individual service

agreement contract between the customer and the City may be required outlining all details of the service to be supplied, the terms of the contract, and the obligations of each party.

- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 277/480 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.
- (c) Rate:
- | | |
|-----------------|--|
| Service Charge: | \$75.00 per month, plus |
| Demand Charge: | \$8.44 per kW of monthly billing demand,
plus |
| Energy Charge: | \$0.0397 per kWh for all kWh |
- (d) Minimum Monthly Charge - The minimum monthly charge under this rate schedule shall be the highest one of the following charges:
- (i) \$2,608.47 per month plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (ii) The sum of service, demand and energy charges under the above rate plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (iii) The minimum monthly charge specified in the customer's service contract with the City, plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (e) Billing Demand - The billing demand shall be in the maximum 15 minute measured kilowatt demand in the billing period, but not less than 50% of the peak demand measured in the twelve month period ending with the current month. Unless otherwise specified in a firm electric service contract agreement, if at any time a customer, billed under this schedule continues for a period of twelve consecutive months without a metered demand in excess of 300 kW, Schedule LP-1 shall apply beginning with the first month succeeding such twelve month period.
- (f) Power Factor - Should the power factor be lower than 0.90 lagging, the City may adjust the measured demand by multiplying by the ratio of 0.90 of the actual power factor.
- (g) Primary Service - Where service is taken by the customer at the City's available primary voltage and where the customer owns, operates and maintains all service facilities, except metering equipment, required to take service at such voltage, a credit of 2% of the base rate charges will be allowed. Metering may be primary or secondary (corrected for the transformer losses) at the City's option.
- (h) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).
- (i) Electric On-Peak/Off-Peak Rider
- (i) Upon the customer's request, this rider shall be made available to customers billed under the rate schedule LP-2, whose monthly demand is greater than 300 kW, and who can reduce their load during the City's

On-Peak time between 5:00 p.m. and 8:00 p.m. Under this rider, the demand for billing purposes shall be adjusted to be as follows:

- (ii) Rate: The applicable rate schedule demand charges shall be replaced by the following on-peak/off-peak rates:

On-Peak Demand Charge:	\$5.95, plus
Off-Peak Demand Charge:	\$3.08

However, in no case shall the off-peak billing demand in any month be less than 50% of the off-peak demand measured in the twelve-month period ending with the current month.

The periods for application of this rider are defined as follows:

On-Peak Period -	5:00 PM through 8:00 PM, daily.
Off-Peak Period -	8:00 PM through 5:00 PM, daily.

(7) Electric Rate Schedule LP - 3 (Industrial)

- (a) Applicable to all industrial customers where service is taken through one meter at one point of delivery and where the monthly kilowatt demand is greater than 1500 kW. Service will be furnished subject to the established rules and regulations of the City covering this type of service. Before service is furnished hereunder, an individual service agreement contract between the customer and the City may be required outlining all details of the service to be supplied, the terms of the contract, and the obligations of each party.
- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 277/480, 2400/4160, 7200/12,470 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.
- (c) Rate:
- | | |
|-----------------|--|
| Service Charge: | \$250.00 per month, plus |
| Demand Charge: | \$8.00 per kW of monthly billing demand,
plus |
| Energy Charge: | \$0.0381 per kWh for all kWh |
- (d) Minimum Monthly Charge - The minimum monthly charge under this rate schedule shall be the highest of the following charges:
- (i) \$12,247.69 per month plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (ii) The sum of service, demand and energy charges under the above rate plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (iii) The minimum monthly charge specified in the customer's service contract with the City, plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (e) Billing Demand - The billing demand shall be in the maximum 15 minute measured kilowatt demand in the billing period, but not less than 50% of the peak demand measured in the twelve-month period ending with the current month. Unless otherwise specified in a firm electric service contract agreement, if at any time a customer, billed under the schedule continues for a period of

twelve consecutive months without a metered demand in excess of 1500 kW, Schedule LP-2 shall apply beginning with the first month succeeding such twelve month period.

- (f) Power Factor - Should the power factor be lower than 0.90 lagging, the City may adjust the measured demand by multiplying by the ratio of 0.90 of the actual power factor.
- (g) Primary Service - Where service is taken by the customer at the City's available primary voltage and where the customer owns, operates and maintains all service facilities, except metering equipment, required to take service at such voltage, a credit of 2% of the base rate charges will be allowed. Metering may be primary or secondary (corrected for the transformer losses) at the City's option.
- (h) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).
- (i) Electric On-Peak/Off-Peak Rider
 - (i) Upon the customer's request, this rider shall be made available to customers billed under the rate schedule LP-3, whose monthly demand is 300 kW or greater, and who can reduce their load during the City's On-Peak time between 5:00 p.m. and 8:00 p.m. Under this rider, the demand for billing purposes shall be adjusted to be as follows:
 - (ii) Rate: The applicable rate schedule demand charges shall be replaced by the following on-peak/off-peak rates:

On-Peak Demand Charge:	\$5.64, plus
Off-Peak Demand Charge:	\$2.91

However, in no case shall the billing demand in any month be less than 50% of the peak demand measured in the twelve-month period ending with the current month.

The periods for application of this rider are defined as follows:

On-Peak Period	- 5:00 PM through 8:00 PM, daily.
Off-Peak Period	- 8:00 PM through 5:00 PM, daily.

(8) Electric Rate-Schedule SL (Security Lights)

- (a) Applicable to all security lights installed and maintained by the City for customers at their request. The customer will be required to contract for security light service for a minimum period of three (3) years. Service will be furnished under this rate schedule subject to the established rules and regulations of the City covering this type of service.
- (b) Additional construction costs for installing security lights:
The standard security light monthly fee includes installation of the security light on existing city-owned utility poles. The total cost for any additional poles, cables or other equipment as calculated by the Electrical Division must be paid in full by the customer prior to the installation of the security light.
- (c) Rates per month per light:
 - i) 100 Watt \$7.66

- ii) 200 Watt \$11.27
- iii) 400 Watt \$23.61

(d) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment (based on estimated 39 kWh for a 100W light, 78 kWh for a 200W light and 156 kWh for a 400W light per light per billing period) calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).

(9) Electric Rate-Schedule TDA (Transmission Delivery Adjustment)

Electric service billed under all applicable rate schedules shall be subject to the application of a transmission delivery adjustment (TDA) charge determined by multiplying the billing kilowatt-hours for the current month times a Transmission Delivery Adjustment Factor (TDAF). The TDAF shall be calculated on an annualized basis in accordance with the following formula:

$$TDAF = \frac{TC - (P)(K) - CF}{S}$$

Definitions:

TDAF= Transmission delivery adjustment factor rounded to the nearest \$0.0001 per kWh

TC = Total estimated transmission delivery cost including congestion fees, ERCOT fees, ancillary costs, QSE fees and any other costs associated with delivery of wholesale power to the City on an annualized basis from City's wholesale energy supplier and other transmission entities. (\$)

P = Total estimated wholesale energy purchases on an annualized basis from City's wholesale energy supplier. (kWh)

K = Base transmission delivery cost included in the City's retail electric rate schedules. (\$0.003 per kWh)

S = Total estimated kilowatt-hours energy sales to City customers on an annualized basis. (kWh)

CF = Correction factor adjustment to be applied to correct for any variance between actual TDA costs and revenues. The calculation of CF shall be performed on a monthly basis with the results of this reconciliation applied to the TDAF on an as-needed basis to maintain TDA revenues and costs in close proximity. (\$)

The formula for the calculation of the CF shall be as follows:

$$CF = (A) - (B)$$

where

(A) = The actual transmission delivery adjustment revenues received from the application of the Transmission Delivery Adjustment Factor for the subject reconciliation period. (\$)

(B) = The actual transmission delivery adjustment costs which should have been recovered from the application of the Transmission Delivery Adjustment Factor for the subject reconciliation period. (\$)

(10) Electric Rate - Schedule PQF (Purchases from Qualifying Small Power Production and Cogeneration Facilities less than or equal to 100 kW)

(a) Applicable to qualifying Small Power Production and Cogeneration facilities (QF's) with a design capacity of 100 kW or less who contract, under mutually agreeable terms, with the City for the sale of energy and for any necessary interconnections. A QF is defined as a small power production or cogeneration facility that qualifies under Subchapter K, Part 292, Subpart B of the Federal Energy Regulatory Commission's Regulations that implement Section 201 and 210 of the Public Utility Regulatory Policies Act of 1978. Such facilities must fully comply with the City's Electric Service Rules and Regulations in reference to QF's to qualify for purchases to be made under this rate.

(b) Interconnections Costs - Each QF Producer shall be obligated to pay interconnection costs directly related to the installation of the physical facilities necessary to permit interconnected operations with the qualifying facility. Interconnection costs shall be determined in accordance with the City's Electric Service Rules and Regulations applicable to QF's, and such costs shall be paid by the QF Producer prior to any purchase of energy by the City.

(c) Rate

The City will pay the QF Producer for all power purchased at the following rates:

(i) Capacity - No payment shall be made, except by separate firm power contract between the Producer and the City.

(ii) Energy - The metered output from the Producer will be purchased at a rate equal to the City's total energy and transmission delivery cost divided by the total kilowatt-hours purchased, as calculated from the most recent wholesale power bill.

In the event that the Producer exercises the option to sell power to the City, there will be assessed, in addition to the minimum monthly bill requirements under the applicable service rate schedule(s), a customer service charge of \$15.00 per month to cover costs realized for metering, billing, maintenance, administrative, and other expenses necessary to maintain service to the QF.

(d) Metering and Payment Options - The available revenue metering arrangements for QF's and the payment options to the Producer for energy purchases to be made by the City therefrom shall be as defined in the City's Electric Service Rules and Regulations pertaining to qualifying small power production and cogeneration facilities.

(11) Electric Rider - HED (Higher Education Discount)

In accordance with Section 36.351 of the Public Utility Regulatory Act (1995), a 20 percent discount will be given to any four-year state university, upper-level institution, Texas state technical college or college that qualifies for such discount under the statute.

SECTION 5: SOLID WASTE COLLECTION REGULATIONS**A. TITLE**

This section shall be known as the 'Sanitation Regulations of the City of College Station.'

B. COLLECTION OF MUNICIPAL SOLID WASTE**(1) General**

- (a) Leaves and grass shall be placed at the curb in plastic bags which shall not weigh more than fifty pounds (50 lbs.) each. Brush shall be totally separated from all other waste, including metals, lumber, paper, plastics, furniture, appliances, concrete and any other solid materials and shall be cut in sections not exceeding eight feet (8') in length and placed at the curb for solid waste collection. Any waste regardless of quantity or size, mixed with brush constitutes a violation of this section.
- (b) Garbage and household waste placed curbside or in automated and commercial containers must be contained in plastic bags. Bulky waste and brush shall be exempt from this requirement. Plastic bags shall be of sufficient strength and puncture resistance to prevent the contents from spillage prior to and during collection. Bags placed curbside shall have a capacity that is no larger than thirty-five gallons (35 gal.). All bags shall be securely tied or otherwise fastened or closed so as to prevent spillage or entry by vector and vermin. Only garbage and household waste is to be placed in plastic bags. Construction demolition waste, tires, hazardous substances and stable matter such as dirt, brick, and rock will not be accepted.
- (c) The storage, collection or disposal of any solid waste in any manner other than those designated by ordinance is expressly prohibited.
- (d) Pointed or sharp objects, including but not limited to broken glass, jagged metal, razors, needles, and wire, shall be sufficiently wrapped in paper and securely taped or tied before bagging or bundling so as to prevent injury when handled.
- (e) The total weight of a bag and its contents shall not exceed fifty pounds (50 lbs.). Bags shall be sealed, having no punctures, tears or undesigned openings.
- (f) A residential or commercial unit shall be deemed to be occupied when either water or electric service is supplied thereto.
- (g) Each Residential automated container, bag, and/or bundle shall be placed at curbside for solid waste collection. Each Residential customer shall place bulky waste at a location that is acceptable to the City for solid waste collection. Items shall be placed as close to the paved or traveled portion of the roadway as practicable without interfering with or endangering the movement of vehicles or pedestrians. When construction work is being performed in the right-of-way, items shall be placed as close as practicable to an access point for the City collection vehicle.
- (h) City shall provide special door-side solid waste collection service for qualified handicapped households.
- (i) Not more than twenty (20) total units of bags or bundles of refuse shall be placed at the curbside, at one time, for solid waste collection service.
- (j) Automated containers containing residential refuse shall not be placed at curbside for solid waste collection before 5:00 a.m. of the day on which collection

is scheduled. Containers shall be removed from the designated pickup point and placed either adjacent to their dwelling or at a location designated by the City within twelve (12) hours of their scheduled pickup day. Under no circumstances, shall a container be placed for normal daily use within an area defined by the edge of the street, pavement, or curb and the building set back line.

- (k) Each single family detached residential unit or housing unit with less than four (4) attached residential units that has been assigned a seventy (70) gallon city-owned automated solid waste container will be provided with once per week garbage, brush, rubbish, and recycling collection.
- (l) Each residential unit with four (4) or more attached residential units in a complex which has not been identified as a multi-family apartment complex by the City that has been assigned a shared 300 gallon or larger city-owned automated solid waste collection container, will be provided with twice per week garbage collection and once per week brush/rubbish collection.
- (m) Lids and doors of all containers shall be kept closed at all times except when the container is being filled.
- (n) Upon notice, the City will remove and dispose of small dead animals, including but not limited to dogs, cats, chickens, ducks and geese, either from private property or public rights-of-way, excluding animal clinics. Customers requesting removal from private property shall place the animal in a plastic bag and place the bag curbside before notification of pick up. Removal and disposal of small dead animals from private animal clinics shall be for a fee as established herein.
- (o) Residential customers, paying for and needing collection and disposal of bulky waste shall contain the waste to prevent windblown litter and place the waste at the curb or right-of-way no longer than 48 hours prior to their designated collection day. Commercial, and residential locations that have been identified as multi-family apartment complexes by the City, will be responsible for the collection and disposal of all bulky waste.
- (p) Construction demolition waste shall be contained on site. Rubbish that may be wind blown must be confined in a container or temporary holding pen. The construction site must be free from accumulations of rubbish which may act as a harborage for vermin and vectors.
- (q) Rock, construction demolition waste, building materials, or other refuse resulting from building or remodeling operations or resulting from a general cleanup of vacant or improved property, just prior to its occupancy, will not be removed by the City. Such waste shall be removed by the building contractor, owner, or occupant of the building at his own expense. The City will remove said refuse for the contractor, owner, or occupant, utilizing Roll-off containers only, for a fee as established herein. The City will not remove hot ashes or fire coals.
- (r) The collection of municipal solid waste within the limits of the City is hereby prohibited except as franchised by the City Council pursuant to City Charter. All franchised contractor containers shall be marked with franchised company name, address and telephone number.
- (s) All recycling drop-off centers must be approved by the City Manager pursuant to the regulations set forth in Subsection C. of this Section before receiving such recyclables. Approval shall be subject to compliance with the following performance standards, as determined by the City Manager:
 - That issuance will be in the best interest of public health and safety;

- That issuance will not cause a traffic safety hazard impeding traffic flow on or off the recycling drop-off center.
- (t) Assessed monthly - The charges fixed herein for the collection, removal and disposal of all solid waste shall be entered on the customer's monthly utility bill.
- (u) Failure to pay - Any customer who fails or refuses to pay the monthly charge when due shall no longer receive garbage collection service from the City until such charges are paid in full.
- (v) Unprepared solid waste - The City's Sanitation Division shall cause the clean-up of the improperly or unprepared waste, litter or debris that constitutes a health or nuisance to the community. The fee established herein or the actual cost of clean up, whichever is greater, shall be paid by the responsible party.
- (w) It shall be unlawful for any person or business, other than the owner or occupant of the premises for whom the container has been furnished and who is currently paying a garbage pickup charge, to place anything in such container.
- (x) It shall be unlawful to make a fire or burn any material in a sanitation container furnished by the City, or to paint or mark upon or to place any poster, placard or sign upon the same. Any customer having a container that is burned will be charged replacement cost equal to the actual costs involved.
- (y) It shall be unlawful for any person other than the owner to remove any material from any receptacle, bag or sanitary container, or the said bag, receptacle, or sanitary container itself.
- (z) It shall be unlawful to place items such as brush and lumber or other materials in a bag, receptacle, sanitary container and City-supplied container of any type which may cause damage to the container or collection truck. In the event such items are placed in a container, the occupant of the premises for which such container has been furnished is responsible for the removal of these items prior to unloading into the container truck.
- (aa) No person shall dispose of or place for collection and disposal prohibited materials, as designated under any applicable Federal and State laws.
- (bb) It shall be unlawful for any person to sweep, throw, or otherwise deposit upon or along any drain, gutter, alley, sidewalk, street, street right-of-way, median strip, drainage easement or other public place of travel or any private property, any municipal solid waste of any type.
- (cc) Scrap/Used tires will not be allowed to accumulate on any property, residential or commercial. All scrap tires will be stored so that there will be no accumulation of water and that the tire will not be in direct contact with the ground. Businesses engaged in the sale or repair of tires will store tires in a manner so as not to be visible from any right of way.
- (dd) All owners or occupants shall maintain the real property owned or occupied by them in a clean and litter-free condition. This section shall not be construed as prohibiting the storage of refuse or litter in authorized containers for solid waste collection pursuant to the provisions of this article.
- (ee) Hazardous and/or prohibited waste shall not be placed in solid waste collection containers.
- (ff) No infectious wastes or pathological refuse or any other refuse that may cause a public health hazard shall be placed in any container used for solid waste collection by the City or collection by any private agency. The following are

several types of special refuse items which shall be given special care and preparation before disposing of the same in any refuse container.

- Hypodermic instruments and other sharp articles. No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections without prior placement in puncture resistant container for disposal so as to avoid the possibility of causing injury to the solid waste collection personnel.
 - Ashes. Ashes that are to be collected by the City must have been wetted and cooled to the touch prior to solid waste collection. Ashes shall not be placed with the normal refuse unless separately wrapped, so that they will not cause injury to the solid waste collection personnel.
- (gg) No person, other than employees of the City charged with such duty, shall tamper with the contents of any refuse container set out for removal by the City or any private solid waste collection agency.
- (hh) White goods must be totally separated from all other waste to allow for separate collection. All white goods containing CFC's shall not be collected until such time that the CFC's have been removed.
- (ii) The City shall provide collection of medical waste from customers/generators by an approved, franchised Medical Waste Collection Contractor. The rate to be charged by the Contractor to the customer/generator for the collection of medical waste shall be set by contract and approved by the City Council. Customers disposing of medical waste shall comply with all applicable Federal and State law.
- (jj) It shall be unlawful to park, place, allow, permit, or cause to be parked or placed any motor vehicle, trailer, boat, or similar obstruction ("obstructing item") within fifteen feet (15') of, or obstruct in any manner, the collection of solid waste contained in a city-owned container larger than ninety (90) gallons. If an obstructing item prevents the collection of a city-owned solid waste container larger than ninety (90) gallons, the City shall be authorized to order the removal of the obstructing item. The cost of the removal shall be the responsibility of the owner of the obstructing item. All city-owned solid waste containers larger than ninety (90) gallons shall be marked with a sign and/or label that states: "Do Not Block or Park Within 15 Feet of Container - Tow Away Zone".

(2) Residential Collection

- (a) Each single family detached residential unit or residential units in a building with less than a total of four (4) attached residential units that is not required by the City's Unified Development Ordinance solid waste minimum standard to provide dumpster enclosures will each be provided with a seventy (70) gallon, City-owned automated solid waste collection container. Service shall be once per week. All containers must be placed out for collection by 8:00 a.m. on the scheduled service day and removed from the designated pick up place within twelve (12) hours after scheduled collection.
- (b) Residential units in a building with less than a total of four (4) attached residential units that have been required by the City's Unified Development Ordinance solid waste minimum standards to provide dumpster enclosures, and residential units in a building with a total of four (4) or more attached residential units that have been identified as a multi-family apartment complex by the City, will be provided with a large, City-owned solid waste collection container for multiple residential unit use. Service shall be twice per week.

- (c) Only residential refuse is to be placed in containers. Construction demolition waste, tires, dead animals, hazardous substances and stable matter such as dirt, brick and rock will not be accepted.
 - (d) Any garbage or waste not contained in the automated container provided will not be picked up or hauled by City services and shall remain the responsibility of the customer/generator for disposal. The clean up of any spillage caused by overfilling container will be the responsibility of the customer/generator.
 - (e) When storing the container or when the container has been set out for collection, the lid must be kept closed at all times to prevent any accumulation of water. No bags, boxes or other items shall be placed on the top of the closed container lid so as to hinder servicing of the container.
 - (f) If the container is lost by theft or damaged beyond use by any means other than by the occupant's own neglect or misuse, the container shall be replaced by the City at no cost to the occupant. If the container is lost or damaged beyond use as a result of the occupant's neglect or misuse, the cost of a replacement container will be charged. The occupant shall promptly notify the City in the event of the need for repair or replacement of the container.
 - (g) Any customer generating more waste than one (1) container will hold may request an additional container and shall pay an additional fee as established herein.
 - (h) Only authorized automated containers provided by the City will be serviced on collection day, no other containers, boxes, or bags placed at the collection site will be picked up by the automated system.
 - (i) Automated containers are assigned and issued to the location of the utility user and will not be removed, transferred, or replaced by the customer.
 - (j) Customers shall not put construction demolition waste, hot ashes, oil, corrosive solvents, pool chemicals, lead acid batteries or any other hazardous substances in the residential container.
- (3) Residential Curbside Recycling Collection
- (a) Customers participating in the curbside recycling collection program will be furnished with plastic bags for all recyclable items placed for collection.
 - (b) Only designated recyclable items will be placed in the plastic recycling bags. Other items will not be accepted.
- (4) Commercial Collection
- (a) All commercial units shall utilize automated or roll-off commercial-type containers as designated by the City for the collection of commercial refuse.
 - (b) Upon request for solid waste collection service, the City shall designate the service level requirements for that location. The City will provide for the removal of garbage and/or trash under the rates established for commercial containerized collection. Automated collection containers will be provided by the City and roll-off compacting containers shall be provided by the customer. The customer shall be responsible for providing container screening to comply with the City's Unified Development Ordinance.
 - (c) When it is beneficial for small businesses that generate low volumes of waste to jointly use a container set for their convenience, the basic charge will be divided

between the businesses. However, this charge shall not be lower than the minimum charge for any commercial location. The size and number of containers provided shall be determined by the City.

- (d) Containers shall not be set out unless an all weather access route capable of supporting the container service truck is available. The City will not be responsible for damage done to private drives and parking areas by service trucks servicing containers.
- (e) The owner or occupant of the premises shall be responsible for keeping the area around the container clean and clear of all garbage and trash.
- (f) If a container is unserviceable, such as being blocked or containing prohibited items, the City truck shall return to empty the container only after the container is clear from other vehicles and/or prohibited items are removed from container for a fee as established herein.
- (g) No person shall place any refuse or refuse container on, in or over any drainage system.
- (h) The City may, upon notice, require replacement of containers and/or changes in container type or the service levels at any location when the City deems the current service level to be inadequate and thereby causing a health, sanitation, or litter problem. The decision may be appealed to the City Manager by the customer.

C. RECYCLING DROP-OFF CENTERS

(1) Temporary Permits

A temporary permit may be obtained for operation of a temporary recycling drop-off center, subject to compliance with the following requirements.

- (a) A written application, on a form provided by the Department of Public Works, must be filed in the Office of the Director of Public Works at least thirty (30) days prior to the proposed collection of recyclable materials at the temporary recycling facility. The term of the permit shall not exceed seven (7) consecutive days. Permits for temporary recycling activities shall be granted for small recycling drop-off centers, which shall only recycle newsprint, paper, glass bottles, metal cans, plastic containers, or any combination of these materials.
- (b) Temporary permits shall only be issued to organizations holding a certificate of exemption from federal income tax or state sales tax or franchise taxes or to any other person or entity who conveys any profits derived from their recycling activity to a tax exempt organization. In no case shall a temporary permit be issued to any person or business entity for whom recycling is a regular part of their business activity.
- (c) No bond or insurance will be required for the issuance of a temporary permit.
- (d) The permittee shall service the recycling drop-off center regularly to prevent overflow, accumulation and deter pilferage of recyclables. The area surrounding receptacles for collection and storage of recyclable materials, waste materials, processing materials or other material shall be maintained in a clean and sanitary manner at all times. No recyclable materials, waste material, trash, processing material or other matter shall be allowed to accumulate around any receptacle or to overflow from any receptacle. Permittee shall assure that materials delivered to a recycling facility shall be handled and managed in such a manner so as to prevent, at all times, windblown materials. The permittee shall not dump or discard any matter on the ground on the premises of the recycling drop-off center

at any time, or allow any person to do so. The permittee shall be solely responsible for the proper storage and disposal of non-recyclables deposited at the recycling facility.

(2) Permanent Recycling Drop-off Center

A permit for operation of a permanent recycling drop-off center may be obtained subject to the following requirements.

- (a) A written application on a form provided by the Department of Public Works must be filed in the Office of the Director of Public Works at least thirty (30) days prior to the proposed collection of recyclable materials at the permanent recycling facility.
- (b) An application fee for a permanent recycling drop-off center may be set by the City Council.
- (c) A permit may be denied if the required information is incomplete, incorrect or shows that a person is not otherwise entitled to conduct a permanent recycling drop-off center.
- (d) Every permit shall be visibly displayed where it can be read by the general public utilizing the recycling drop-off center.
- (e) A bond of not less than One Thousand Dollars (\$1,000.00) executed by the applicant with two (2) or more good and sufficient sureties, satisfactory to the City, shall be made payable to the City, for the use and benefit of any person or persons entitled thereto, and on condition that the principal and sureties shall pay all damages to persons caused by or arising from or growing out of any action of the applicant, his employees, agents, successors or assigns, while operating the permitted recycling drop-off center. The bond shall remain in full force and effect for the entire duration of the operation of the recycling center and the permittee shall be responsible for the submission of a new bond no less than ten (10) days prior to the expiration of any current bond. In the event that permittee fails to do so, then permittee shall immediately cease operation of the recycling drop-off center and shall prevent the public from utilizing the facility.
- (f) An applicant for a permanent recycling drop-off center shall provide the following information on the application form:
 - Name of the applicant.
 - Legal name of the business entity, if any, address, telephone number, state of incorporation or filing of a partner-ship or articles of association.
 - Sales tax number or evidence of tax-exempt status.
 - A description of the property intended to be utilized as the recycling drop-off center, sufficient to permit City employees to identify the proposed location of the recycling facility.
 - The site plan to be submitted for review pursuant to the Unified Development Ordinance, which shall show the location and type of receptacles.
 - A listing of the materials to be collected for recycling.
- (g) All recycling activities shall conform to the requirements of this ordinance, as well as Federal and State laws and regulations.
- (h) The permittee shall service the recycling drop-off center regularly to prevent overflow, accumulation and deter pilferage of recyclables. The area surrounding receptacles for collection and storage of recyclable materials, waste material, processing material or other materials shall be maintained in a clean and sanitary

manner at all times. No recyclable materials, waste material, trash, processing material or other matter shall be allowed to accumulate around any receptacle or to overflow from any receptacle. Permittee shall assure that materials delivered to a recycling facility shall be handled and managed in such a manner so as to prevent, at all times, windblown materials. The permittee shall not dump or discard any matter on the ground on the premises of the recycling drop-off center at any time or allow any person to do so. The permittee shall be solely responsible for the proper storage and disposal of non-recyclables deposited at the recycling facility.

- (i) The City shall have the authority to enter onto premises permitted hereunder and inspect for compliance with the terms and conditions imposed herein and under the Unified Development Ordinance.
- (j) A permit may be revoked for non-conformity with the provisions herein and/or with the provisions of the Unified Development Ordinance. In the event that the City determines that there is a violation of the permit or the conditions imposed, then the City shall give the permittee ten (10) days' written notice at the address provided by the permittee on the application or supplemented by him to come into compliance. In the event that the permittee disputes the violations alleged, then the permittee must give written notice to the City of a requested hearing within the ten (10) day time period. If the permittee fails to request a hearing within that time period, then the permittee will be conclusively considered to have acknowledged that the violation does in fact exist. If the permittee does request a hearing, it shall be held before the City Manager. Should the City Manager find that permittee is in violation of his permit, the City Manager will provide the permittee with a reasonable time period to come into compliance. A determination by the City Manager shall be final. Any determination of non-compliance under this subsection shall not operate to deprive the City of any other remedy it may have under the laws of the State of Texas or the Code of Ordinances, College Station, Texas.
- (k) In the event that the City finds that there are immediate serious health or safety violations that endanger the public or that the order to come into compliance with the permit, as provided herein above, has not been met, then the City shall immediately provide notice of hearing to the permittee, at the address provided or supplemented by permittee. The hearing shall take place in not less than ten (10) working days from the date of notice.
- (l) The City shall have the authority to revoke or suspend a permit where it is determined that the health or safety of the public is in danger or where it is determined that there has not been compliance with notices or orders to comply as provided herein.

(3) Record Keeping Requirements

Every operator of any permitted recycling drop-off center, temporary or permanent, shall maintain on the premises, available for inspection by the City during regular business hours, records of the center's activities, including:

- (a) The amount of each type of recyclable material received in each month.
- (b) Each shipment of recyclable material received from any other recycling drop-off center.
- (c) Each shipment of recyclable material received from a scrap dealer or junk dealer.
- (d) Any materials transferred to the recycling drop-off center but rejected upon submission for acceptance. Such record of the rejection shall indicate the date

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and place of rejection, the type and amount of each material rejected, and the reason for rejection.

(4) Collection and Sale of Recyclables

No person shall engage in the business of collecting and selling of residential recyclables in the City, and no person shall use the public streets, alleys and thoroughfares within the corporate limits of the City for the purpose of engaging in such business, other than a person who has executed a contract or franchise with the City providing for this collection.

D. SERVICE LEVEL AND APPEAL

The City may upon notice and hearing require replacement of containers and/or changes in container type or the service levels at any location when the current service level is deemed to be inadequate causing a health, sanitation or litter problem. The decision may be appealed to the City Manager by the customer.

E. COLLECTION RATES(1) General Rate Provision

Solid waste collection rates are applied based on both the method and number of services provided. Except as otherwise provided in this ordinance, the charges for solid waste collection and disposal shall be assessed according to the following schedule:

\$12.30 Each single family detached residential unit or residential units in a building with less than a total of four (4) attached residential units in a complex where each residential unit has been assigned a seventy (70) gallon automated solid waste container and provided with garbage, rubbish, brush and recycling collection once weekly.

\$8.66 Additional monthly fee for each residential unit that has been assigned more than one seventy (70) gallon automated solid waste container. This rate shall be assessed for each additional container utilized.

\$12.30 Each residential unit in a building with less than a total of four (4) attached residential units in a complex that has been assigned a shared 300 gallon or larger automated solid waste collection container, that has not been identified as a multi-family apartment complex by the City, and provided with twice per week garbage collection, once per week curbside recycling collection and once per week rubbish/brush collection.

\$5.78 Each residential unit in a building with a total of four (4) or more attached residential units in a complex that has been identified as a multi-family apartment complex by the City, and is assigned a large solid waste container shared by multiple residential units for garbage collection only. Service will be provided twice weekly. Fraternities, Sororities, Privately Owned Student Dorms, and customers within a residential and mixed use location shall not be assessed this rate, and will be charged according to the variable commercial collection rates listed in paragraph (2) below.

\$12.00 Minimum monthly charge for small businesses that jointly use a commercial-type refuse container without causing a health, sanitation or litter problem.

(2) Commercial Collection Rates

The monthly per container garbage collection and disposal charge for commercial locations shall be based on container size, number of containers utilized and frequency of collection per week.

<u>Container Size</u>	<u>Frequency of Collection</u>	<u>Monthly Rate</u>
90 Gallon Automated	1	\$ 12.00
	2	24.00
	3	36.00
	4	48.00
	5	59.00
	6	71.00
300/400 Gallon Automated or 2 cubic yard Non-Compactor	1	\$ 87.00
	2	113.00
	3	138.00
	4	164.00
	5	190.00
	6	220.00
4 cubic yard Non-Compactor	1	\$108.00
	2	144.00
	3	178.00
	4	216.00
	5	252.00
	6	286.00
8 cubic yard Non-Compactor	1	\$134.00
	2	185.00
	3	237.00
	4	287.00
	5	339.00
	6	390.00
2 cubic yard Compactor	1	\$ 90.00
	2	179.00
	3	269.00
	4	359.00
	5	448.00
	6	538.00
4 cubic yard Compactor	1	\$121.00
	2	242.00
	3	363.00
	4	484.00
	5	605.00
	6	726.00
6 cubic yard Compactor	1	\$163.00
	2	326.00
	3	489.00
	4	652.00
	5	815.00
	6	978.00

(3) Additional Charges

The following additional charges will be assessed and collected upon the performance of the described service or the occurrence of the described use or condition:

- \$2.09 Per cycle fee for usage of the Northgate Promenade Commercial Compactor. The minimum monthly charge as described in paragraph one above for small businesses that jointly use a commercial-type refuse container will apply until usage exceeds five cycles per calendar month.
- \$2.50 Daily rental fee for the use of any city-owned, 20 cubic yard roll-off container.
- \$2.65 Daily rental fee for the use of any city-owned, 30 cubic yard roll-off container.
- \$2.85 Daily rental fee for the use of any city-owned, 40 cubic yard roll-off container.
- \$4.00 Per carcass fee for 1 to 19 animal carcasses collected from a commercial veterinarian, plus a flat rate service charge of \$20.00. Flat rate service charge is waived for 20 or more animal carcasses collected at one time.
- \$10.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 90 gallon container.
- \$15.00 Additional fee for any location (other than residential) where the container was unserviceable and the collection vehicle was required to return to provide service.
- \$20.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 300 gallon or 400 gallon container.
- \$25.00 Additional fee for delivery and set-up on any city-owned, roll-off container.
- \$20.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 2 cubic yard container.
- \$25.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 2 cubic yard compactor.
- \$30.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 4 cubic yard container.
- \$35.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 4 cubic yard compactor.
- \$40.00 Additional fee for collection service requested by customer in addition to the scheduled service on an 8 cubic yard container.
- \$45.00 Additional fee for collection service requested by customer in addition to the scheduled service on a 6 cubic yard compactor.
- \$50.00 Unprepared solid waste minimum charge.
- \$100.00 All roll-off container service per load plus current per ton landfill charge.

SECTION 6: INDUSTRIAL WASTE REGULATIONS**A. TITLE**

This section is and may be cited as, "City of College Station, Texas, Industrial Waste Regulations."

B. PURPOSE

This section sets forth uniform requirements for direct and indirect contributions into the POTW for the City of College Station, Texas, and enables the City to comply with all applicable Federal and State 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:

- (1) To prevent the introduction of pollutants into the POTW that will interfere with their operation, or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the POTW that will pass through the wastewater treatment plant, inadequately treated, into receiving waters, or otherwise be incompatible with either the collection system or the treatment plant;
- (3) To protect both collection system and treatment plant personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the treatment plant;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the collection system and the treatment plant; and
- (6) To enable the City to comply with its Texas Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other applicable Federal or State laws to which the City is subject.

This section shall apply to all customers of the City's POTW. The ordinance provides for monitoring, compliance, and enforcement activities; issuing permits, and provides for the setting of fees for the equitable distribution of costs for the collection and treatment of wastewater.

C. ABBREVIATIONS

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

- (1) BOD -Biochemical Oxygen Demand
- (2) CFR -Code of Federal Regulations
- (3) COD -Chemical Oxygen Demand
- (4) EPA -U.S. Environmental Protection Agency

- (5) FOG -Fats, Oils and Greases
- (6) gpd -gallons per day
- (7) mg/l -milligrams per liter
- (8) NPDES -National Pollutant Discharge Elimination System
- (9) POTW -Publicly Owned Treatment Works
- (10) RCRA -Resource Conservation and Recovery Act
- (11) SIC -Standard Industrial Classification
- (12) TPDES -Texas Pollutant Discharge Elimination System
- (13) TSS -Total Suspended Solids
- (14) U.S.C. -United States Code

D. PROHIBITED DISCHARGE STANDARDS

(1) General Prohibitions

No customer 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 customers of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements.

(2) Specific Prohibitions

No customer shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21 (Code of Federal Regulations Title 40 Protection of the Environment, Chapter I Environmental Protection Agency, Part 261 Identification and Listing of Hazardous waste);
- (b) Wastewater having a pH less than 5.5 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- (c) 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 one half (1/2) inch in any dimension;
- (d) 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;

- (e) Wastewater having a temperature greater than 150°F (65°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 increase at a rate of 10 °F per hour or to exceed 104°F (40°C);
 - (f) Oil and Grease, petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through, but in no case shall the amount exceed 100 mg/l oil & grease;
 - (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;
 - (h) Trucked or hauled pollutants, except at discharge points designated by the City in accordance with this ordinance;
 - (i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (j) Wastewater which imparts color which cannot be removed by the treatment process, including, 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;
 - (k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable Federal or State regulations;
 - (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the City;
 - (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (n) Medical wastes, except as specifically authorized by the City;
 - (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
 - (p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
 - (q) Fats, Oils, and Greases (FOG) of animal or vegetable origin in concentrations greater than 200 mg/l;
- (3) 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.

E. STATE PRETREATMENT STANDARDS

State pretreatment standards located in Chapter 315 of the Texas Administrative Code as amended are hereby incorporated.

F. LOCAL LIMITS

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 allowable discharge limits:

<u>Pollutant</u>	<u>Limit mg/l</u>	<u>Pollutant</u>	<u>Limit mg/l</u>
arsenic	0.05	mercury	0.005
benzene	0.0	molybdenum	1.0
beryllium	0.0	nickel	1.0
BOD ₅	20	FOG (animal/plant origin)	200
boron	1.0	selenium	0.02
cadmium	0.25	silver	0.1
chromium	3.0	tin	1.0
copper	1.0	total phenols	12.0
cyanide	1.0	total suspended solids	200
lead	0.1	zinc	5.0
oil and grease (petroleum origin)			100

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The City may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

G. DILUTION

No customer shall 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 City 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.

H. PRETREATMENT OR EQUALIZATION OF WASTE FLOWS

(1) Design and Installation

Customers shall provide 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 6D and 6F herein within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the customer's expense. Detailed plans describing such facilities and operating procedures shall be

submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the customer from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance. All pretreatment facilities and operating procedures shall be completed and in operation no later than one year after this ordinance becomes effective.

(2) Additional Pretreatment Measures

- (a) Whenever deemed necessary, the City may require customers 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the customer's compliance with the requirements of this ordinance.
- (b) The City 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 City, they are necessary for the proper handling of wastewater containing excessive amounts of regulated wastes, including but not limited to; grease, oil, and sand. Interceptors shall not be required for residential customers. All interceptors shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. All interceptors shall be constructed of impervious materials capable of withstanding abrupt changes in temperature; shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas and water tight.
- (d) Customers with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(3) Maintenance of Facilities

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at owner's expense.

Interceptors shall be inspected, and repaired regularly, as needed, by the customer, at customer's expense. Additionally, interceptors shall be cleaned (pumped out) on a monthly basis unless size and volume require more frequent cleaning or specific permission for less frequent cleaning has been granted by the City.

I. INTERCEPTORS

(1) Purpose

To aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of wastes, including but not limited to; fats, oils, greases, sand, and grit into the City's sanitary sewer system from industrial or commercial customers, including but not limited to; food preparation and serving facilities, car wash facilities, automotive repair and maintenance shops.

(2) Interceptor Maintenance, Record Keeping, and Grease Removal

- (a) Grease interceptors shall be installed by all retail and wholesale food preparation establishments. The grease interceptors shall be installed at the customer's expense. Grease interceptors may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial customers when they are deemed necessary by the City for the proper handling of liquid wastes containing grease. All grease interceptors shall be serviced and emptied of accumulated waste (grease cap and sludge pocket) as required to maintain the interceptor above its Minimum Design Capability or effective volume, but not less often than every thirty (30) days, unless a different schedule is established in writing by the City. Customers who are required to pass wastewater through a grease interceptor shall:
- (i) Provide a minimum hydraulic retention time of twenty four (24) minutes at actual peak flow or twelve minutes (12) at calculated theoretical peak flow rate as predicted by the adapted plumbing code fixture criteria, between the influent and effluent baffles with twenty (20) percent of the total volume of the grease interceptor being allowed for sludge to settle and accumulate, identified hereafter as a "sludge pocket".
 - (ii) Ensure that the grease interceptors shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into the sludge pocket and thereby reduce the effective volume of the grease interceptor.
 - (iii) Ensure that if any skimmed or pumped wastes or other materials are removed from the grease interceptor and treated in any fashion onsite, and then reintroduced back into the grease interceptor as an activity of and after said onsite treatment, the customer shall be responsible for the attainment of established grease numerical limits consistent with and contained in this section on all discharges of wastewater from said grease interceptor discharged into the sanitary sewer collection and treatment system.
 - (iv) Operate the grease interceptor in a manner so as to maintain said device such that attainment of the oil and grease limit is consistently achieved. "Consistent" shall mean any grab sample taken from said grease interceptor discharge shall be subject to terms of numerical limit attainment described in this section. If an establishment desires, because of documented space constraints, an alternate to an out-of-building grease interceptor, the request for an alternative location shall contain the following information:
 - (a) Lot plat containing the building footprint, location of City sewer main and other utilities with their respective easements, and surveyed distances in relation to available exterior space outside of the building.
 - (b) Existing plumbing at or in a site that uses common plumbing for all services at that site.

- (v) Keep the area around the grease interceptor free of accumulated fats, oils and greases, and the area around the trap shall not cause an odor or health hazard.
 - (vi) Maintain a written record (on-site) of interceptor maintenance for a three (3) year period. All such records, including liquid waste manifests, shall be available for inspection by the City during the normal work week (Monday through Friday 8:00 a.m. to 5:00 p.m.).
 - (vii) Ensure that the grease interceptor is cleaned and maintained by a transporter registered with the State of Texas. The liquid waste collected shall be disposed of at a State of Texas authorized processing or treatment facility, a liquid waste transfer station, or a municipal solid waste landfill.
- (b) The use of biological additives as a grease degradation agent is conditionally permissible, upon prior written approval of the City. Any establishment using this method of grease abatement shall maintain the trap or interceptor in such a manner that attainment of the oil and grease discharge limit, as measured from the trap's outlet, is consistently achieved.
 - (c) The use of automatic grease removal systems is conditionally permissible, upon prior written approval of Director of College Station Utilities, the Building Official of the City of College Station, and the Brazos County Health Department Environmental Health Services. Any establishment using this equipment shall operate the system in such a manner that attainment of the oil and grease discharge limit, as measured from the unit's outlet, is consistently achieved.
 - (d) A one thousand (1,000) gallon interceptor shall be a minimum standard for all cooking or food processing establishments. The City reserves the right to make determinations of grease interceptor adequacy and need, based on review of all relevant information regarding the proposed grease interceptor performance, facility site inspection and building plan review. The City may require an interceptor of larger capacity, or repairs, modification, or replacement of present traps.
 - (e) If a Customer does not agree with the sample results taken by the City, the Customer will have the option to have two separate samples collected and analyzed by an independent contractor at the customer's expense. All sampling shall be during the peak wash time for the cooking establishment. The average of the two samples will be accepted as the official discharge results. The City shall have a representative on-site during the sampling.
 - (f) Only sinks used for kitchen utensil and cookware washing, dishwashers, and floor drains in the kitchen area shall be connected to the grease interceptor. Outside covered areas, that are constructed as to exclude all storm water, with floor drains utilized to wash kitchen vent filters and other grease laden kitchen fixtures may, with the City's approval be connected to the grease interceptor.
 - (g) Except as provided herein, for a period of one (1) year following adoption of this Ordinance, although installation of grease interceptors shall be required at the

time of adoption of this ordinance, no enforcement actions will be taken under this Ordinance for failure to achieve discharge limits from grease interceptors. If during this one year period an obstruction of a City sewer main or lateral occurs and causes a sewer back-up and/or overflow and the back-up or overflow can be attributed in part or in whole to an accumulation of grease or other wastes discharged by the customer into the City's sewer main or lateral the person is responsible for any costs incurred from damage or stoppages caused by the sewer back-up and/or overflow. The City may bill the person for all direct and indirect costs incurred by the City due to the back-up and/or overflow.

- (h) Access manholes, with a minimum diameter of 30 inches, shall be provided over each grease chamber and sanitary tee. The access manholes shall extend at least to finish grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, liquid waste removal, and discharge sampling activities.

(3) Oil, Sand, and Grit Interceptors

- (a) If the City permits the pretreatment or equalization of waste flows, the design and installation shall be subject to the review and approval of the Director and subject to the requirements of all applicable codes, ordinances and laws.
- (b) When a customer operates a facility whose wastewater is associated with discharges of oil, sand, grit and gravel an interceptor shall be installed. Oil, sand, and grit interceptors shall be installed by the customer as required by the City and at the customer's expense. Facilities required to install grit or grease interceptors, includes but is not limited to; automatic and coin operated laundries, car washes, fueling stations, commercial garages or similar businesses having wash or grease racks. Customers who are required to pass wastewater through an oil, sand or grit interceptor shall:
 - (i) Maintain ambient fluid temperatures of forty (40) to seventy (70) degrees Fahrenheit at standard atmospheric conditions;
 - (ii) Oil/water specific gravity differential of 0.15;
 - (iii) Maintain the oil concentration in the wastewater so that it meets all Federal, State and local discharge limits.
 - (iv) Maintain a written record on-site of interceptor maintenance for three (3) years. All such records, including liquid waste manifests, shall be available for inspection by the City during the normal workweek (Monday through Friday 8 a.m. to 5:00 p.m.).
- (c) Except as provided herein, for a period of one (1) year following adoption of this Ordinance, although installation of oil, sand, or grit Interceptors shall be required at the time of adoption of this ordinance, no enforcement actions will be taken under this Ordinance for failure to achieve discharge limits from the interceptors. If during this one year period an obstruction of a City sewer main or lateral occurs and causes a sewer back-up and/or overflow and the back-up or overflow can be attributed in part or in whole to an accumulation of waste discharged by

the customer into the City's sewer main or lateral the person is responsible for any costs incurred from damage or stoppages caused by the sewer back-up and/or overflow. The City may bill the person for all direct and indirect costs incurred by the City due to the back-up and/or overflow.

- (d) Access manholes, with a minimum diameter of 30 inches, shall be provided over each oil or grit chamber and sanitary tee. The access manholes shall extend at least to finish grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, liquid waste removal, and discharge sampling activities.
- (e) The grit interceptor shall be cleaned and maintained by a transporter registered with the State of Texas. The liquid waste collected shall be disposed of at a State of Texas authorized processing or treatment facility, a liquid waste transfer station, or a municipal solid waste landfill.

J. SURCHARGE FOR WASTES OF ABNORMAL STRENGTH

If the City permits the acceptance of wastes of abnormal strength or character for treatment, a surcharge calculated as follows shall be added to the basic sewer charge to cover the added cost of handling and treating the wastes:

$$\text{Surcharge} = V[a(\text{FOG} - x) + b(\text{BOD} - 200) + c(\text{SS} - 200)]$$

V = Volume discharge in millions of gallons.

a = FOG surcharge factor (dollars per million gallons per parts per million by weight) based on the treatment costs attributable to the removal of FOG (fats, oils, greases).

x = 200 when it pertains to an animal or vegetable oil

x = 100 when it pertains to petroleum oil, non biodegradable cutting oil, or products of mineral oil origin

b = BOD surcharge factor (dollars per million gallons per parts per million by weight) based on the treatment costs attributable to the removal of BOD (biological oxygen demand).

c = SS surcharge factor (dollars per million gallons per parts per million by weight) based on the treatment costs attributable to the removal of SS (suspended solids).

K. INDUSTRIAL WASTE PERMIT

(1) Who Must Apply

Any person discharging or proposing to discharge into the public sewers industrial wastes which contain the substances or possess the characteristics enumerated in this - section shall make application for sewer connection to the City on a form to be furnished by the City.

(2) Application Procedures and Conditions

The following shall apply to new customers requesting wastewater taps to discharge industrial or commercial wastes to the public sewers after the effective date of this section:

- (a) Application shall be made for sewer service at the time the new customer applies for and pays the tap fees.
- (b) Within thirty (30) days of receipt of the application, the City will furnish the applicant an opinion as to acceptability of the wastes.
- (c) If the wastes are not acceptable in the opinion of the City, the surcharge specified in subsection K herein shall become effective thirty (30) days from the date of the opinion furnished the applicant. This surcharge shall continue until acceptable corrective measures are taken or sewer service is discontinued.
- (d) If the City finds that the wastes should be rejected, or require pretreatment or flow equalization, the applicant will be allowed eighteen (18) months from the date of initiation of the surcharge to provide corrective measures to make the wastes acceptable.

L. INSPECTION, SAMPLING, MEASURING, AND TESTING INDUSTRIAL WASTES

(1) Control Manholes

When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the owner at owner's expense and shall be maintained by owner so as to be safe and accessible at all times.

(2) Sampling Procedures

All measurements, tests, and analyses of the characteristics of wasters and wastes to which reference is made in this section shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of outfalls of a premise is appropriate or whether a grab sample or samples should be taken.

The City shall take samples of waste discharges from an establishment as often as is determined necessary to adequately monitor and control the discharges. If an owner desires additional samples, the City may require the owner to pay the cost of the additional service.

(3) Inspections

Duly authorized employees of the City shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this section during such times as the business has personnel on site and equipment in operation.

M. AUTHORITY TO DISCONNECT SERVICE

Any person found to be discharging into public sewers any of the prohibited industrial wastes set out in this section shall be served by the City with written notice stating the nature of the violation.

The City is authorized to immediately disconnect the offending person's sewer and water service upon such notice and to not reconnect it as long as the violation continues.

SECTION 7: MUNICIPAL DRAINAGE UTILITY SYSTEM**A. CLASSIFICATION OF REAL PROPERTY**

The real property benefiting from the ordinance shall be classified as follows:

- (1) Commercial and
- (2) Residential

B. EXEMPTIONS

Any person owning real property in the jurisdictional limits of the City of College Station, Texas shall be exempt from the Municipal Drainage Utility System when one of the following conditions exists:

- (1) Property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
- (2) Property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the City for maintenance;
- (3) A subdivided lot, until a structure has been built on the lot and a certificate of occupancy has been issued by the City; and
- (4) The following governmental entities:
Texas A&M University
College Station Independent School District
City of Bryan

C. RATES

All charges shall be made in accordance with the classification of properties by the following categories:

- (1) Residential service shall be charged on the basis of a set fee per residential unit.
 - (a) Each single family detached residential unit and each duplex residential unit
\$3.50 per month.
 - (b) Each residential unit with two (2) or more attached residential units and all residential units in a complex identified as a multi-family apartment complex
\$1.57 per month.
- (2) All other lots, tracts and parcels of land within the City shall be considered and charged on the basis of commercial use in accordance with the following schedule of drainage charges which are hereby levied against all such remaining lots, tract or parcels of land within the City unless covered by exemptions listed herein.

Commercial service shall be calculated on the basis of building square footage.

\$1.65/1000 sq. ft. per month

SECTION 8: WATER CONSERVATION

WATER CONSERVATION PLAN

In accordance with the rules of the Texas Water Development Board (TWDB) and Texas Commission on Environmental Quality (TCEQ) Rules located in the Texas Administrative Code, Title 30, Part 1, Chapter 288, as they currently exist or as amended from time to time, the City has adopted a Water Conservation Plan. A copy of the City's Water Conservation Plan will be maintained on file with the City Secretary. This water conservation plan underlies the City's commitment to provide its customers a safe, reliable water supply.

The City will evaluate the plan on an annual basis in accordance with current Federal and State regulations and modify accordingly.

SECTION 9: DROUGHT CONTINGENCY AND WATER EMERGENCY PLAN**A. INTRODUCTION**

Safe, high quality drinking water is a precious resource in the Bryan-College Station region. This Drought Contingency and Water Emergency Plan (the "Plan") requires that the available water resources of the City of College Station be put to maximum beneficial use along with the available water resources to the maximum extent possible. The Plan also requires that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of water be extended with a view to reasonable and beneficial use in the interests of the people of the College Station community and for the public health and welfare. Emergency conditions resulting from equipment or system failures are also addressed in this Plan. This Plan has been coordinated with the Brazos Region (Region G) Water Planning Group. The Plan will be reviewed and updated as necessary at a minimum of every five (5) years.

B. AUTHORIZATION

The City Manager is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The City Manager shall have the authority to initiate or terminate drought stages or water supply emergency response measures as described in this Plan.

C. PUBLIC EDUCATION

The City will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of press releases, utility bill inserts, public events, and similar methods.

D. APPLICATION

The provisions of this Plan shall apply to all customers. Utilization of a water source other than City potable water is exempt from the provisions of this Plan.

E. TRIGGER CONDITIONS

Daily water demand will be monitored for emergency conditions by the City. Trigger conditions will be based on an emergency situation caused by a natural disaster, equipment or system failure, or high daily average water demand. The City Manager, on recommendation of College Station Utilities, shall determine when conditions warrant initiation or termination of each stage of the Plan.

In the spirit of cooperation, various interconnections are in place between the City of College Station, City of Bryan and Texas A&M University that may be utilized to provide water in emergency conditions provided there is not an additional emergency situation created by any water transfer. These shared water resources shall be evaluated and/or implemented prior to initiation of each stage of the Plan.

The trigger conditions described below are based on the fact that the City of College Station uses groundwater as its water supply, and therefore, will likely be constrained by system capacity before shortage of supply.

(1) Stage 1 – Voluntary Water Conservation

- (a) Requirements for initiation – Customers may be requested to voluntarily conserve water and adhere to the water restrictions on non-essential water use, as outlined herein in Responses to Trigger Conditions, Stage 1, each year from May 1 through September 30.

- (b) Requirements for termination – Stage 1 of the Plan may be rescinded at any time by the City Manager .

(2) Stage 2 – High Water Demand

- (a) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on non-essential water uses, as outlined herein in Responses to Trigger Conditions, Stage 2, when:
- (i) Average daily water consumption for three (3) consecutive days reaches 90% of production/distribution capacity of the City water system;
 - and
 - (ii) Consideration of weather conditions for drought classification determination includes predicted long cold or dry periods.
 - or
 - (iii) Emergency water supplied to the City of College Station by contractual agreement through system interconnections with Texas A&M University or the City of Bryan is curtailed or interrupted.
- (b) Requirements for termination - Stage 2 of the Plan may be rescinded by the City Manager when the condition(s) listed above as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

(3) Stage 3 – Severe Water Shortage

- (a) Requirements for initiation – Customers shall be required to comply with the requirements and restrictions on non-essential water uses, as outlined herein in Responses to Trigger Conditions, Stage 3, when:
- (i) The City average daily water consumption for three (3) consecutive days reaches 95% of production/distribution capacity of the system, or the City daily water consumption will not enable storage levels to be maintained.
- (b) Requirements for termination - Stage 3 of the Plan may be rescinded by the City Manager when the condition(s) listed above as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative as directed by the City Manager .

(4) Stage 4 – Water Supply Emergency

- (a) Requirements for initiation - Customers shall be required to comply with the requirements and restrictions on non-essential water uses, as outlined herein in Responses to Trigger Conditions, Stage 4, when:
- (i) The City water system is contaminated whether accidentally or intentionally. A Water Supply Emergency condition is reached immediately upon detection.
 - or
 - (ii) The City water system fails for any reason. A Water Supply Emergency condition is reached immediately upon detection.
- (b) Requirements for termination - Stage 4 of the Plan may be rescinded by the City Manager when the condition(s) listed above as triggering events have ceased to exist. Upon termination of Stage 4, the previously initiated stage becomes operative as directed by the City Manager.

F. NOTIFICATION

- (1) Public Meeting – This Plan has been presented to the public at a formal public meeting with a request for comments.

- (2) Public notification of the initiation or termination of drought response stages shall be by means of publication in a newspaper widely circulated in College Station and public service announcements on local television and/or cable service. Additional methods of public notification may include signs posted in public places, utility bill inserts, and other means to be determined by the City.
- (3) When mandatory restrictions are enacted with the initiation of Stage 2, Stage 3, and/or Stage 4, the Executive Director of TCEQ will be notified, at a minimum via telephone, within five (5) business days. When any particular stage is rescinded, the Executive Director of TCEQ will again be notified, at a minimum via telephone, within five (5) business days.

G. **RESPONSES TO TRIGGER CONDITIONS**

The City shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth herein, shall determine that a voluntary, moderate or severe water shortage condition exists and shall implement the following actions upon notice as provided herein:

(1) **Stage 1 - Voluntary Water Conservation**

The goal for Stage 1 of the Plan is to raise public and customer awareness of water demand conditions.

Voluntary Water Use Measures:

- (a) Water customers are requested to voluntarily limit non-essential water use by practicing water conservation and reducing non-essential water uses, defined in Part E (5) of this Plan.

(2) **Stage 2 – High Water Demand - Water Demand Exceeds 90% of System Capacity**

The goal for Stage 2 of the Plan is to reduce and maintain average daily water demand at or below ninety percent (90%) of system capacity.

In the event that the City Manager enacts Stage 2 the following water use restrictions shall apply to all persons:

- (a) Water customers are required to participate in the 5-day Watering Schedule for non-essential water use. Non-essential water use shall only occur on a designated outdoor watering day, which will be once every five days. The 5-day Watering Schedule will be determined and distributed each year by the City.
- (b) Non-essential water use is permitted:
 - (i) From midnight to 9:00 am and from 8:00 pm to midnight on a customer's designated watering day.
 - (ii) Anytime, by the use of hand-held hoses equipped with a positive pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being held by the water user, by drip irrigation, by soaker hose, or by hand-held buckets.
- (c) The time restrictions do not apply to:
 - (i) The irrigation of commercial plant nurseries.
 - (ii) Irrigation using reclaimed water.
 - (iii) New landscape installation during planting and the first ten days after planting.
 - (iv) The testing of new irrigation systems or existing irrigation systems being tested or under repair.
- (d) The washing of automobiles, trucks, motorbikes, boats, trailers, airplanes or other vehicles is permitted:

- (i) On designated watering days, from 12:00 midnight to 9:00 am and from 8:00 pm to 12:00 midnight.
 - (ii) Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses.
 - (iii) The washing of individual vehicles may be done at any time on the immediate premises of a commercial car wash or commercial service station.
 - (iv) Further, this restriction does not apply to the washing of vehicles or any other type of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing.
- (e) Charity car washes are prohibited.
 - (f) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or Jacuzzi-type pools is permitted only on designated watering days from 12:00 midnight to 9:00 am and from 8:00 pm to 12:00 midnight.
 - (g) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life. This restriction does not apply to ornamental fountains or ponds that use reclaimed water, non-potable water, or water sources other than the City.
 - (h) Use of water from fire hydrants shall be limited to fire fighting and related activities, or other activities necessary to maintain public health, safety, and welfare. Use of water from designated fire hydrants for construction purposes may be allowed when a variance has been approved by the City Manager.
 - (i) Use of water for the irrigation of golf course greens, tees, and fairways is permitted only on designated watering days. Such irrigation shall only occur from 12:00 midnight to 9:00 am and from 8:00 pm to 12:00 midnight. These restrictions do not apply to the irrigation of any golf course that uses reclaimed water, or other non-potable water sources.
 - (j) All restaurants are prohibited from serving water to their patrons except when requested.
 - (k) The following uses constitute a waste of water and are prohibited:
 - (i) Washing sidewalks, walkways, driveways, parking lots, tennis courts, patios or other hard-surfaced areas except to alleviate immediate health or safety hazards.
 - (ii) Use of water for dust control.
 - (iii) Allowing water to run off a property or allowing water to pond in the street or parking lot.
 - (iv) Operating an irrigation system with sprinkler heads that are broken or out of adjustment.
 - (v) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).
 - (vi) Washing an automobile, truck, trailer, boat, airplane, or other mobile equipment with a hand-held hose not equipped with a pistol grip nozzle or other device that automatically shuts off water flow when the hose is not being held by the water user.

(3) Stage 3 – Severe Water Shortage - Water Demand Exceeds 95% of System Capacity

The goal for Stage 3 of the Plan is to reduce and maintain average daily water demand at or below ninety five percent (95%) of system capacity.

In the event that the City Manager enacts Stage 3 the following water use restrictions shall apply to all persons:

- (a) Supply Management Measures – The City will cease the flushing of water mains except when necessary to maintain public health, safety, and welfare. All City departments will discontinue irrigating public landscaped areas except when such areas are irrigated with reclaimed water, or water source other than that provided by the City.
- (b) Water Use Restrictions – All requirements of Stage 2 shall remain in effect during Stage 3, with these additional water use restrictions:
 - (i) Non-essential water use is restricted to use of hand-held buckets, or hand-held hoses equipped with a positive pistol grip nozzle, or other device that automatically shuts off water flow when the hose is not being held by the water user. Such water use may occur only between the hours of 6:00 a.m. to 9:00 a.m. and 8:00 p.m. to 10:00 p.m. on designated non-essential water use days. The use of permanently installed irrigation systems, drip irrigation systems, and hose end irrigation is prohibited.
 - (ii) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring on the immediate premises of a commercial car wash or a commercial service station and not in the immediate interest of the public health, safety, and welfare are prohibited. The washing of such vehicles under public safety and health situations may only occur between 6 a.m. and 9 a.m.
 - (iii) Commercial plant nurseries may use only hand-held buckets, or hand-held hoses equipped with a positive pistol grip nozzle, or other device that automatically shuts off water flow when the hose is not being held by the water user.
 - (iv) The filling, refilling, or adding of potable water to swimming or wading pools is prohibited.
 - (v) No new landscapes of any type may be installed.
 - (vi) All variances granted under a previous stage shall be invalid during Stage 3. The use of water under variances granted by the City Manager is to be discontinued.

(4) Stage 4 – Water Supply Emergency

The goal for Stage 4, Water Supply Emergency, is to rectify the emergency and return to normal operating conditions as soon as possible.

In the event of an imminent or actual water supply emergency due to either loss of water supply source (including contamination) and/or system failure, the City Manager has the authority to initiate the following Water Supply Emergency Responses:

- (a) The City Manager may request assistance from the City of Bryan and Texas A&M University in maintaining distribution system volume and pressure during the emergency conditions.
- (b) Effective immediately upon initiation of Stage 4, all non-essential water use shall be discontinued, except for immediate health and safety purposes.
- (c) In the event that water shortage or water emergency conditions threaten public health, safety, and welfare, the City Manager, upon recommendation of College Station Utilities, may order water rationing and/or terminate service to selected users of the system in accordance with the following sequence:
 - (i) Recreational users,

- (ii) Commercial users,
- (iii) School users,
- (iv) Residential users, and
- (v) Hospitals, public health, and safety facilities.

(d) Public Notification:

In the event that minimum health and safety standards for drinking water are not met during emergency conditions, public service announcements on local television and radio stations will be utilized to notify the public of the emergency conditions and response measures. These response measures may include notifying the public of the need to boil water, use bottled water, or use a designated alternate water source, as appropriate.

(e) Emergency Management Assistance:

The City may seek assistance through the local and/or State Emergency Management Program.

H. VARIANCES

- (1) The City Manager may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such a variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance, or if one or more of the following conditions are met:
 - (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
 - (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.
- (2) Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City. All petitions for variances shall be reviewed by the City Manager and shall include the following:
 - (a) Name and address of the petitioner(s),
 - (b) Purpose of water use,
 - (c) Specific provision(s) of the Plan from which the petitioner is requesting relief,
 - (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan,
 - (e) Description of the relief requested,
 - (f) Period of time for which the variance is sought,
 - (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date,
 - (h) Estimated water savings, as a percentage (%) of normal monthly water use, while operating under the variance requested, and
- (3) Other information requested by the City. Variances granted by the City Manager shall be subject to the following conditions, unless waived or modified:

- (a) Variances granted shall include a timetable for compliance, and
 - (b) Variances granted in a particular stage shall expire upon advancing to a more restrictive stage of the Plan.
 - (c) Petitioners shall prominently display the variance granted where it can be read by the general public at all location(s) for which the variance applies, and make said variance available to the public.
 - (d) Variances granted may be revoked by the City Manager if the petitioner fails to meet specific requirements set forth in the variance.
- (4) No variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

I. WHOLESALE AGREEMENTS/CONTRACTS PROVISION

In the event that the Trigger Conditions specified by Stage 3 – Severe Water Shortage, or Stage 4 – Water Supply Emergency, of this Plan have been met, the City Manager is hereby authorized to initiate allocation of water supplies to wholesale customers on a pro rata basis. This stipulation applies to all existing and future wholesale water supply contracts or agreements made with the City. The pro rata basis for water allocation to wholesale customers will be made in accordance with the Texas Water Code §11.039 and as specified in 30 Texas Administrative Code §288.22(a)(7).

J. ENFORCEMENT

No person shall allow potable water from the City to be used for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the stage in effect at the time pursuant to action taken by the City Manager in accordance with provisions of this Plan.

If a person is convicted of three or more distinct violations of this Plan, the City shall provide written notice to the person of possible termination of service. The notice shall apprise the person of the possible termination of service, the reasons for such possible termination, and afford the person an opportunity to present his/her objections to termination in a hearing before the City Manager. The person shall have not less than ten (10) days to present his/her objections. The notice shall also contain the notice requirements described in TCEQ Commission Rules located in the 30 Texas Administrative Code §291.88(a), as it currently exists or as amended from time to time. If after such hearing, the City Manager determines that service will be terminated, services discontinued under such circumstances shall be restored only upon payment of the reconnection charge, as established in Section 1 of this Chapter, and any other costs incurred by the City in discontinuing service. In addition, suitable assurance must be given to the City Manager, that the same action shall not be repeated while the Plan is in effect. Compliance with this Plan may also be sought through injunctive relief in the district court.

K. PRESUMPTIONS

- (1) Any person, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did not commit the violation.
- (2) Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation.

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**SECTION 10: CROSS-CONNECTION CONTROL
AND BACKFLOW PREVENTION****A. CROSS-CONNECTION STANDARDS**

Every source of contamination or possible contamination from any contaminant which originates from or is located at a residential or commercial customer, that is connected to any public water supply or that provides water to the public, shall be equipped with the protection required under the provisions of this section.

B. DEFINITIONS

For the purpose of this ordinance, the following definitions apply unless the context clearly indicates or requires a different meaning. If a word or term used in this ordinance is not contained in the following list, or in Section 1 A of this Chapter, its definition, or other technical terms used, shall have the meaning or definitions listed in the most recent adopted edition of the 2000 International Plumbing Code as amended and/or the most recent Manual of Cross-Connection Control published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC FCCCHR). The following definitions shall apply to this ordinance.

- (1) Air Gap - shall mean a physical separation between the free flowing discharge end of a potable water supply piping and/or appurtenance and an open or non-pressure receiving vessel, plumbing fixture or other device. An "approved air-gap separation" shall be at least twice the diameter of the supply pipe measured vertically above the overflow rim of the vessel, plumbing fixture or other device in no case less than one inch.
- (2) Atmospheric Vacuum Breaker Backflow Prevention Device or Atmospheric Vacuum Breaker or AVB - shall mean a device used to prevent backsiphonage. This device cannot be tested but can be field inspected to verify proper operation. This device cannot prevent backpressure backflow.
- (3) Auxiliary Supply - shall mean any water source or system other than the public water system, that may be available in the building or on the property, including ground water or surface waters used for industrial, irrigation or any other purpose.
- (4) Backflow Prevention Assembly or Assembly - shall mean an assembly to counteract back pressure or prevent backsiphonage.
- (5) Backflow- shall mean the flow in the direction opposite to the normal flow or the introduction of any foreign liquids, gases, or substances into the water system.
- (6) Backpressure - shall mean any elevation of pressure in the downstream piping system (by any means) above the supply pressure at the point of consideration which would cause, or tend to cause, a reversal of the normal direction of flow.
- (7) Backsiphonage - shall mean the flow of water or other liquids, mixture or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by a sudden reduction of pressure in the potable water supply system.
- (8) Boresight or Boresight to Daylight - Shall mean providing adequate drainage for backflow prevention assemblies installed in vaults through the use of an unobstructed drain pipe.
- (9) Contaminants - shall mean any foreign material, solid, liquid or gaseous, that is not common to the potable water supply which makes the water unfit or undesirable for human or animal consumption.

- (10) Contamination - means the admission of contaminants into the potable water supply system.
- (11) Cross-connection - shall mean any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it is possible for any nonpotable, used, unclean, polluted and/or contaminated water, or other substances, to enter into any part of such potable water system under any condition or set of conditions.
- (12) Cross-connection Control Device - shall mean any approved or recognized device placed upon any connection, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, which is designed to prevent nonpotable, used, unclean, polluted and/or contaminated water, or other substances, from entering into any part of such potable water system under any condition or set of conditions.
- (13) Customer Service Inspection - shall mean an inspection designed to inspect and detect any actual or potential cross-connection hazards and/or exceedence of the lead action level in solder or flux, pipe or pipe fittings.
- (14) Degree of Hazard - shall mean the low or high hazard classification that shall be attached to all actual or potential cross-connections.
- (a) Health Hazard - means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the customer's potable water system that would be a danger to health.
- (b) High Hazard - means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may cause illness or death to backflow into the potable water supply.
- (c) Low Hazard - means the classification assigned to an actual or potential cross-connection that potentially could allow a substance that may be objectionable but not hazardous to one's health to backflow into the potable water supply.
- (d) Pollution Hazard - means an actual or potential threat to the physical properties of the water system or the potability of the public or the customer's potable water system, but which would not constitute a health or system hazard, as defined. Maximum degree of intensity of pollution which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances.
- (e) System Hazard - means an actual or potential threat of severe danger to the physical properties of the public or customer's potable water supply or of a pollution or contamination that would have a detrimental effect on the quality of the potable water in the system.
- (15) Double Check Detector Backflow Prevention Assembly or Double Check Detector or DCDA - shall mean an assembly composed of a line-size approved double check assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accurately for very low rates of flow.
- (16) Double Check Valve Backflow Prevention Assembly or Double Check Assembly or Double Check or DC - shall mean an assembly which consists of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.

- (17) Fireline Tester - shall mean a tester who is employed by a state approved fireline contractor and is qualified to test backflow prevention assemblies on firelines.
- (18) General Tester - shall mean a tester who is qualified to test backflow prevention assemblies on any domestic, commercial, industrial or irrigation service except firelines.
- (19) Manual of Cross Connection Control means the latest edition as published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (abbreviated as USC FCCCHR).
- (20) Mobile Unit - shall mean any operation which may have the potential to introduce contaminants into a potable water system from a mobile source. These include, but are not limited to; carpet cleaning vehicles, water-hauling vehicles, street-cleaning vehicles, liquid-waste vehicles, power-wash operations and pest-control vehicles.
- (21) Non-residential Use - shall mean water used by any person other than a residential customer of the water supply and include all uses not specifically included in residential use as defined herein.
- (22) Point-of-Use Isolation - shall mean the appropriate backflow prevention within the customers water system at the point at which the actual or potential cross-connection exists.
- (23) Potable Water Supply - shall mean any water supply intended or used for human consumption or other domestic use.
- (24) Premises Isolation - shall mean the appropriate backflow prevention at the service connection between the public water system and the water user.
- (25) Pressure Vacuum Breaker Backflow Prevention Assembly or Pressure Vacuum Breaker or PVB - shall mean an assembly which provides protection against backsiphonage, but does not provide adequate protection against backpressure backflow. The assembly is a combination of a single check valve with an AVB and can be used with downstream resilient seated shutoff valves. In addition, the assembly has suction and discharge gate valves and resilient seated test cocks which allows the full testing of the assembly.
- (26) Public Water System or System - shall mean any public or privately owned water system which supplies water for public domestic use. The system includes all services, reservoirs, facilities, and any equipment used in the process of producing, treating, storing, or conveying water for public consumption.
- (27) Reduced Pressure Principle Backflow Prevention Assembly or Reduced Pressure Principle Assembly or RP Assembly or RP - shall mean an assembly containing two independently acting approved check valves together with a hydraulically-operated, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The assembly shall include properly located resilient seated test cocks and a tightly closing resilient seated shutoff valve at each end of the assembly.
- (28) Reduced Pressure Principle Detector Backflow Prevention Assembly or Reduced Pressure Detector or RPDA - shall mean an assembly composed of a line-size approved reduced pressure principle assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register accurately for very low rates of flow.
- (29) Representative of the Water System - shall mean a person designated by the City to perform cross-connection control duties that shall include, but are not limited to, cross-connection inspections and water use surveys.

- (30) Residential Use - shall mean water used by any residential customer of the water supply and include single family dwellings, duplexes, multiplex, housing and apartments where the individual residential units are each on a separate meter or in cases where two or more units are served by one meter, the residential units are full-time dwellings.
- (31) Service Connection - shall mean the point of delivery which the water purveyor loses control of the water.
- (32) Spill-Resistant Pressure Vacuum Breaker or SPVB - shall mean an assembly containing an independently operating, internally loaded check valve and independently operating, loaded air inlet valve located on the discharge side of the check valve. This assembly is to be equipped with a properly located resilient seated test cock and tightly closing resilient seated shutoff valves attached at each end of the assembly.
- (33) Tester - shall mean a person that is a certified backflow prevention assembly technician approved by and registered with the City and the TCEQ.
- (34) Thermal Expansion - shall mean heated water that does not have the space to expand.
- (35) Used Water - shall mean water supplied by a public water system to a water user's system after it has passed through the service connection.
- (36) Water Use Survey - shall mean a survey conducted or caused to be conducted by the City designed to identify possible sources of pollution and/or contamination to the potable water supply.

C. RIGHT-OF-WAY ENCROACHMENT

No person shall install or maintain a backflow prevention assembly upon or within any City right-of-way except as provided in this section.

- (1) A backflow prevention assembly required by the City may be installed upon or within any City right-of-way only if the owner proves to the City that there is no other feasible location for installing the assembly, and installing it in the right-of-way will not interfere with traffic or utilities. The City retains the right to approve the location, height, depth of enclosure, and other requisites of the assembly prior to its installation.
- (2) All permits and inspections required by the Code of Ordinances, City of College Station, Texas to perform work in the right-of-way shall be obtained.
- (3) The assembly shall be installed below or flush with the surrounding grade except when it is not practicable to install it in this manner. Any assembly or portion of an assembly that extends above ground shall be located no closer than eighteen inches (18") to the face of the curb.
- (4) The City shall not be liable for any damage done to or caused by an assembly installed in a right-of-way.
- (5) A property owner shall, at the request of the City and at the owner's expense, relocate a backflow prevention assembly which encroaches upon any City right-of-way when such relocation is necessary for street or utility construction or repairs for purposes of public safety.
- (6) A person commits an offense if after receiving a written order from the City, he or she fails to relocate a backflow prevention assembly located in or upon any City right-of-way.

D. MULTIPLE CONNECTIONS

Any premises requiring multiple service connections for adequacy of supply and/or fire protection will be required to install a backflow assembly on each of the service lines to the premises. The

type of assembly will be determined by the degree of hazard that could occur in the event of an interconnect between any of the water systems on the premises.

E. PROTECTION REQUIRED; INSTALLATION

- (1) The backflow prevention assembly protection which is required under this ordinance shall be any of the USC FCCCHR recognized and approved backflow prevention assemblies, or as approved by the City. The City prior to installation must have approved each backflow prevention assembly. Failure to obtain such approval prior to installation of the backflow prevention assembly may result in the backflow prevention assembly failing to meet final approval by the City. The City shall determine the type and location of backflow assembly to be installed within the area served by the City. An assembly will be required in each of the following circumstances, but the customer is in no way limited to the following circumstances:
 - (a) The nature and extent of any activity of the premises, or the materials used in connection with any activity of the premises, or materials stored on the premise, if said activity or material could contaminate or pollute the potable water supply.
 - (b) Premises having any one or more cross-connections and the cross-connection(s) is protected by an atmospheric vacuum breaker device (AVB).
 - (c) Internal cross-connections are present that are not correctable.
 - (d) Intricate plumbing arrangements that are present which make it impractical to ascertain whether cross-connections exist.
 - (e) There is unduly restricted entry so that inspections for cross-connections cannot be made with sufficient frequency to assure that cross-connections do not exist.
 - (f) Installation of an approved backflow prevention assembly is deemed to be necessary to accomplish the purpose of these regulations in the judgment of the City.
 - (g) An appropriate cross-connection survey report form has not been filed with College Station Utilities upon request of the City.
 - (h) A fire suppression system that is connected to the City's water system.
 - (i) All new construction if deemed necessary in the customer service inspection. The type of assembly required will be determined by the degree of hazard.
 - (j) When a building is constructed on commercial premises, and the end use of such building is not determined or could change, a reduced pressure principle backflow prevention assembly may be installed at the service connection that supplies water for public domestic use.
 - (k) Any used water return system.
 - (l) In the event a point-of-use assembly has not had the testing or repair done as required by this ordinance, a premises isolation assembly will be required.
 - (m) If it is determined that additions or alterations have been made to the plumbing system without obtaining proper permits, premises isolation may be required.
 - (n) All multistory buildings or any building with a booster pump or elevated storage tank.

- (o) Retrofitting will be required on all high hazard connections and wherever else the City deems necessary to meet the intent of this ordinance.
- (2) All backflow prevention assemblies installed after the effective date of this ordinance shall be installed in a manner designed to facilitate ease of inspection and testing by the City or its chosen representative. Any currently installed backflow prevention assemblies which are located in inaccessible locations or where the tester is subject to physical danger shall be relocated to approved locations.

F. TESTING / INSPECTION OF DEVICES AND ASSEMBLIES

- (1) The City shall require all backflow prevention devices and assemblies to be both field inspected and tested in each of the following circumstances:
 - (a) Immediately after installation.
 - (b) Whenever the device or assembly is moved.
 - (c) A minimum of once a year for all commercial applications other than lawn irrigation systems.
 - (d) For premises that have been vacated and unoccupied for one year, prior to re-occupancy.
 - (e) Immediately after repairs.
 - (f) Once every five (5) years for residential and commercial lawn irrigation systems.

The AVB shall be excepted from the requirement in Subsection F(1) above that such device be both field inspected and tested. The City shall require that the AVB be field inspected in each of the circumstances listed in Subsection F(1).

- (2) All assembly testing shall be performed by a state certified backflow prevention assembly tester, approved by the City.
- (3) Duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this ordinance. Persons and occupants of premises which are provided water service by the City, either directly or indirectly, shall allow the City or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, testing, records examination, or in the performance of any of its duties. Where persons or occupants of premises have security measures in force which would require proper identification and clearance before entry into their premises, the persons and occupants of the premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
- (4) The City is not liable for damage to a backflow prevention assembly which may occur during testing.
- (5) The City may cause a water use survey to be conducted at any establishment located in the City which is served by a public water supply or which provides water to the public. Upon determination by the City that the establishment falls under the provisions of this ordinance and requires a backflow prevention assembly, the City shall issue a notice to abate the condition or order the establishment to install the proper backflow prevention assembly.
- (6) It is the responsibility of any person who owns or controls property to have all assemblies tested annually in accordance with Section F of this ordinance. Assemblies may be required to be tested more frequently if the City deems necessary.
- (7) All results from assembly testing by a certified backflow prevention assembly tester shall be placed on a form that has been approved by the City.

G. THERMAL EXPANSION

It is the responsibility of any person who owns or controls property to eliminate the possibility of thermal expansion if a closed system has been created by the installation of a backflow prevention assembly.

H. PRESSURE LOSS

Any reduction in water pressure caused by the installation of a backflow assembly is not the responsibility of the City.

I. RESIDENTIAL SERVICE CONNECTIONS

Any person who owns or controls any residential property which has been determined to have an actual or potential cross-connection will be required to eliminate the actual or potential cross-connection or have an approved backflow prevention assembly installed in accordance with this ordinance.

J. RENTAL PROPERTIES

Any person who owns or controls property is responsible for the installation, test and repair of all backflow assemblies on their property.

K. WATER SYSTEM CONNECTIONS

(1) Water Distribution Infrastructure

- (a) All Water Distribution Infrastructure must be constructed, installed and tested in accordance with TCEQ Rules and Regulations, as amended, for Public Water Systems.
- (b) Permanent water service shall not be supplied to any newly constructed infrastructure until after the City has received the results of the bacteriological test(s) and the results show that no bacteria is present.
- (c) Permanent water service shall not be supplied to any newly constructed infrastructure until an inspection is completed by the City to insure that all State Regulations and Local Codes have been met.
- (d) Temporary water services which pose a potential cross-connection threat to the potable water supply shall be protected by an approved backflow prevention assembly.

L. CUSTOMER SERVICE INSPECTION

- (1) Pursuant to TCEQ Rules and Regulations for Public Water Systems, a customer service inspection for cross-connection control shall be completed by the City prior to providing continuous water service in each of the following circumstances:
 - (a) Newly constructed facility or previously non-existent premises.
 - (b) After any material improvement to building(s) or premises.
 - (c) Any correction or addition to the plumbing of any facility or premises.
 - (d) The City deems it necessary.
- (2) Permanent water service shall not be supplied to a newly constructed facility until after the customer service inspection is completed by the City.

- (3) Temporary water service which poses a potential cross-connection threat to the potable water supply shall be protected by an approved backflow prevention assembly.

M. INSTALLATION GUIDELINES AND REQUIREMENTS
FOR BACKFLOW PREVENTION ASSEMBLIES

To ensure proper operation and accessibility of all backflow prevention assemblies, the most current guidelines contained in the Manual of Cross Connection Control which is adopted hereto by reference and incorporated herewith, shall apply to the installation of these assemblies. Additionally, the following shall also be required:

- (1) All premises that require continuous, uninterrupted water service and are required to have a backflow assembly must make provisions for the parallel installation of assemblies of the same type so that testing, repair and maintenance can be performed.
- (2) The property owner assumes all responsibility for any damage resulting from installation, operation, and/or maintenance of a backflow assembly. The owner shall be responsible for keeping all backflow prevention assembly vaults reasonably free of silt and debris.
- (3) Upon completion of installation, the City shall be notified and all assemblies must be inspected and tested. All assemblies must be registered with the City and shall provide the date of installation, manufacturer, model, type, size, serial number of the backflow assembly, physical location and initial test report.
- (4) Assemblies must be sized and flow characteristics must be sufficient to provide an adequate supply of water and pressure for the premises being served.
- (5) Assemblies must be readily accessible for testing and maintenance and must be located in an area where water damage to building or furnishings would not occur from water discharge. The property owner assumes all responsibility for any damage caused by water discharge from an assembly. An approved air gap shall be located at the relief valve orifice of RP assemblies.
- (6) No part of a reduced pressure principle backflow prevention assembly shall be submerged in water or installed in a location subject to flooding. RPs are typically installed above grade in well-drained areas, but may be installed below grade (ground level) if a boresight drain to daylight is provided. The drain shall be of adequate capacity to carry the full rated flow of the assembly and shall be screened on both ends.
- (7) Reduced pressure principal detector backflow prevention assemblies (RPDA) may be utilized in all installations requiring a reduced pressure principal backflow prevention assembly and detector metering.
 - (a) RPDAs shall comply with the installation requirements applicable for reduced pressure principal backflow assemblies.
 - (b) The line-size RP assembly and the bypass RP assembly must each be tested. The certified tester must complete a separate test report for each assembly.
- (8) Vertical installations of DCs are allowed only on sizes up to and including four inches (4") that meet all of the following requirements:
 - (a) Internally spring-loaded check valves.
 - (b) Flow is upward through assembly.
 - (c) Approved for vertical installation by the USC FCCCHR.
 - (d) Approved by the City.

- (9) Double check detector backflow prevention assemblies (DCDA) may be utilized in all installations requiring a double check valve assembly and detector metering.
 - (a) DCDA's shall comply with the installation requirements applicable for double check valve assemblies (DCs).
 - (b) The line-size DC assembly and the bypass DC assembly must each be tested. The certified tester must complete a separate test report for each assembly.
- (10) Pressure vacuum breaker backflow prevention assemblies (PVB) may be utilized as point-of-use protection against backsiphonage only and shall not be installed where there is potential for backpressure.
 - (a) PVBs shall not be installed in an area subject to flooding or where damage would occur from water discharge.
- (11) Spill resistant pressure vacuum breaker backflow prevention assemblies (SVB) may be utilized in all installations requiring a pressure vacuum breaker.
 - (a) SVBs shall comply with the installation requirements applicable for pressure vacuum breaker backflow prevention assemblies.

N. AIR GAP SEPARATION

- (1) Air gaps provide maximum protection from backflow hazards and should be utilized at all locations where hazardous substances are at risk of entering the potable water system.
 - (a) An air gap separation shall be at least twice the diameter of the supply pipeline measured vertically above the top rim of the receiving vessel and in no case less than one inch (1"). If splashing is a problem, tubular screens may be attached or the supply line may be cut at a forty-five degree (45°) angle. The air gap distance is measured from the bottom of the angle. Hoses are not allowed.
 - (b) Air gap separations shall not be altered in any way without prior approval from the City and must be available for inspection at all reasonable times.
 - (c) Side walls, ribs or similar obstructions do not affect air gaps when spaced from the inside edge of the spout opening a distance greater than three (3) times the diameter of the effective opening for a single, or a distance greater than four (4) times the effective opening for two intersecting walls.

O. FIRE SUPPRESSION SYSTEMS

- (1) All new installations of fire suppression systems which utilize the City's potable water supply shall have installed approved backflow prevention devices according to the degree of hazard.
- (2) An approved double check detector backflow prevention assembly (DCDA) or reduced pressure detector assembly (RPDA) shall be the minimum protection for fire sprinkler systems using piping material that is not approved for potable water use and/or that does not provide for periodic flow-through during each twenty-four (24) hour period, unless a variance has been issued in writing from the City. An RPDA must be installed if any solution other than potable water can be introduced into the sprinkler system.
 - (a) It is the responsibility of all property owners and persons in charge of any premises to abide by the conditions of this ordinance. In the event of any changes to the fire suppression system, it is the responsibility of the property owners to

notify the City. All costs associated with the purchase, installation, testing and repair of DCDA or RPDA devices are the responsibility of the property owner and persons in charge of any premises.

- (b) Upon the approved installation of the DCDA or RPDA device, a device test report completed by a licensed fireline tester must be sent to the City and include the information required by this ordinance.

P. FIRE HYDRANT PROTECTION

- (1) An approved double check device backflow prevention assembly (DCD) or reduced pressure detector assembly (RPDA) shall be the minimum protection for fire hydrant water meters which are being used for a temporary water supply during any construction or other times which would pose a potential hazard to the public water supply. An RPDA must be installed if any solution other than potable water can be introduced into the system.
 - (a) It is the responsibility of all persons engaging in the use of a fire hydrant water meter to abide by the conditions of this ordinance. All fire hydrant water meters shall meet the current requirements as provided for by College Station Utilities.
 - (b) Only City fire hydrant water meters with approved backflow prevention assemblies are allowed to be used within the potable water system.
 - (c) A refundable deposit is required to insure the return of all water meter and backflow assemblies to the City. Failure to return or any misuse of the assemblies can result in the forfeiture of deposit and/or enforcement action being taken against the responsible party.
 - (d) All non-approved fire hydrant meters which are found to be in use in the City will be confiscated and enforcement action taken against the responsible party.

Q. RESPONSIBILITIES

(1) Property owner

It is the responsibility of all property owners and/or persons in charge of any premises to comply with the following:

- (a) Payment of all costs associated with this ordinance and the purchase, installation, testing and repair of backflow prevention assemblies.
- (b) To install and maintain all backflow prevention assemblies in accordance with this ordinance and acceptable industry practice.
- (c) All commercial customers shall cause to have all backflow prevention assemblies on their premises tested annually. Such testing must be conducted by a certified tester who is registered with the City.
- (d) Maintain all backflow prevention assemblies in proper working order at all times, including repairs as required.
- (e) Maintain all backflow prevention assemblies in a manner that allows them to be tested by a method that has been approved by the City.
- (f) All records related to backflow prevention assembly installation testing and repair shall be maintained on the premises for a minimum of three (3) years.

(2) Certified backflow prevention assembly testers

Certified backflow prevention assembly testers shall comply with the following requirements:

- (a) Annually register with the City and pay the required fee.
 - (b) Maintain testing equipment in proper working condition/calibration.
 - (c) Maintain the design or operation characteristics of an assembly.
 - (d) Ensure that devices are tested according to accepted industry practice and TCEQ rules and regulations.
 - (e) Enter required testing data, including test gauge serial numbers, on Backflow Prevention Device Test forms that have been approved by the City.
 - (f) Report test results to the City within thirty (30) days of testing.
 - (g) Provide a copy of the completed test report to the property owners and/or persons in charge of any premises.
 - (h) Maintain testing and/or repair records for a minimum of three (3) years.
- (3) The City shall ensure the inspection and testing of all backflow prevention assemblies installed pursuant to the requirements of this ordinance. For new facilities, permanent water service shall not be provided until all backflow prevention assemblies have been tested and are operational. Except in cases where the testing of backflow prevention assemblies must be delayed until the installation of internal production or auxiliary equipment, the City shall not approve a certificate of occupancy until all backflow prevention assemblies have been tested and are operational. The city shall not be liable for damage caused to any backflow prevention assembly as a result of the inspection or testing.

R. BACKFLOW PREVENTION ASSEMBLY TESTER
CERTIFICATION - REGISTRATION REQUIRED

Only approved TCEQ licensed backflow prevention assembly testers are permitted to conduct tests in the City. Testers must register annually with the City, provide proof of TCEQ certification, and provide proof that testing equipment is able to maintain a calibration of plus or minus 0.2-psid accuracy and pay an annual, non-refundable, tester registration fee.

S. FEES

(1) Cross-Connection Control Program Fees

- (a) Backflow Prevention Assembly Registration Fee:

There is a non-refundable registration fee for each non-residential backflow prevention assembly device of Twenty-five Dollars (\$25.00) per each separate device.

- (b) Certified Backflow Prevention Device Tester Registration Fee:

Annual registration fee for approved testers shall be a non-refundable fee of Fifty Dollars (\$50.00).

(c) Testing Form Booklet Fee:

The fee for a testing form booklet of thirty (30) test forms shall be Twenty-five Dollars (\$25.00) each. Other forms may be used with prior approval from the City.

(d) Deposit Fee For Fire Hydrant Water Meter With Backflow Prevention Device:

There shall be a refundable deposit fee for fire hydrant meters with backflow prevention devices of One Thousand Dollars (\$1,000.00). This fee shall be refunded when the meter/device is returned in good working order.

T. COMPLIANCE FOR LAWN IRRIGATION

All lawn irrigation system installations shall obtain a permit issued by the City for such installations. Installation requirements must comply with the 2000 International Plumbing Code as amended and guidelines for the appropriate device found in this ordinance. Interconnections of the potable water supply with an alternate water source are prohibited unless appropriate backflow protection is installed.

U. MOBILE UNITS

The connection of a mobile unit to any potable water system is prohibited unless an air gap or an approved backflow prevention assembly protects such connection. Prior approval and annual device testing of any backflow prevention assembly must be received from the City before connecting to any potable water system.

V. ENFORCEMENT(1) Violations

A person commits an offense if:

- (a) he fails to maintain backflow prevention assemblies in compliance with this ordinance.
- (b) he fails to comply with a repair order issued by the City.
- (c) backflow from premises he owns, operates or manages enters the public water supply system.
- (d) he fails to pay any fees required by this ordinance.
- (e) he violates any part of this ordinance.
- (f) he reinstates water service to premises discontinued or disconnected under this ordinance, except as directed by the City.
- (g) he allows an unregistered tester to perform testing work at his establishment.
- (h) he tests a backflow prevention assembly within the City without being registered with the City.
- (i) he tests a backflow prevention assembly within the City without being certified by the TCEQ.

(2) Penalty

The City is entitled to pursue all criminal and civil remedies available for violations of this Ordinance.

(3) Registration Revocation

A certified tester's registration may be reviewed and revoked by the City if the City determines that the tester:

- (a) Has falsely, incompletely, or inaccurately reported assembly test reports;
- (b) Has used inaccurate gauges;
- (c) Has used improper testing procedures; or
- (d) Has created a threat to public health or the environment.”