

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: June 24, 2014		DATE SUBMITTED: June 3, 2014	
DEPARTMENT OF ORIGIN: Water Services		SUBMITTED BY: J. Barfknecht	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input checked="" type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consider approval of recommended revisions under Section 122 "Sewer Use" of the City of Bryan Code of Ordinances to enhance function and purpose through proposed administrative changes.			
SUMMARY STATEMENT: Water Services respectfully requests City Council to authorize the revision of Section 122 "Sewer Use" to strengthen and improve the resourcefulness and enforceability of use of the sanitary sewer. A general summary of recommended changes is provided below: <ul style="list-style-type: none"> 1. Expansion of definitions to include Industrial User, Pollutant, and Private Service Line. 2. Administrative change addressing language governing sewer taps and user requirements for grease and grit traps. Major changes include clarifying that all properties served by the sanitary sewer will be provided one (1) tap and the property shall connect any and all buildings located on the property to the tap through a single private service line. Changes made addressing grease and grit traps specifies that a trap be installed in accordance with the manufacture's specifications and clarifies the criteria used for determining if pretreatment through a trap is necessary. 3. Removal of Section 122-155 Mobile Food Vendors. Existing standards for mobile food vendors are desired to be incorporated into a new ordinance focusing solely on mobile food vendors. City Council action concerning the proposed Mobile Food Vendor Ordinance is not part of this request and will be presented separately for consideration. 			
STAFF ANALYSIS AND RECOMMENDATION: Water Services respectfully requests City Council approval of the recommended changes to Section 122 "Sewer Use" of the City of Bryan Code of Ordinances. Approval of the proposed ordinance changes will aid in improving wastewater collection and treatment activities by providing staff with more enforcement avenues to protect community health and address code violations.			
OPTIONS (In Suggested Order of Staff Preference): <ul style="list-style-type: none"> 1. Approve ordinance. 2. Do not approve ordinance. 3. Do not approve ordinance and provide direction to staff. 			
ATTACHMENTS: Proposed Sewer Use Ordinance – redline version			
FUNDING SOURCE: N/A			
APPROVALS: Jayson E. Barfknecht 06/04/14			
APPROVED FOR SUBMITTAL: Kean Register, 06-06-2014			
APPROVED FOR SUBMITTAL: Janis K. Hampton, 6-12-2014			

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 122, “UTILITIES” OF THE CITY OF BRYAN CODE OF ORDINANCES, BY REVISING ARTICLE IV, DIVISION 2, “SEWER USE”, BY ADDING DEFINITIONS, REGULATING UNSEWERED AND MISCELLANEOUS DISCHARGES, REGULATING TRAPS, AND REMOVING SECTION 122-155, “MOBILE FOOD VENDORS”; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bryan, Texas has provided facilities for the collection and treatment of wastewater to promote the health, safety, and convenience of its people and for the safeguarding of water resources common to all; and

WHEREAS, threats to the integrity of the City’s wastewater system, facilities and water resources have been identified related to unsewered and miscellaneous discharges of liquid waste, trap waste, transported liquid waste and mobile food vendors; and

WHEREAS, such threats should be regulated in the interest of public health, safety and convenience.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

That Chapter 122, “Utilities”, Article IV, “Wastewater System”, Division 2, “Sewer Use”, is amended to read as follows:

Sec. 122-149. Definitions

In this division:

Industrial User means a User who introduces Pollutants from a non-domestic source into the public owned treatment works (POTW) or is a source of Indirect discharge as set forth in 40 CFR 403, as amended.

Liquid waste means grease trap waste, grit trap waste, laundry trap waste, septic tank pumpage, domestic septage, chemical toilet waste, municipal wastewater treatment plant sludge, or other types of domestic sewage treatment plant sludge, and water-supply treatment plant sludge.

On-site sewage facility (OSSF) means a small scale sewage treatment system used for treatment of domestic sewage.

Pollutant means dredged spoil, solid Waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical Wastes, chemical Wastes, biological material, radioactive material, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal Wastes, agricultural Wastes,

industrial Wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, CBOD₅, COD, toxicity, or odor).

Private service line means all privately-owned portion of pipe or plumbing fixtures carrying wastewater, starting at the user's building's outer wall or foundation and ending at the public main.

Public owned treatment works (POTW) means sewage or Wastewater treatment works as defined by the Federal Clean Water Act and owned by the City. The definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage sludge or industrial wastes of a liquid nature and any conveyances, which convey Wastewater to a treatment plant.

Sanitary sewer means a sewer which is restricted to carrying sewage and to which storm, surface, and groundwater are not intentionally admitted.

Waste means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, commercial, or industrial activities.

Wastewater means liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, institutions, and industrial or manufacturing facilities, whether treated or untreated, which are contributed to the POTW.

Sec. 122-150. Connections to sewer required

- (a) All customers connected to the sewer system of the City will be charged connection, service and usage fees as set by resolution of the City Council.
- (b) Every building intended for human habitation or occupancy located on property within 150 feet of the City's sanitary sewer shall be connected to the sanitary sewer by the owner or agent of the premises in accordance with the plumbing code adopted by the City. Unless otherwise approved by the City, each house or building located on a property must be individually connected to the private service line servicing that property. A maximum of one sewer tap per lot will be allowed.
- (c) The owner or agent shall maintain the Private service line and its connection to:
 - (1) Be impermeable to storm water or infiltration and inflow; and
 - (2) Prevent sewage discharge into the surrounding environment.
- (d) The owner shall be notified in writing by the City when Private service line defects are identified. Failure of the owner to repair or replace the Private service line defects as required by the notice may result in the City taking the following actions:
 - (1) Repairing or replacing the line and placing a lien against the property to recoup the cost.
 - (2) Disconnecting the property from the City sanitary sewer and terminating water service.
 - (3) Administering penalties and/or enforcement actions as outlined in this Chapter.

- (e) The City may direct a special repair or cleaning of Private service lines for circumstances which constitute a health and sanitation or public safety concern. The fee shall be based upon the actual cost of service plus overhead as determined by the City.
- (f) Any person causing damage to manholes, piping, meters, and other components of the POTW will be charged a fee based upon the actual cost of repair plus overhead as determined by the City.

Sec. 122-151. Compliance with existing authority.

- (a) The City's sanitary sewer shall be used by all persons discharging wastewater. All discharges to the POTW shall conform to the prohibited discharge standards specified in this chapter, and any requirements of the TCEQ and other regulatory agencies with jurisdiction. For purposes of this chapter, a wastewater discharge shall be considered normal domestic if it has a concentration equal to or less than all of the following:
 - Chemical oxygen demand – 400 mg/L
 - Carbonaceous biological oxygen demand – 200 mg/L
 - Total suspended solids – 200 mg/L
 - Ammonia nitrogen – 30 mg/L
 - Oil & Grease – 100 mg/L
- (b) Unless authorized by the Texas Commission on Environmental Quality (TCEQ) via permit or written approval, no person may deposit or discharge any Waste on public or private property in or adjacent to any:
 - (1) Natural outlet;
 - (2) Watercourse;
 - (3) Storm sewer;
 - (4) Other area within the jurisdiction of the City.
- (c) The City shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment with the provisions of laws, regulations, ordinances, rules and orders of federal, state and local government.

Sec. 122-152. Commercial user requirements.

- (a) Traps.
 - (1) Discharges requiring a trap include:
 - a. Any discharge from a food service establishment regulated by the Brazos County Health Department;
 - b. Grease or waste containing grease in amounts exceeding normal sewage;
 - c. Oil;

- d. Sand; or
- e. Any other harmful Pollutants.

(2) Any person responsible for discharges requiring a trap shall at his own expense:

- a. Provide equipment and facilities of a type and capacity approved by the City;
- b. Construct an appropriate sampling well or port with a minimum inside diameter for a sample well of 15 inches;
- c. Maintain the equipment and facilities; in an effective operating condition;
- d. Locate the equipment and facilities in a manner that provides ready and easy accessibility for inspection, cleaning, and sampling;
- e. Have the equipment and facilities cleaned by a TCEQ and City permitted waste transporter including a total evacuation of the equipment and facilities' contents; ~~no~~ recirculation, skimming or bypass is prohibited.
- f. Clean the equipment and facilities in accordance with the pumping schedule established by the City.

(3) When it has been determined by City staff that it is not feasible for the facility to install a trap, the facility must:

- a. Construct an appropriate sampling well at the facility's expense;
- b. Locate the sampling well in a manner that provides ready and easy accessibility for inspection and sampling by the City;
- c. Maintain the sampling well in an effective operating condition; and
- d. Pay a fee, as calculated by Division 3 of this Article IV, in addition to their monthly sewer bill, as determined by the City.

(4) A separate trap and sampling well is required for each building or section of a building if multiple commercial users exist within. Traps and sampling wells shall not be shared, unless otherwise approved by the City.

(5) A solids interceptor separate from the facility's grease trap is required when garbage grinders are used. The City will make all determinations of solids interceptor adequacy and need based on review of information regarding the proposed solids trap performance, facility site inspection, and building plan review.

(6) All above and below ground traps and sampling wells shall be designed, constructed, and maintained so that all joints, seams, component parts, and fittings are impermeable to storm water or inflow and infiltration, and prevent sewage from being discharged into the surrounding environment, prevent water and debris from

entering, and wastewater and debris from exiting. Traps shall be installed in accordance with the manufacturer's specification.

- (7) Buried traps with covers. Units shall have inspection or cleanout ports located on the top over the inlet and outlet devices. Each inspection or cleanout port shall be offset to allow for pumping of the trap. Ports may be configured in any manner as long as the smallest dimension of the opening is at least 15 inches, and is large enough to provide for maintenance, equipment removal, and inspection.
 - (8) Metal fabricated traps. No portion of a trap shall be placed below ground level, unless placed in a concrete, fiberglass, or plastic box. The box shall be sized to allow inspection of the exterior of the trap. Spacing from the side of trap to the side of the box shall be no less than 6 inches. Spacing from the bottom of the trap to the bottom of the box shall be no less than 6 inches. Box bottoms can be of soil or of an engineered bottom with weep holes to allow drainage of collected rainwater. The top of the trap shall be at an elevation higher than the engineered or natural terrain, paved, or concreted area. Safe guards shall be implemented to protect box and unit from damage.
 - (9) Concrete, fiberglass, and plastic traps and boxes shall be installed on level, undisturbed soil or an approved compact fill. Backfill shall be of a material suitable to prevent unbalance lateral pressures during construction.
 - (10) A 40-pound grease trap is the minimum standard for all cooking or food processing establishments.
 - (11) The City will make all determinations of trap adequacy and need based on review of information regarding the performance of the proposed trap, facility site inspection, and building plan review.
 - (12) The City may require repair, modification, replacement or installation of a larger capacity trap for any users requiring a trap.
- (b) Best Management Practices. The City may request Industrial users who are not significant Industrial users, and therefore not City-permitted dischargers, to employ pertinent industry standard best management practices as necessary to reduce potential pollutant load to the POTW.

Sec. 122-153. Private service line relocation or replacement; assessment procedure.

- (a) Contract; assessment; lien. The City is permitted to contract for relocation or replacement of a Private service line that serves a residential structure on private property for the purpose of connecting the Private service line to a new, renovated or rebuilt sanitation main constructed by the City. The cost of the relocation or replacement of the Private service line will be assessed against the property on which it is located. A lien is attached to the property for the cost of the relocation or replacement.
- (b) Consent. Before the City makes a contract under subsection (a), the City must obtain the property owner's written consent to the contract, to the relocation or replacement of the Private service line, and to the assessment. The written consent must state that the person

giving the consent is the owner of the property or is an authorized representative of the owner, must contain a statement of the owner's address, and must state:

- (1) That the consent is freely given;
 - (2) That the owner understands that as a result of the assessment a lien will be attached to the property for the total cost of the relocation or replacement;
 - (3) That no part of the cost of the relocation or replacement will be paid by the City; and
 - (4) That the property owner will have five years from the date the work is completed to repay the cost to the City.
- (c) Notice. Before the work is begun on the relocation or replacement of a Private service line and after the City files the written consent of the property owner with the City Secretary, the City, in accordance with the law applicable to public improvements, will contract for the performance of the work. After the City has received the bids for the work and before the contract for the work is made, the City will give notice to the property owner. The notice will state the bid price accepted by the City for the completion of the work and that the contract price may be increased by no more than ten percent because of the changes without the written consent of the owner. The notice will be given to the owner by personal delivery or by depositing the notice in the U.S. mail, postage prepaid, addressed to the owner at the address contained in the owner's consent.
- No later than the 45th day after the day on which the notice is mailed, the owner may reject the contract by notifying the City Secretary of the withdrawal of the owner's consent. If the owner fails to withdraw consent during the 45 days, the City may contract for the performance of the work, the work may proceed, and the assessment may be made without further consent by the owner. After the expiration of the 45 days, the owner may not withdraw the consent previously given.
- (d) Changes in contract. The contract between the City and the contractor for the performance of the work may be changed as may be necessary for the successful completion of the work. However, the contract price may not be increased by more than ten percent because of the changes without the written consent of the owner.
- (e) Certifying completion of work. Upon receipt by the City of a certificate from the contractor certifying that all work has been completed in accordance with the contract and upon a finding by the City that the work has been properly completed in accordance with the applicable codes and ordinances of the City, the City may pay the contractor the cost of the work completed. When payment is made to the contractor, the City will issue a certificate certifying that the work has been completed and that payment has been made under the contract. The City will file the certificate with the county clerk of Brazos County and will deliver a copy of the certificate to the property owner.
- (f) Payment by property owner. The property owner has five years from the date of the City's issuance of the certificate under subsection (e) hereof to pay the City the amount that the City paid for the work completed, as evidenced by the certificate, plus simple interest in an amount not exceed three percent a year as set by the City Council. Upon payment of the principal amount and accrued interest, the City will issue a release of the assessment and lien. The release may be filed for record in accordance with law.

- (g) Enforcement. If the property owner does not pay the assessment during the five years, the City may enforce the lien on the property in the same manner in which it is authorized by law to enforce a lien for a paving or other assessment.

Sec. 122-154. Hauled waste

- (a) Generator. In addition to compliance with all other provisions of this division, a generator of liquid waste must comply with the following provisions:
- (1) All liquid waste materials must be removed from the premises by a waste transporter who is registered or permitted by the appropriate regulatory agency or agencies and the City. Waste removal must be performed in accordance with the pumping schedule established by the City.
 - (2) Disallow liquid in combination with hazardous waste to be removed from their premises at the same time by a waste transporter operating under a City permit.
 - (3) Maintain the generator copy of the manifest as provided to them by the waste transporter for a period of no less than three years. These records shall be maintained at location of trap and made readily available for inspection.
 - (4) Provide a copy of the completed manifest to the City within ten days receipt from the waste transporter.
 - (5) Observe the waste transporter servicing the trap or tank, ensuring complete removal of trap or tank contents and noting total volume removed on manifest.
 - (6) Report spills involving waste to the City within 24 hours of becoming aware of an event.
 - (7) Employ containment and cleanup for spills to minimize concerns regarding health and safety.
- (b) Transporter. A transporter of liquid waste shall comply with the following provisions in addition to compliance with all other provisions of this division and any provisions required by the TCEQ and any other regulatory agency with jurisdiction.
- (1) Permit Application. No person shall transport liquid waste in the City without a permit issued by the City. Before transporting any liquid waste, a person shall make application for a permit to the City on forms furnished by the City and shall provide the following information:
 - a. Name, business address, and telephone number of the applicant.
 - b. The trade name under which the applicant conducts business.
 - c. The types of liquid waste that the applicant intends to transport.
 - d. The number of vehicles that will be operated under the permit.

- e. Description of each vehicle or trailer that will be used to transport liquid wastes.
- f. Holding capacities.
- g. Disposal locations.
- h. Proof of motor vehicle insurance.
- i. State identification or driver's license information.
- j. Most recent copy of TCEQ Annual Sludge Transporter Report.
- k. Most recent copy of TCEQ Sludge Transporter Registration.

(2) Permit Decisions. The City will evaluate the data furnished by the applicant and may require additional information. Within 30 days of receipt of a completed permit application, the City will determine whether or not to issue a waste transporter permit. The City may deny an application for a permit for any of the following grounds:

- a. Failing to provide all of the information required by the City;
- b. The applicant's or driver's past record of ordinance or TCEQ violations;
- c. Safety record of the applicant or any driver, based on such things as driving records, civil and criminal lawsuits and violations of environmental laws and ordinances;
- d. Providing false, misleading or inaccurate information to the City.

(3) Permit.

- a. Persons who apply for a permit and are granted said permit shall maintain a copy of their permit at their designated place of business and in each vehicle operated under that permit.
- b. Permits shall be issued for a time period, not to exceed two years or may be stated to expire on a specific date.
- c. Permits are required to be renewed prior to the expiration date. Application for renewal shall be submitted at least 30 days prior to the expiration date.
- d. A new permit application is required to be submitted within 15 days of the following, whereupon the old permit number will be voided and the old permit canceled:
 - 1. When ownership of the operating entity is changed; or
 - 2. The City determines that operations or management methods are no longer adequately described by the existing permit application.

- e. Transporters of liquid waste shall notify the City by letter, within 15 days of any changes to their permit whenever:
 - 1. The office of place of business is moved;
 - 2. The name of the operating entity is changed; or
 - 3. A transporter handles or plans to handle waste not included in the existing permit.
 - f. Prior to the issuance of a permit, all vehicles used to transport liquid waste shall be inspected by the City. Any vehicle used to transport liquid waste must meet TCEQ and Texas Department of Transportation requirements. If a waste transporter vehicle fails the City led inspection, the applicant or permittee may not transport liquid waste in the vehicle within the City until the vehicle is re-inspected and approved by the City.
 - g. Permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation. Any succeeding owner or user shall have to make application for a new operating permit.
 - h. A permit may be revoked by the City for any violation of this article.
- (4) Permit Fees. All fees required under this chapter will be set by City Council Resolution.
- (5) Delivery Requirement. Waste transporters shall deposit wastes at a facility as designated in their permit application. The facility receiving the waste must be permitted, registered or authorized to receive the waste by the TCEQ or other regulatory agency with jurisdiction.
- (6) Vehicle and Equipment.
- a. Marking and identification. Owners and operators of specially equipped vacuum pump trucks, tanks or containers used for the collection and/or over the road transportation of waste regulated under this division shall prominently mark such trucks, tanks, or containers to show the company name, the TCEQ assigned registration number and any other TCEQ marking requirements and the City assigned permit number. The permit number shall be a minimum of two inch, permanently affixed, block numbers. The identification will be removed from the vehicle when the operator it is no longer authorized by the City to transport waste or when the vehicle leaves the control of the person holding the permit.
 - b. Sanitation standards. All vehicles and equipment used for the collection and transportation of the waste regulated under this division shall be constructed, operated, and maintained to prevent loss of liquid or solid waste materials and to prevent health nuisances and safety hazards to operating personnel and the public. Collection vehicles and equipment shall be maintained in a sanitary condition to preclude odors, insect breeding, or leakage from the tank or vessel.

- c. Financial responsibility. All vehicles and equipment used for the collection and transportation of waste regulated under this division shall maintain evidence of financial responsibility in amounts of not less than the minimum required by the state financial responsibility law.
 - d. Mixing of incompatible waste. Mixing of incompatible waste within the same tank or vessel is prohibited.
- (7) Operating requirements. The City shall require total evacuation of the trap or tank contents. No recirculation, skimming or bypass will be allowed.
- (8) Record keeping.
- a. Manifest. Persons who collect and transport waste subject to control under this division shall initiate and maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest or similar documentation approved by the City. The manifest shall include:
 - 1. Name, address, TCEQ registration number, City permit number of transporter;
 - 2. Name, address and phone number of the person who generated the waste and the date collected;
 - 3. Type and amount of waste collected or transported;
 - 4. Name of responsible person(s) collecting, transporting and depositing the waste;
 - 5. Date and place where the waste was deposited;
 - 6. Identification (permit application or site registration number, location, and operator) of the facility where the waste was deposited; and
 - 7. Name and signature of facility representative acknowledging receipt of the waste and the amount of waste received.
 - b. Maintenance of records and reporting. Within 15 days of service, the waste transporter shall return to the person who generated the waste the completed generator copy and the governing agency copy of the manifest showing receipt of waste and shall provide the disposal facility operator a copy of all manifest of waste deposited. The transporter shall retain a copy of all manifests showing the collection and disposition of waste. Such copies shall be retained for three years and be made available to the City upon request.
- (9) Discharge or spills. In the event of a discharge or spill of waste during collection or transportation, the collector or transporter must take such actions as may be required or approved by federal, state, or local officials having jurisdiction so that the waste discharge no longer presents a public health or environmental problem. Waste

transporters are responsible for immediately reporting all spills to the City and are required to report certain spills to the executive director of the TCEQ in accordance with the requirements of the State of Texas Oil and Hazardous Substances Spill Contingency Plan and The Texas Water Code, Chapter 26.039.

(c) City disposal site.

- (1) Location. The City disposal facility for accepted waste will be located as designated by the City.
- (2) Type of waste received. The City will allow septic tank, chemical toilet, grease trap, grit trap, and digested sludge to be discharged at this location when deemed necessary for the good of the community.
- (3) Disposal procedures.
 - a. Waste transporters wishing to dispose of waste accepted by the City, must first be permitted by the City.
 - b. The waste transporter must obtain written approval from the City to utilize City disposal services.
 - c. The waste transporter may be subject to having samples collected and analyzed for constituents of waste to determine the type of waste being disposed. Discharges found in violation of this chapter could result in loss of dumping privileges, permit revocation, notification to TCEQ, penalties, and all cost associated with damages due to receipt of waste being assessed by the City.
 - d. Fees for waste disposal are set by resolution of the City Council.

Sec. 122-155. Reserved.

Sec. 122-156. On-site sewage facility

- (a) Developed property located within the Bryan city limits must be connected to the public sanitary sewer system unless an exception is granted by the City. If an exception is not granted, the developer of the property may appeal the decision to the city manager. The appeal must be made in writing within 10 days after the date on which the decision of the City was rendered. The city manager will make a determination regarding the appeal no later than 15 days. If denied by the city manager, the developer may appeal the decision of the city manager to the city council. The request for appeal must be made in writing within 10 days of the city manager's decision. The city council will, within 30 days, conduct a review of the decision of the city manager and render a determination. If an exception is granted, the property owner must:
 - (1) Install the OSSF in compliance with all Brazos County Health Department regulations.
 - (2) Consent to connect to the sanitary sewer system once it is available as specified within the timeframe of this ordinance.

- (3) Configure the service to the property improvements such that connection to the sanitary sewer system is easily facilitated.
 - (4) Grant an easement across the property if applicable to facilitate the construction of future sewer improvements.
- (b) A property located in the City's extraterritorial jurisdiction may be allowed to utilize an OSSF for sewage treatment if the property meets the minimum lot size requirements of the City's Subdivision Ordinance.
 - (c) A property owner must apply and receive a permit from the Brazos County Health Department before operating an OSSF. The OSSF must be maintained to manufacturer specifications and operated in a manner as to prevent constituting a health and sanitation concern or public nuisance. If the property is located within the city limits, Brazos County Health Department shall be provided a letter from the City prior to issuing a permit for the OSSF.
 - (d) The owner will be notified in writing when defects of an OSSF system are identified. Failure of the owner to repair a defective OSSF system as required by notice will result in the building being deemed uninhabitable, termination of water service, administration of penalties and/or enforcement actions.
 - (e) Inspection of the OSSF by the City or Brazos County Health Department must be allowed at any stage of construction and operation.
 - (f) OSSF owners must have their equipment and facilities cleaned by a TCEQ and City permitted waste transporter.
 - (g) The OSSF must be abandoned and the served property directly connected to the sanitary sewer no later than 5 years after the City sanitary sewer is within 150 feet of the property line. No OSSF's, cluster systems, or holding vessels will be permitted to connect to the City sanitary sewer.
 - (h) Abandonment of an OSSF system includes removal of all liquids and solids by a TCEQ and City registered waste transporter. OSSF systems must be abandoned within 30 days after a property serviced by an OSSF is connected to the City sanitary sewer or if the OSSF is replaced with a new OSSF system. Abandoned OSSF vessels must be filled to ground level with fill material (less than three inches in diameter) which is free of organic and construction debris. All field lines must be plugged.

Section 122-157. Enforcement

- (a) Power to enter property.
 - (1) The EPA, TCEQ, and City may inspect the property, premises, and monitoring facilities of any user to determine compliance with the requirements of this chapter. The user shall allow the EPA, TCEQ, and City or its representatives, upon presentation of credentials or identification, to enter upon the premises of the user

at all reasonable hours, for the purposes of inspection, sampling, records examination and/or copying. Entry and/or access to the facility will be made without delay. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

- (2) Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
 - (3) Duly authorized employees of the City bearing proper credentials and identification are entitled to enter all private properties through which the City holds an easement for the purposes of:
 - a. Maintenance of any portion of the POTW lying within the easements; and
 - b. Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the easement pertaining to the private property involved.
 - (4) No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the POTW.
- (b) Notice. The City shall serve persons discharging in violation of this division with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance. Failure of the City to provide such notice shall not limit the authority of the City to take any action, including emergency actions or any other enforcement action.
- (c) Recovery of costs incurred by the City. Any person violating any of the provisions of this chapter; who discharges or causes a discharge producing a deposit or obstruction; causes damage to or impairs the POTW; or causes a spill or discharge to the environment shall be liable to the City for any expense, loss, or damage caused by such violation or discharge. The City shall bill the person for the costs incurred by the City for any cleaning, repair, replacement, clean-up or remediation work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this division enforceable under the provisions of this section.
- (d) Authority to disconnect service.
- (1) The City may terminate wastewater service and disconnect a user from the system when:
 - a. Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
 - b. A governmental agency informs the City that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the user is delivering wastewater to the City's wastewater

works that cannot be sufficiently treated or requires treatment that is not provided by the City as normal domestic treatment; or

c. The user:

1. Discharges industrial waste or wastewater that is in violation of this chapter.
2. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system.
3. Fails to pay monthly bills for water and sanitary sewer services when due and after receiving due process as required by law.
4. Discharges prohibited wastes to City's sewers or the environment.
5. Continually violates provisions of this division.
6. Fails to comply with the City.

(a) Revocation of permit. The City may revoke the permit of any person who fails to comply with the conditions of the permit, or any applicable laws.

Section 122-158. Disconnection of Private Sewer during Demolition

- (a) It shall be unlawful for any person to cause the demolition of a building without also causing the disconnection and capping of the private sewer service line.
- (b) Prior to disconnecting the private sewer service line, the owner or agent shall obtain a City plumbing permit.
- (c) The private sewer service line shall be disconnected and capped within one foot of the property line prior to the demolition of building.
- (d) A city representative shall inspect the capped private sewer service line prior to the owner or agent backfilling the excavated line to verify that the:
 - (1) Capping is impermeable to storm water or infiltration and inflow; and
 - (2) Capping will prevent sewage discharge into the surrounding environment.
- (e) The owner or agent shall mark and identify the location of the disconnected private sewer service line. Markings shall be:
 - (1) Constructed to the requirements stipulated in the City issued demolition permit; and
 - (2) Maintained to allow visibility at finished grade of terrain.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

7.

That a person who violates any section of this ordinance is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 of the City of Bryan Code.

8.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for violation thereof, and the effective date of the ordinance.

9.

That this ordinance shall take effect from and after its final passage and publication as required by law. The effective date of this Ordinance will be _____.

PRESENTED AND GIVEN first reading the 24th day of June, 2014, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, **PASSED AND APPROVED** on the 8th day of July, 2014 by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney