

Chapter 30

WATER, SEWERS AND SEWAGE DISPOSAL^{??}

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ARTICLE I. WATER CONSERVATION

Sec. 30-1. Findings and objectives.

- (a) The city council hereby makes the following findings:
 - (1) The city of Killeen is the trustee of the city's domestic water supply.
 - (2) Recent population, economic growth, and drought-like conditions in the city and its environs have impacted and will likely continue to impact the city's water utility service.
 - (3) The general welfare of the citizens of Killeen and its environs require that the water resources available to the city be utilized with maximum efficiency.
 - (4) Further population and economic growth and drought-like conditions in the city and its environs, without water conservation efforts, may detrimentally affect the city's domestic water supply, adverse to the public health, safety, welfare, and economic development.

¹**Charter reference**—Powers relative to water and sewer systems, §§ 16, 123.

Cross references—Building and construction regulations, Ch. 8; health and human services, Ch. 13; solid waste, Ch. 24.

State law reference—Municipal utility systems, V.T.C.A., Local Government Code § 402.001.

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(b) The city council is desirous of adopting appropriate water conservation and drought contingency rules and regulations for the purpose of ensuring adequate potable water availability through the implementation of water conservation technologies.
(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-2. Scope; emergency and water management/public education, and opportunity for public involvement.

(a) A city of Killeen water conservation and drought contingency plan is established.

(b) The city of Killeen 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 a utility bill insert as well as postings on the city's website.

(c) Opportunity for the public to provide input into the preparation of the plan was provided by the city of Killeen by means of including a request for input and comment with utility bills as well as postings on the city's website.
(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-3. Declaration of policy, purpose, and intent.

It is declared that, because safe, high quality drinking water is a precious resource, the general welfare requires that the water resources available to the city be put to the maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use of water be prevented, and the conservation of water is to be extended with a view as to its reasonable and beneficial use in the interests of the people of the city and for the public health and welfare. (Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-4. Targets for gallons per capita water use rate.

(a) The city's five- and ten-year goal is to not exceed a per capita water use rate of 140 gallons.

(b) If the per capita water use rate exceeds 140 gallons, the city of Killeen will enact additional water conservation measures in accordance with the recommendations outlined by the Brazos G Water Planning Group 2006 Regional Water Plan for those municipalities that exceed a per capita water use rate of 140 gallons. Such additional water conservation measures includes but is not limited to adopting programs addressing landscape irrigation and establishing guidelines requiring more efficient plumbing fixtures.
(Ord. No. 06-64, § I, 6-13-06)

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Sec. 30-5. Application.

The provisions of this article apply to all persons, customers, and owners of property who use or allow the use of city water wherever situated. (Ord. No. 98-46, § I, 6-30-98)

Sec. 30-6. Water loss; unaccounted uses of water; meter testing/replacement programs.

The city shall adopt a program to monitor and reduce water loss, determine and control unaccounted uses of water, and establish a meter testing and replacement program. The city shall adopt a program using standards set forth by the American Water Works Association as guidance. (Ord. No. 06-64, § I, 6-13-06)

Sec. 30-7. Coordination with regional water planning groups.

The service area of the city of Killeen is located within the Brazos G Regional Water Planning Group (RWPG). The city of Killeen has provided a copy of the city's plan to the Brazos G Regional Water Planning Group. (Ord. No. 06-64, § I, 6-13-06)

Sec. 30-8. Implementation.

The city manager, or the manager's designee, in consultation with the director of the public works department may implement the applicable provisions of this article on his determination that the implementation is necessary to protect the public health, welfare, or safety. (Ord. No. 98-46, § I, 6-30-98)

Sec. 30-9. Notice requirements.

Notice of implementation and termination of each stage shall be provided prior to the implementation or termination of each stage of the water restriction program by posting notice on the city's website, publication in a local newspaper, and local publication on cable access. The notice shall contain the following information:

- (1) the date restrictions will begin;
- (2) the circumstances that triggered the restrictions;
- (3) the stages of response and explanation of the restrictions to be implemented; and,
- (4) an explanation of the consequences for violations.

(Ord. No. 06-64, § I, 6-13-06)

Sec. 30-10. Definitions.

For the purpose of this article, the following definitions shall apply unless context clearly indicates or requires a different meaning.

Director shall mean the director of the public works department or his designee.

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Designated water day except as otherwise defined shall mean a day in which a particular customer is permitted to use water outdoors for specified uses. The designated water day is determined as follows:

Last digit of address	Days of month
0 & 9	5, 10, 15, 20, 25, 30
1 & 2	1, 6, 11, 16, 21, 26
3 & 4	2, 7, 12, 17, 22, 27
5 & 6	3, 8, 13, 18, 23, 28
7 & 8	4, 9, 14, 19, 24, 29

Owner means any individual, association, nonprofit corporation, professional association, joint stock company, corporation, proprietorship, or joint venture, having a freehold interest in the real property.

Plan shall mean the city of Killeen water conservation and drought contingency plan unless the context states otherwise.

Swimming pool means any structure, basin, chamber, or tank including hot tubs, containing an artificial body of water for swimming, diving, or recreational bathing, and having a depth of two (2) feet or more at any point.

Water enforcement officer means the code enforcement division of community services or any employees from other divisions of the city of Killeen who is appointed by the city manager to assist in the enforcement of this ordinance.

(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-11. Compliance; guidelines.

(a) No customer of or person who uses or purchases water from the city water and wastewater utility may knowingly make, cause, use, or permit the use of water received from the city for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this article, or in an amount greater than that use permitted by the conservation stage then in effect in accordance with this article.

(b) Except as provided by section 30-13, the stage 1 use management criteria is in effect from May 1 to September 30 of each year. The city manager may promulgate guidelines to assist in determining when the other conservation stages are to be implemented and terminated. The city manager shall update the guidelines when, in his/her opinion, changed conditions of the utility system require the update. The city manager shall include in the guidelines a calendar system designating allowed days for outdoor water use by customers. The guidelines shall be

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available for inspection at the city secretary's office and the public works department office during normal business hours.

(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-12. Stage 1--water management/public education, and voluntary conservation.

(a) Customers of or persons who obtain water directly or indirectly from the city are encouraged to voluntarily limit the amount of water used from May 1 to September 30 of each year to that amount essential for health, business, and outdoor water use, by complying with sections 30-13(b)(1) and (c).

(b) The city shall make reasonable efforts to inform and educate the public about the importance of voluntary compliance with the water conservation efforts.

(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-13. Stage 2--mandatory water use management.

(a) Water reduction targets to be achieved during the implementation of stage 2 shall be a five percent reduction in daily water demand. In addition to the application of stage 2 described in subsection (b), the city will implement stage 2 when any one of the selected triggers are reached.

- (1) Supply-based triggers shall be when total city storage capacity reaches 75% of maximum storage or when the wholesale service provider initiates their stage 2, whichever occurs first.
- (2) The demand or capacity-based trigger shall be when total daily demand expressed as a percentage of pumping capacity reaches and maintains 85% for three consecutive days.

(b) From May 1 to September 30 of each year when there is an announcement by the city manager of stage 2, the following restrictions shall apply to all customers of, or persons who use water directly or indirectly from the city, except those customers that use treated wastewater effluent or raw water for the uses described below.

- (1) All outdoor irrigation by hose end sprinklers, soaker hoses, or drip irrigation may occur only between the hours of 12:00 midnight to 10:00 a.m. and 7:00 p.m. to 12:00 midnight. All outdoor irrigation of vegetation by permanently installed automatic irrigation systems may occur only between the hours of 12:00 midnight to 10:00 a.m. Irrigation by hand-held hoses or hand-held buckets is permitted any time. The time restrictions do not apply to the irrigation of commercial plant nurseries; however, these establishments shall curtail all nonessential water use.
- (2) The washing of automobiles, trucks, trailers, boats, airplanes, or other type of mobile equipment is prohibited except on designated water days between the hours of 12:00 midnight to 10:00 a.m. and 7:00 p.m. to 12:00 midnight. The washing, when allowed,

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- must be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle for quick rinses. The nozzle must be removed when the hose is not in use. The washing of each individual automobile, truck, trailer, boat, airplane, or any other type of mobile equipment in violation of the terms and conditions of this restriction constitutes a separate violation under this article. However, this restriction does not apply to the washing of vehicles or mobile equipment when conducted on the immediate premises of a commercial car wash, commercial service station, or fleet service center. Furthermore, this restriction does not apply to the washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment (such as garbage trucks and vehicles to transport food and perishables) when the washing is necessary on a more regular and frequent basis in order to protect the health, safety, and welfare of the public. Charity car washes are prohibited.
- (3) The watering of the ground around foundations to prevent foundation cracking is prohibited except on designated water days between the hours of 12:00 midnight and 10:00 a.m.
 - (4) The operation of any ornamental fountain or other structure making similar use of water is prohibited.
 - (5) The use of water from fire hydrants shall be limited to firefighting-related activities or other activities necessary to maintain the health, safety, and welfare of the citizens of Killeen; however, routine flushing of fire hydrants for other than health and safety reasons is prohibited. This restriction does not apply to businesses which require the use of water for land development and building construction processes. By written approval from the public works department, the businesses may purchase and draw water from fire hydrants designated for that use by the public works department.
 - (6) Street washing using potable water from hydrants is prohibited. Street washing may occur if reclaimed water is used.
- (c) The following uses are prohibited:
- (1) Failing to repair a controllable leak, such as broken sprinkler heads and leaking valves or faucets.
 - (2) Washing sidewalks, driveways, parking areas, streets, tennis courts, patios, or other paved areas, except to alleviate immediate health or fire hazards.
 - (3) Operating a permanently installed irrigation system with broken heads, with heads that are out of adjustment that spray more than 10% of the spray on streets or parking lots, or that is misting.
 - (4) Allowing water to run off a property during irrigation, car washing, or any other use of water or allowing water to pond in the street or parking lot to a depth greater than $\frac{1}{4}$ of an inch.
- (d) The stage 2 restrictions do not apply to the following uses of water:

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- (1) The necessary use of water, other than for landscaping irrigation, by a governmental entity in pursuit of its governmental functions for the benefit of the public, such as for capital improvement construction projects;
- (2) The necessary use of water, other than for landscape irrigation, for land development (such as roadway base preparation, flushing of utility lines, dust control, concrete and asphalt work) and for building construction processes;
- (3) The necessary use of water for repair of water distribution facilities, residential and commercial plumbing, and permanently installed landscape irrigation systems;
- (4) The use of water necessary to irrigate large, landscaped areas in commercial and institutional establishments as authorized by the terms and conditions of an approved compliance agreement recommended by the review board and approved by the city manager. The review board may not approve a compliance agreement if the terms and conditions do not meet or exceed the purpose and intent of the stages 2, 3, and 4 of this water conservation plan.
- (5) The use of water necessary for the installation or establishment of specially permitted landscaping in new residential and commercial development should be postponed if at all possible. If the installation cannot be postponed, the irrigation schedule for the first 30 days after installation or notification to the city may not exceed the following frequency of irrigation. Watering must take place during the permitted hours. If the landscape cannot be sustained based on this schedule, installation must be postponed.
 - a. Day 1-10: once a day
 - b. Day 11-20: once every other day
 - c. Day 21-30: once every third day
 - d. After day 30, schedule no longer applies and the standard restrictions apply
- (6) The use of water under the approved terms and conditions of a variance recommended by the review board and approved by the city manager.
 - (e) All restaurants are prohibited from serving water to their customers except when specifically requested by the customer.
 - (f) The code enforcement division of community services shall be responsible for enforcement of this stage.
 - (g) Aside from the dates set forth in subsection (b), stage 2 of the plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of stage 2, stage 1 becomes operative.
 - (h) Within five days of the implementation of stage 2, the city shall notify the Texas Commission on Environmental Quality.
(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

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Sec. 30-14. Stage 3--emergency water use management.

(a) Water reduction targets to be achieved during the implementation of stage 3 shall be a five percent reduction in daily water demand from that set forth under stage 2. The city shall implement stage 3 when any one of the selected triggers are reached.

- (1) Supply-based triggers shall be when total city storage capacity reaches 50% of maximum storage or when the wholesale service provider initiates their stage 3, whichever occurs first.
- (2) The demand or capacity-based trigger shall be when total daily demand expressed as a percentage of pumping capacity reaches and maintains 90% for three consecutive days.

(b) The city manager may implement the following restrictions to apply to all customers of or persons who use water directly or indirectly from the water utility of the city in the areas designated by the city manager. The restrictions do not apply to any customer using treated wastewater effluent or raw water for the uses described below. All elements of stage 2 remain in effect in stage 3 except that:

- (1) All outdoor irrigation by hose end sprinklers, soaker hoses, or drip irrigation may occur only between the hours of 12:00 midnight to 10:00 a.m. and 7:00 p.m. to 12:00 midnight on designated water days. All outdoor irrigation of vegetation by permanently installed automatic irrigation systems may occur only between the hours of 12:00 midnight to 10:00 a.m. on designated water days. Irrigation by hand-held hoses or hand-held buckets is permitted any time.
- (2) All washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment not occurring on the immediate premises of a commercial car wash, commercial service station, or fleet service center are prohibited.

(c) The washing of automobiles, trucks, trailers, boats, airplanes, or other types of mobile equipment on the immediate premises of a commercial car wash, commercial service station, or fleet service center may occur between 12:00 noon and 8:00 p.m.

(d) The filling, refilling, or adding of potable water to swimming pools is prohibited. However, this restriction does not apply to swimming pools equipped with filtration and a recirculation system that includes the gutter drains or that are not using water from the city's water distribution system. However, swimming pools may not be filled if there are unrepaired leaks.

(e) Commercial plant nurseries may use only hand-held hoses, hand-held watering cans, or drip irrigation.

(f) No new landscapes of any type may be installed.

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(g) The uses of water allowed during stage 2 under section 30-13(d)(5) and (6) are prohibited unless specifically authorized by a variance or permit granted specifically under stage 3. Under stage 3, the board shall not issue a permit for the use of water necessary for the installation or establishment of landscaping in new, residential, and commercial development.

(h) For purposes of enforcement of this conservation stage, the city manager may appoint employees from other divisions to assist the code enforcement division.

(i) Stage 3 of the plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of stage 3, stage 2 becomes operative.

(j) Within five days of the implementation of stage 3, the city shall notify the Texas Commission on Environmental Quality.

(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-15. Stage 4--emergency water use management.

(a) Water reduction targets to be achieved during the implementation of stage 4 shall be a five percent reduction in daily water demand from that set forth in stage 3. The city will implement stage 4 when any one of the selected triggers are reached.

- (1) Supply-based triggers shall be when total city storage capacity reaches 25% of maximum storage or when the wholesale service provider initiates their stage 4, whichever occurs first.
- (2) The demand or capacity-based trigger shall be when total daily demand expressed as a percentage of pumping capacity reaches and maintains 95% for three consecutive days.

(b) The city manager may implement the following restrictions to apply to all customers of or persons who use water directly or indirectly from the water utility of the city in areas designated by the city manager. The restrictions do not apply to any customer using treated wastewater effluent or raw water for the uses described below. All elements of stage 3 remain in effect in stage 4 except that: hand-held hoses and hand-held watering cans may be used for outdoor irrigation of vegetation only between the hours of 6:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. on designated water days. Irrigation, including but not limited to foundation watering, using permanently installed irrigation systems, hose end irrigation, or drip irrigation is prohibited.

(c) For purposes of enforcement of this conservation stage, the city manager may appoint employees from other divisions to assist the code enforcement division.

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(d) Stage 4 of the plan may end when all of the conditions listed as triggering events have ceased to exist for a period of three (3) consecutive days. Upon termination of stage 4, stage 3 becomes operative.

(e) Within five days of the implementation of stage 4, the city shall notify the Texas Commission on Environmental Quality.
(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-16. City manager's authority to impose additional restrictions.

The city manager may at any time implement mandatory water restrictions in addition to those restrictions named in the conservation plan to protect the public health, safety, and welfare in the event of unusual operations events, catastrophic occurrences, or severe weather events. The city manager may implement mandatory restrictions by public announcement, and the restrictions are effective immediately on the making of the public announcement. (Ord. No. 98-46, § I, 6-30-98)

Sec. 30-17. Inspection.

(a) The city may conduct inspections for the purpose of ascertaining compliance with this article and causing to be corrected any conditions which would constitute a violation of this article. Water enforcement officers shall be specified at each conservation stage and shall have the authority to enforce the provisions of this article.

(b) Nothing herein shall be construed to hold the city or any officer, employee, or representative of the city responsible for any damage to persons or property by reason of making or failing to make an inspection.
(Ord. No. 98-46, § I, 6-30-98)

Sec. 30-18. Right of entry.

(a) Whenever necessary for the purpose of investigating or enforcing the provisions of this article, or whenever any water enforcement officer has reasonable cause to believe that there exists in any structure or upon any premises any condition which constitutes a violation of this article, said officers may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any said respective officers by law; provided that if such structure or premises be occupied, the officer shall first present proper credentials and request entry and further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry. If entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.

(b) If a customer is irrigating during a time period or on a day when irrigation is not permitted for the street address of that customer and a city worker cannot find any person at that

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street address to turn off the irrigation system, the city worker may enter the property and turn off the irrigation system.

(Ord. No. 98-46, § I, 6-30-98)

Sec. 30-19. Presumption of violation.

For purposes of this article, the person, corporation, or association in whose name the water utility of the city is or was last billed or who is receiving the economic benefit of the water supply is presumed to have knowingly made, caused, used, or permitted the use of water received from the city for residential, commercial, industrial, agricultural, governmental, or other purpose, in a manner contrary to any provision of this article, or in an amount more than the use permitted by the conservation stage in effect, or in a manner contrary to the terms and conditions of a valid variance, permit, or compliance agreement issued by the review board, if the water has been used in a manner contrary to any provision of this article, or in an amount greater than the use permitted by the conservation stage in effect or in a manner contrary to the terms and conditions of a valid variance, permit, or compliance agreement issued by the review board. (Ord. No. 98-46, § I, 6-30-98)

Sec. 30-20. Stage 3 and 4 implementation and termination.

The director shall monitor the projected supply and demand for water by its customers on a daily basis and shall recommend to the city manager the extent of the conservation required through the implementation or termination of particular conservation stages in order for the public works department to prudently plan for and supply water to its customers. The city manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provisions of this article. This order shall be made by public announcement and takes effect immediately on the announcement. (Ord. No. 98-46, § I, 6-30-98)

Sec. 30-21. Review board; review of hardship, special cases, and alternative plans.

(a) Upon implementation of stages 2, 3, or 4, a review board consisting of the assistant city manager or designee, public works director or designee, and city attorney or designee shall meet weekly to review hardship, special cases that cannot strictly comply with this article to determine whether the cases warrant a variance, permit, or compliance agreement. The review board shall make recommendations to the city manager.

(b) The review board is also authorized to recommend alternative plans. Public and private schools, colleges, hospitals, and the city parks may submit alternative plans which identify water use plans which will be implemented for each conservation stage. If an alternative plan is approved by the city manager, the applicant shall comply with the terms of the plan and is exempt from restrictions stated in this ordinance. Violations of the terms of an alternative plan may be enforced as a violation of this ordinance.

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(c) The review board shall make its recommendation no later than the 3rd calendar day after receipt of a properly completed “application for variance or alternative plan” form. The city manager shall issue a final decision within 1 calendar day after receiving the review board’s recommendation. A variance may be recommended and an alternative plan may be recommended only for reasons of economic hardship. In this section, economic hardship means a threat to an individual’s or business’ primary source of income. Inconvenience or the potential for damage to landscaping shall not constitute an economic hardship. However, actual significant loss of landscaping may constitute an economic hardship. A dirty motor vehicle is not an economic hardship.

(d) Until the city manager has acted on an application, the applicant must comply with all provisions of this chapter.

(e) If the city manager determines there is an economic hardship, the city manager shall grant a variance and authorize the implementation of equitable water use restrictions by the applicant that further the purposes of this ordinance. The special water use restrictions authorized by the city manager in each special or hardship case must be set forth in the terms of the variance. If the variance is granted or an alternative plan is approved, the customer must keep a copy of the variance or the alternative plan in a location that is accessible and visible to the public.

(f) A fee of \$500.00 for each variance or alternative plan shall be assessed to defray administrative costs under this section. The fee may be waived upon a showing of financial hardship.

(Ord. No. 98-46, § I, 6-30-98; Ord. No. 06-64, § I, 6-13-06)

Sec. 30-22. Expiration; revocation.

(a) A variance granted by the city manager under stage 2 will expire on its own terms and will become void and invalid on implementation of stage 3 or 4. A separate application for a variance must be submitted for each stage.

(b) Any person, corporation, or association that is issued a variance or alternative plan must provide proof of the variance or alternative plan on demand by any water enforcement officer. On conviction of a person, corporation, or association of violating any provision of this article, the city manager may revoke any variance or alternative plan previously granted. The city manager shall notify the applicant of the proposed revocation five calendar days before taking the action, and an applicant must be given the opportunity to be heard by the city manager before action is taken.

(Ord. No. 98-46, § I, 6-30-98)

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Sec. 30-23. Penalty.

(a) A person commits an offense if the person performs an act prohibited by this chapter or fails to perform an act required by this chapter. Each instance of a violation of this chapter is a separate offense.

(b) Proof of a culpable mental state is not required for a conviction of an offense under this chapter.

(c) An offense under this chapter is a class C misdemeanor, punishable by a fine not to exceed \$2,000.00. Prosecution of an offense under subsection (a) of this section does not preclude other enforcement remedies under this chapter. The use of other enforcement remedies under state law or this chapter does not prevent prosecution for a violation of this chapter under subsection (a) of this section.

(d) For repeat violations of this chapter, water service may be restricted or disconnected.

(e) The city's authority to seek injunctive or other civil relief available under the law is not limited by this section.

(Ord. No. 98-46, § I, 6-30-98)

Secs. 30-24--30-25. Reserved.

ARTICLE II. WATER SYSTEM

Sec. 30-26. Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in section 1-8.

Sec. 30-27. Application for service.

All applicants for service attachments to the mains for the purpose of conducting water into any premises must be made in writing by the party desiring such attachment; such application must be made in writing to the superintendent of the waterworks, and if premises are occupied by rentee or lessee, application must be accompanied by consent of owner. (Code 1963, Ch. 14, art. 1, § 1)

Sec. 30-28. Use of water restricted.

All applications for water service must state fully and truly the purpose for which the water is required, and no water shall be used except for the purpose or purposes stated in the application, and no applicant shall permit others to use water for any purpose except those stated. In case of misrepresentation or diversion to other use, the supply shall be cut off, unless applicant pays a higher rate as provided in this article. If the water is cut off, applicant shall pay a fee of ten

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dollars (\$10.00) when water is again turned on, in addition to the rate applicable to the purpose for which the water is being used. (Code 1963, Ch. 14, art. 1, § 2 [Ord. No. 81-37, § 1, 8-11-81])

Sec. 30-29. Stopcocks and gates.

Consumer shall cause to be placed at his own expense, in his attachment not more than twelve (12) inches from the curb, a stopcock and stop box, and no water will be supplied unless this is done. Such stops and boxes shall be kept in repair by the consumer, and shall be flush with the sidewalk. Every service pipe must also be furnished with stop and waste cock inside the premises and below the action of frost, so that water can be cut off and drained from the pipes. The manipulation of stopcocks shall in all cases be done only by an employee of waterworks. (Code 1963, Ch. 14, art. 1, § 5)

Sec. 30-30. Access to water distribution system.

Any employee of the city water department shall have access at all reasonable hours to any part of the water distribution system wherever located. (Code 1963, Ch. 14, art. 1, § 6 [Ord. No. 82-60, § 1, 10-12-82])

Sec. 30-31. Right to shut off water.

The waterworks reserves the right to cut off water in the mains without notice, for any purpose, at any time. (Code 1963, Ch. 14, art. 1, § 7)

Sec. 30-32. Consumer must prevent waste.

Consumers are required to keep their sprinklers, hydrants, faucets, valves, hoses and all other water apparatus in good condition, and all waterways closed when not in use. Water will not be furnished where there are defective or leaky water closets, faucets or other fixtures, except at advanced rates. (Code 1963, Ch. 14, art. 1, § 8)

Sec. 30-33. Several consumers to one connection.

In all cases where water is to be supplied to several parties through one (1) stopcock, the waterworks shall contract with only one (1) of the parties, and this party shall be responsible for violation of rules by others on his line. (Code 1963, Ch. 14, art. 1, § 9)

Sec. 30-34. Water for special use.

No continual flow of water shall be allowed except by special permission. When water is discharged into tanks they must be tight and supply pipes furnished with good cocks. Steam boilers taking water from service pipes and depending on the pressure will do so at the risk of the owner. Steam plants and other commercial enterprises will be furnished water through meters only. (Code 1963, Ch. 14, art. 1, § 10)

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Sec. 30-35. Plumbing done by bonded plumber.

All plumbing must be done by a bonded plumber of the city, and water will not be furnished to customers whose pipes are laid by other plumbers. (Code 1963, Ch. 14, art. 1, § 11)

Sec. 30-36. Destruction, injury to, or interference with water distribution system.

It shall be unlawful for any person to knowingly or intentionally destroy, injure, interfere with, or tamper with, in any manner, or attempt to destroy, injure, interfere with or tamper with in any manner, any reservoir, tank, main, fountain, fireplug, hydrant, stopcock, valve, pipe connection, meter, meter box or other apparatus pertaining to the water distribution system of the city. Any person who violates this section is guilty of a misdemeanor and shall be fined two thousand dollars (\$2,000.00). Each additional day in violation of this ordinance constitutes a separate offense. (Code 1963, Ch. 14, art. 1, § 12 [Ord. No. 82-60, § 1, 10-12-82]; Ord. No. 06-81, § I, 7-11-06)

Sec. 30-37. Taking water unlawfully.

Anyone who takes or uses any water from the city waterworks for any purpose without having previously contracted for the taking or use of such water is guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00). Anyone who takes or uses water from the waterworks for any purpose after having been cut off because of a violation of rules, without the permission of the Water and Sewer Department, shall be subject to the above penalty. Each additional day in violation of this ordinance constitutes a separate offense. (Code 1963, Ch. 14, art. 1, § 13; Ord. No. 06-81, § I, 7-11-06)

Sec. 30-38. Care of hydrants by police.

It shall be the duty of every officer to look after all fire hydrants, leakage of water pipes, and faulty connections and report the same to the water commission. It shall be their duty to see that consumers are using water as agreed upon in their applications. (Code 1963, Ch. 14, art. 1, § 14)

Sec. 30-39. Connections larger than one inch.

All customers having connections with mains larger than one (1) inch shall at their own expense furnish and keep in repair a gate or globe valve next to the main, which shall be under the exclusive control of the city waterworks. No water will be supplied until this section is complied with, and water will be cut off if valve gets out of repair, and will not be cut on until customer has repaired same and paid all expenses of disconnection and reconnection. (Code 1963, Ch. 14, art. 1, § 15)

Secs. 30-40--30-60. Reserved.

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ARTICLE III. SEWERS AND SEWAGE DISPOSAL^{??}

DIVISION 1. GENERALLY

Secs. 30-61--30-70. Reserved.

DIVISION 2. PURPOSES, POLICY, AND PROHIBITED DISCHARGES

Sec. 30-71. Purposes and policy.

(a) Divisions 2, 3, 4, and 5 of this article set forth uniform requirements for users of the city of Killeen's wastewater system and enable the city to comply with applicable local, state and federal laws and regulations.

(b) The purposes of divisions 2, 3, 4, and 5 of this article and the policy of the city are to:

- (1) Prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system, including interference with its use or disposal of the resulting sludge;
- (2) Prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving waters, the atmosphere or otherwise be incompatible with the system;
- (3) Improve the opportunity to recycle and reclaim wastewaters and sludge from the wastewater system;
- (4) Provide for equitable distribution of the cost of operating and maintaining the wastewater system; and
- (5) Protect the general health, safety and welfare of the public and wastewater system personnel.

(c) Divisions 2, 3, 4, and 5 of this article provide for the regulation of users' discharges into the city's wastewater system by providing: general and specific prohibitions; the issuance of permits to certain nonresidential users and the enforcement of general and specific requirements for all users; the assessment of fees and surcharges; monitoring and enforcement regulations; and requiring user reporting.

(d) All discharges into the wastewater system shall conform to the requirements of divisions 2, 3, 4, and 5 of this article. If there is a conflict between divisions 2, 3, 4 or 5 of this article and any other provision of this code or state or federal law, the most restrictive provision shall apply. (Ord. No. 10-009, § II, 3-30-10)

¹**State law references**—Authority to regulate sewers, V.T.C.A., Local Government Code §§ 214.012, 214.013; on-site sewage disposal systems, V.T.C.A., Health and Safety Code § 366.001 et seq.

WATER, SEWERS AND SEWAGE DISPOSAL

Sec. 30-72. Definitions.

(a) The following words, terms and phrases, when used in divisions 2, 3, 4, or 5 of this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

Act of God is an unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable, or irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or the utilization of Best Management Practices (BMPs).

Animal waste means and includes the following waste regardless of whether the waste has been exposed to pathogens: carcasses of animals; body parts of animals; blood and blood products, serum, plasma, and other blood components from animals; or bedding of animals.

Approval authority means the executive director of the Texas Commission on Environmental Quality (TCEQ) or its designee.

Authorized representative of an industrial user means:

(1) If the industrial user is a corporation:

- (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function or any other person who performs similar policy-making or decision-making functions for the corporation; or
- (B) The manager of one or more manufacturing, production or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit and where authority to sign documents has been assigned or delegated to the manager in accordance with corporation procedures;

(2) If the industrial user is a partnership or sole proprietorship, a general partner or proprietor, respectively;

(3) If the industrial user is a federal, state, or local governmental facility, the highest official appointed or designated to oversee the operation and performance of the activities of the government facility or designee; or

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- (4) The individuals described in subsections (1) through (3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the director.

Automotive oil means any lubricating oils or greases intended for use in an internal combustion engine, crankcase, transmission, gear box, or differential for an automobile, bus, lawnmower, tractor, trailer, motorcycle, boat, truck or other machines with these components (airplanes, water craft, four-wheelers, etc.). The term includes oil or grease that is not labeled specifically for that use but is suitable for that use according to generally accepted industry specifications, including those of synthetic composition.

Bell County Water Control and Improvement District #1 (BCWCID#1) wastewater system means pipelines, facilities, devices, and structures used for transporting, receiving, processing, and treating wastewater, industrial waste, and sludge owned and operated by BCWCID#1.

Best management practices (BMPs) Best management practices include schedules of activities, prohibitions of practices, maintenance or monitoring procedures, structural controls, and other management practices to prevent or reduce the pollution of water in the state in accordance with Divisions 2, 3, 4, and 5 of this article and the specific and general prohibitions at 40 CFR 403.5(a)(1) and (b).

Biochemical Oxygen Demand (BOD) means the quantity of oxygen utilized for the biochemical oxidation of organic material in five (5) days at twenty degrees Celsius (20° C) under standard laboratory procedures, expressed in milligrams per liter (mg/l), as determined by the standard methods.

Blood and blood products mean human blood, serum, plasma and other blood components.

Building sewer means the collection of privately-owned components, pipes and/or conveyances that convey a user's discharges to the wastewater system or other place of disposal, regardless of whether such collection, or portions of such collection, is/are located inside or outside of a building or person's property.

Bypass means the intentional diversion of waste or wastewater from any portion of a user's pretreatment facility.

Categorical standards mean the national categorical pretreatment standards established by the EPA in Title 40 of the CFR.

Categorical users mean industrial users subject to national categorical pretreatment standards under 40 CFR 403.6 and 40 CFR, chapter I, subchapter N.

WATER, SEWERS AND SEWAGE DISPOSAL

Chemical Oxygen Demand (COD) means the measure of the oxygen-consuming capacity of inorganic and organic matter present in the water or wastewater expressed in milligrams per liter (mg/l) as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with BOD as determined by standard methods.

Clog means to impede, hinder, obstruct or stop the flow of the wastewater in the wastewater system.

Compliance schedule means a milestone document of corrective actions developed and issued to assist an industry in regaining compliance through operation and maintenance and/or construction while providing the director with progressive reporting which may be used, in addition to or in lieu of other remedies provided in division 5 of this article, as a progressive enforcement action for noncompliance.

Composite sample means the sample resulting from the combination of individual samples taken at selected intervals based on an increment of either flow or time.

Control point means a manhole, control port or other approved access to a building sewer at some point before the building sewer discharge mixes with other discharges in the wastewater system.

Cooling water means the water discharged from any system of condensation, such as air conditioning, cooling, and refrigeration systems.

Day means a calendar day, unless otherwise specified.

Dilution means the addition of any material, either liquid or non-liquid, or any other method, to attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the national categorical standards or the provisions of Divisions 2, 3, 4, or 5 of this article.

Direct discharge means the discharge of treated or untreated wastewater directly into the waters of the state under a permit issued by the TCEQ or EPA.

Director means the executive director of public works or his/her duly authorized representative or designee.

Discharge means to deposit, conduct, drain, emit, throw, run, allow seeping, or otherwise releasing or disposing of any wastewater, waste, or any other substance into the wastewater system, or to allow, permit, or suffer any of these acts or omissions to occur, without regard to intent.

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Existing source means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

Fats, oils and greases (FOG) means organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules, or N-Hexane extractable material not absorbed in Silica gel, all of which are sometimes referred to herein as “grease” or “greases.” These substances are detectable and measurable using analytical test procedures specified in the standard methods.

Food service establishment means a commercial, institutional or industrial establishment identified in this definition that prepares, serves, processes, manufactures or conducts any other food service-type activity involving food or beverage products of any kind that generate industrial wastewater. Food service establishments are limited to restaurants of all types, food courts, food packagers, grocery and convenience stores, bakeries, lounges, bars, schools, food manufactures, food processors, hospitals, hotels, motels, and nursing homes.

Garbage means solid waste consisting of putrescible animal and vegetable waste materials resulting from the handling, preparation, cooking and consumption of food, including waste materials from markets, storage facilities, handling and sale of produce and other food products.

Generator means any person who owns or operates a grease trap or grit trap, or whose act or process produces a grease or grit trap waste.

Grab sample means an individual sample collected without regard to flow over a period of time not exceeding fifteen (15) minutes.

Grease trap or *grease interceptor* means a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the wastewater system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the wastewater exiting the trap and entering the wastewater system. Under common usage, a grease trap is distinguished from a grease interceptor on the basis of size and location. A grease trap is typically smaller than a grease interceptor and a grease trap is typically located inside an establishment rather than outside, as is the case with a grease interceptor. However, as both grease traps and grease interceptors both serve the same purpose and the determination of whether one or the other will be required can only be determined based on a particular user’s projected or actual use, for purposes of this article, both terms will be used interchangeably.

Grease trap waste means the material collected in and from a grease trap or interceptor utilized in a commercial, institutional, or industrial food service or processing establishment, including the solids resulting from de-watering process.

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Grit trap or grit interceptor means a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of petroleum-based oil and grease waste, and inorganic or other solids or semi-solids from wastewater prior to discharge to the wastewater system.

Grit trap waste means petroleum-based oil and grease waste, and inorganic or other solids and semi-solids collected by and removed from a grit trap.

Hazardous metal means and includes each of the following metals in its elemental state and any of its compounds expressed as that metal: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, molybdenum, nickel, selenium, silver and zinc.

Indirect discharge means the discharge of waste, wastewater or any other substances into the wastewater system, other than normal domestic wastewater, including, without limitation, the discharge or the introduction of pollutants from any source regulated under Section 307(b), (c), or (d) of the Act (33 USC 1317) into the wastewater system.

Industrial user means a source of an indirect discharge.

Industrial wastewater means: waste or wastewater resulting from any process of industry, manufacturing, trade or business from the development of any natural resource; any mixture of this waste or wastewater with potable water or normal domestic wastewater; or any waste or wastewater that is distinct from normal domestic wastewater.

Infiltration water means the storm water, ground water or surface water that is present in, or leaks into, the wastewater system.

Interference means a discharge which alone or in conjunction with a discharge or discharges from other sources inhibits, disrupts, or damages the wastewater system, its treatment processes or operations, or its sludge processes, use or disposal and, therefore, is a cause of a violation of divisions 2, 3, 4, or 5 of this article, the BCWCID#1 TPDES permit (including an increase in the magnitude or duration of a violation), or a discharge which alone or in conjunction with a discharge or discharges from other sources prevents sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), 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 SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

Local limit means specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and the prohibitions of divisions 2, 3, 4, or 5 of this article.

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Microbiological waste means cultures and stocks of infectious agents and associated biologicals, cultures of specimens from medical, pathological, pharmaceutical, research, clinical, commercial, and industrial laboratories, discarded live and attenuated vaccines, disposable culture dishes or disposable devices used to transfer, inoculate, and mix cultures.

Milligrams per liter (mg/l) means the same as parts per million and is a weight-to-volume ratio. The milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

National categorical pretreatment or pretreatment standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 USC 1347) which applies to a specific category of industrial users.

Natural outlet means any outlet into a watercourse, ditch, lake or other body of surface water or groundwater.

New source means:

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

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- (i) Any placement, assembly, or installation of facilities or equipment;
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- (B) Entered into a binding contractual obligation for the purchase of a facility or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

Non-contact cooling water means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.

Non-point source means any source of water pollution that is not a point source as defined in this division.

Non-residential user means a user other than a residential user.

Non-sewer waters means natural outlets, watercourses, ditches, lakes, receiving waters, underground water, septic tanks, or other bodies of surface water or groundwater which are not part of, or otherwise connected to, the wastewater system of the city.

Normal domestic wastewater means wastewater, excluding industrial wastewater, discharged by a user into the wastewater system that does not contain any pollutant exceeding any limit established under Divisions 2, 3, 4, or 5 of this article or federal or state law.

Other waste means ashes, cinders, sand, mud, gravel, asphalt, ceramic wastes, metal or shavings, straw, glass, rags, feathers, tar, plastics, wood or shavings, sawdust, un-ground garbage, whole blood, paunch manure, hair and fleshlings, entrails, paper products, either whole or ground by a garbage grinder larger than one-half inch (1/2") in diameter, slops, chemical residues, or solids.

Overload means a discharge or part of a discharge that imposes an organic, inorganic or hydraulic loading on a building sewer or the wastewater system in excess of its actual capacity.

Pass through means a discharge that exits the wastewater system into waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, are a cause of a violation of any requirement of the BCWCID#1 TPDES permit as issued by the State of Texas (including an increase in the magnitude or duration of a violation).

Pathogen means an agent that causes disease, especially a living microorganism such as a bacterium or fungus.

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Pathological waste means and includes without limitation: human matter removed during surgery, labor and delivery, autopsy, or biopsy, including body parts, tissues or fetuses, organs, blood, body fluids; laboratory specimens of blood and tissue after completion of laboratory examination; or anatomical remains.

Person means an individual, corporation, municipal corporation, partnership, or any other legal entity, or the officers, partners, managers, representatives, agents, servants, or employees of an individual, corporation, municipal corporation, partnership, or any other legal entity to which divisions 2, 3, 4, or 5 of this article applies and is enforceable.

pH means the logarithm (base 10) of the reciprocal of the weight of the hydrogen ion in grams per liter of solution. pH is the measure of acidity or alkalinity measured in standard units.

Point source means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Pollutant means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste or wastewater exceeding limits established under divisions 2, 3, 4, or 5 of this article that is discharged into the wastewater system.

Pretreatment, pretreat or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, prior to or in lieu of discharging or otherwise introducing such pollutants into the wastewater system. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by process changes or by other means, except as prohibited by 40 CFR 403.6(d) (*Dilution prohibited as substitute for treatment except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement*).

Pretreatment facility means any facility or facilities designed or operated to pretreat discharges in order to comply with pretreatment requirements or pretreatment standards established by federal, state or local regulations.

Pretreatment requirements means any substantive or procedural requirement set forth in divisions 2, 3, 4, or 5 of this article or as required under federal or state law.

Pretreatment standards or standards mean prohibited discharge standards, categorical pretreatment standards, and local limits.

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Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw materials, intermediate products, finished product, byproduct or waste product.

Publicly owned treatment works (POTW) means a treatment works, as defined by section 212 of the Act, which is owned by a state or municipality (as defined by section 502(4) of the Act) or other political subdivision. This definition includes any devices and system used in the transportation, storage, treatment, recycling and reclamation of municipal sewerage or industrial wastes of a liquid nature including, but not limited to, pipelines, interceptors and lift stations conveying wastewaters to the BCWCID#1 treatment plants. The term POTW shall also mean the municipality and/or city as defined in section 502(4) of the Act, which shall have jurisdiction over the indirect discharges to its wastewater system and shall also include any sewers that convey wastewaters to the POTW from domestic or industrial entities outside of the city who are, by contract agreement with the city, users of the POTW. In divisions 2, 3, 4, and 5 of this article, POTW shall also be deemed to be synonymous with wastewater system as defined in this division.

Residential user shall mean a person discharging normal domestic wastewater from a single family dwelling, duplex, or other dwelling unit that has complete independent living facilities and that is used solely for residential use and is not used in conjunction with a home occupation.

Sewage means a combination of the water-carried wastes from residences, commercial buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

Sewer means a pipe or conduit for carrying sewage.

Sharps means and includes the following material, whether contaminated or not: hypodermic needles; hypodermic syringes with attached needles; scalpel blades; razor blades and disposable razors used in surgery, labor and delivery, or other medical procedures; pasteur pipettes; or broken glass from laboratories.

Significant user or *significant industrial user (SIU)* means, except as provided in subsection (3) of this definition:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; or
- (2) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the wastewater system (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the applicable BCWCID#1 treatment plant; or is designated as such by the director on the basis that the industrial user has a reasonable potential for adversely affecting the

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wastewater system's operation or for violating any pretreatment standard or prohibitions in divisions 2, 3, 4, or 5 of this article.

- (3) Upon finding that an industrial user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the wastewater system's operation or for violating any pretreatment standard or requirement, the director may at any time, on his/her own initiative or in response to a petition received from an industrial user, determine that such industrial user is not a significant industrial user.

Slug or slug load means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 30-73 of this division. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate divisions 2, 3, 4, or 5 of this article.

Special waste from health care facilities means a waste, which if improperly treated or handled, may serve to transmit an infectious disease or diseases and which is comprised of the following: blood and blood products; microbiological waste; pathological waste; or sharps.

Standard methods means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, or through the use of the approved test procedures found in 40 CFR 136 or 30 TAC 319.11.

Storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, inlets, gutters, ditches, natural and human-made or altered drainage channels, or storm drains) owned or operated by the city and designed or used for collecting or conveying storm water, and which is not used for collecting or conveying sewage and which is not part of the wastewater system

Storm water means rainfall runoff, snow melt runoff, and surface runoff and drainage.

Surcharge means the charge, in addition to the wastewater service charge established for the collection and treatment of normal domestic wastewater, which may be assessed against those industrial users whose wastewater discharges exceed any level of pollutant established by divisions 2, 3, 4, or 5 of this article.

Total suspended solids (TSS) means solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater or other liquid and the level of which is determined by the standard methods.

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Transporter means a person who is registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste, or grease trap waste in accordance with 30 Texas Administrative Code §312.142.

Unpolluted wastewater means water not containing: pollutants; free or emulsified grease or oil; acids or alkalis; phenols or other substances producing taste or odor in receiving water; toxic or poisonous substances in suspension, colloidal state or solution; noxious or otherwise obnoxious or odorous gases; more than an insignificant amount in mg/l each of TSS and BOD, as determined by the city; or color exceeding fifty (50) units as measured by the platinum-cobalt method of determination as specified in standard methods.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or divisions 2, 3, 4, or 5 of this article because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User means any person, including those located outside the corporate limits of the city, which by any means contributes, causes, or permits the contribution or discharge of waste, wastewater, or other substances into the wastewater system.

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

Wastewater means liquid and water-carried wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, institutions, or any other type of facility, whether treated or untreated, which are contributed to the wastewater system.

Wastewater service charge means the charge on all users of the wastewater system whose wastewater does not exceed in strength the concentration values established as representative of normal domestic wastewater.

Wastewater system means and includes all facilities used for collection, pumping, treating, and disposing of wastewater and industrial wastes. Unless the context indicates otherwise, this shall include both BCWCID#1 and city wastewater facilities. In divisions 2, 3, 4, and 5 of this article, wastewater system shall be deemed to be synonymous with a publicly owned treatment works (POTW) as defined in this section and by section 212 of the Act.

Watercourse means a drainage path or way or the channel of a stream, to include, without limitation, waters in the state, in which water flows within a defined bed and banks, even though the same may be slight, imperceptible or even absent in places, and originates from a definite source or sources. The water need not always be present and may be intermittent if the latter

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occurs with some degree of regularity, depending on the characteristics of the sources (i.e.: water is present or flowing during and/or after a rainfall event).

Waters in the state means groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

(b) The abbreviations below shall have the following meanings:

BCWCID#1: Bell County Water Control and Improvement District #1, its successors or assigns
BOD; Biochemical Oxygen Demand
CFR: Code of Federal Regulations
COD: Chemical Oxygen Demand
EPA: U.S. Environmental Protection Agency
FOG: Fats, Oils, and Greases
Gpd: Gallons per day
l: Liter
mg: Milligrams
mg/l: Milligrams per liter
NPDES: National Pollutant Discharge Elimination System
POTW: Publicly Owned Treatment Works
RCRA: Resource Conservation and Recovery Act
SWDA: Solid Waste Disposal Act (42 USC 6901, et seq.)
TAC; Texas Administrative Code
TCEQ; Texas Commission on Environmental Quality
TPDES: Texas Pollution Discharge Elimination System
TSS: Total Suspended Solids
USC: United States Code

(c) As used in divisions 2, 3, 4, or 5 of this article, reference to any party or governmental regulatory authority or agency means that entity and its successors and assigns.

(d) As used in divisions 2, 3, 4, or 5 of this article, reference to any law, statute, rule or regulation means that law, statute, rule or regulation as it currently exist or is hereinafter amended or supplemented.

(Ord. No. 10-009, § II, 3-30-10)

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Sec. 30-73. Prohibited discharges.

(a) *Generally.* No person may discharge to the wastewater system any waste or wastewater which alone or in conjunction with other waste or wastewater may cause:

- (1) A BCWCID#1 wastewater system overload;
- (2) Pass through or contribute to pollution of the wastewater system's receiving waters;
- (3) Interference with the operation of the wastewater system;
- (4) The BCWCID#1 wastewater system to be in violation of the NPDES permit or TPDES permit;
- (5) A hazard to property, public health, welfare or safety;
- (6) A violation of a permit issued under division 4 of this article; or

(b) *Specifically.* Except as authorized by divisions 2, 3, 4, or 5 of this article, no person shall discharge any of the following into the wastewater system:

- (1) Pollutants which create a fire or explosion hazard in the wastewater system, including but not limited to, waste streams with a closed cup flashpoint of less than one hundred-forty degrees Fahrenheit (140° F) or sixty degrees Celsius (60° C), using the standard methods or the test methods specified in 40 CFR 261.21;
- (2) *pH value.* No waste, wastewater, or other substance may be discharged into wastewater system which has a pH lower than 6.0 or higher than 10.0, or any other corrosive property capable of causing damage or hazard to the wastewater system or wastewater system personnel;
- (3) Grease, fats, waxes, oils, plastics or other substances, including grease and grit trap waste, whether emulsified or not, which:
 - (A) Will solidify or become discernibly viscous at any temperature between thirty two degrees Fahrenheit (32° F) and one hundred-fifty degrees Fahrenheit (150° F);
 - (B) Deposit FOG in the wastewater system in such manner as to clog the wastewater system;
 - (C) Represents a FOG discharge resulting from an overload of the user's grease or grit trap;
 - (D) Are not amenable to biological oxidation and will, therefore, pass through to the receiving waters or water in the state without being affected by normal wastewater treatment processes; or
 - (E) Have deleterious effects on the wastewater system's treatment process due to the quantities of these substances exceeding an instantaneous maximum allowable limit of one hundred (100) mg/l;
- (4) Any pollutant, including oxygen demanding pollutants (BOD/COD) released in a discharge at a flow rate and/or pollutant concentration which will cause interference to, or damage the, wastewater system;

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- (5) *Temperature.* No person shall discharge liquid, vapor, or any substance having a temperature higher than one hundred-twenty degrees Fahrenheit (120° F) (forty-eight and 9/10ths degrees Celsius, 48.9° C), or that causes the temperatures of the total wastewater treatment plant(s) influent to exceed one hundred-four degrees Fahrenheit (104° F) (forty degrees Centigrade (40° C), or which will inhibit biological activity in the wastewater treatment plant(s) resulting in interference;
- (6) Automotive oil, Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin;
- (7) Pollutants which cause toxic gases, vapors or fumes to be present within the wastewater system in a quantity that may cause wastewater system personnel to suffer health or safety problems;
- (8) Any trucked or hauled pollutants or waste, other than from vehicles (including vacuum trucks and vactor trucks) hauling, trucking, or otherwise transporting normal domestic wastewater, septic tank waste or chemical toilet waste, for the purpose of introducing such wastewater into the wastewater system with the express written authorization (and direction as to location of the disposal site) from the director. A fee shall be established by the director for the dumping of such wastes;
- (9) Special waste from health care facilities or animal waste, including non-biodegradable materials, except as otherwise allowed by state or federal law;
- (10) Toxic or poisonous substances, including substances exerting an excessive chlorine requirement to such a degree that any such material received in the composite wastewater at the wastewater treatment plant(s) exceeds the limits established for BCWCID#1 under its TPDES permit for such materials or are in sufficient quantities to violate the provisions of subsection (a) of this section;
- (11) *Chemical discharges.* No discharge to the wastewater system shall contain: gasoline, cleaning solvents, benzene, naphtha, fuel oil, acetylene generation sludge, or other flammable or explosive liquid, solid or gas; or hazardous wastes prohibited by local, state, or federal law;
- (12) *Others.* All waste, wastewater or other substances containing phenols, unionized hydrogen sulfide or other taste-producing and odor-producing substances shall conform to concentration limits established for BCWCID#1 by its TPDES permit. No discharge to the wastewater system may contain:
 - (A) Wastewater which will alone or in conjunction with other wastewater cause the wastewater system influent to contain a total toxic phenol concentration greater than 1.428 mg/l; or
 - (B) Wastewater, which will alone or in conjunction with other wastewater, cause the wastewater entering any entry point into the wastewater system to exceed a hydrogen sulfide concentration greater than 1.0 mg/l;
- (13) *Hazardous metals, toxic materials and conventional pollutants.*
 - (A) *System limits.* The allowable total combined industrial wastewater discharge loading of each of the following pollutants stated in terms of mg/l for discharge to

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the wastewater system are established for the city as provided and required by agreements governing the operation of the wastewater system. The limits shall also be contained in individual wastewater system use permits. The city reserves the right to revise effluent limitations in accordance with applicable federal, state and local regulations, which may result in changes to limits stated in individual permits. Any categorical or significant industrial user whose effluent contains more than the maximum allowable limit of any of the pollutants listed in paragraph (B) of this subsection, must possess a current wastewater system use permit issued by the city authorizing the discharge of such pollutants.

(B) *Local limits - Pollutants.* The following instantaneous maximum allowable limits for a user's effluent being discharged into the wastewater system are hereby established for the following pollutants:

<i>Pollutant</i>	<i>Maximum allowable limit (mg/l):</i>
(i) Arsenic	***
(ii) Cadmium as Cd	3 mg/l
(iii) Chromium as Cr	3 mg/l
(iv) Copper as Cu	3 mg/l
(v) Cyanide	2 mg/l
(vi) Lead	***
(vii) Mercury	0.002 mg/l
(viii) Nickel as Ni	3 mg/l
(ix) Selenium	***
(x) Silver	***
(xi) Zinc as Zn	3 mg/l
(xii) Molybdenum	***
(xiii) FOG	100 mg/l
(xiv) BOD	250 mg/l
(xv) TSS	300 mg/l
(xvi) COD	450 mg/l
(xvii) Dissolved sulfides	0.1 mg/l

*** Level to be determined by state and federal requirements;

- (14) *Discharge of other toxic materials.* No other toxic materials or substances as provided under state or federal law may be discharged into wastewater system without written permission from the director and the approval authority. The cost of studies regarding such discharges shall be borne by the user seeking permission;
- (15) *Garbage.* No person may discharge garbage into the wastewater system unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in the wastewater system. Particles greater than one-half inch (1/2") in diameter are prohibited. All garbage or food waste grinders shall be installed in accordance with the city's adopted plumbing code and chapter 8 of this code of

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- ordinances. The director reserves the right to review and approve the installation and operation of any garbage or food waste grinder;
- (16) *Storm water and other unpolluted drainage.*
- (A) No user shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, unpolluted industrial process water, non-contact cooling water, or other unpolluted drainage into the wastewater system, unless specific written authorization is received from the director in advance of constructing the connection and connecting the same to the wastewater system. The director shall only grant such authorization in unusual circumstances.
 - (B) Storm water and other unpolluted drainage shall be discharged into such sewers as are specifically designated as storm sewers, or to a natural outlet in accordance with, and as regulated by, article II, chapter 32 of this code of ordinances;
- (17) Acids, iron pickling waste or electroplating solutions that have not been sufficiently pretreated to comply with divisions 2, 3, 4, and 5 of this article;
- (18) *Radioactive waste.* No user shall:
- (A) Discharge any waste or wastewater into the wastewater system with a radioactive content greater than allowed by applicable provisions of the Texas Radiation Control Act, V.T.C.A., Health and Safety Code § 401.0005 et seq. and the state regulations for control of radiation issued thereunder; or
 - (B) Discharge radioactive wastes or isotopes into the wastewater system without the written permission of the director. In no case shall the director authorize the discharge of radioactive materials that will permit a transient concentration at the BCWCID#1 treatment plant to be higher than 100 microcuries per liter;
- (19) *Additional Discharges that impair or interfere with the wastewater system.* No user shall discharge into the wastewater system any waste, wastewater or substance:
- (A) Capable of causing an overload of the wastewater system;
 - (B) Capable of causing excessive discoloration being discharged into the receiving waters including, without limitation, dye wastes and vegetable tanning solutions where the color exceeds 50 units as measured by the platinum-cobalt method of determination as specified in the standard methods; or
 - (C) That is not amenable to treatment or reduction by the processes and facilities employed or amenable to treatment only to such a degree that the wastewater system effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- (20) *Slug Loads.* The city shall regulate the flow and concentration of slug loads when they may:

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- (A) Impair the wastewater treatment process;
 - (B) Cause damage to the wastewater system;
 - (C) Result in treatment costs exceeding those for normal domestic wastewater; or
 - (D) Render the wastewater system effluent unfit for receiving water disposal or industrial use;
- (21) Other waste as defined in this division;
- (22) *Federal categorical pretreatment standards and state standards.* No categorical user shall discharge any waste or wastewater into the wastewater system without complying with divisions 2, 3, 4, and 5 of this article and the applicable state and federal requirements including, without limitation, 40 CFR 403, et seq., which are hereby adopted and incorporated herein by reference.
- (A) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under divisions 2, 3, 4, or 5 of this article for sources in that subcategory, shall immediately supersede the limitation imposed under divisions 2, 3, 4, or 5 this article.
 - (B) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those in divisions 2, 3, 4, or 5 of this article;
- (23) Waste or wastewater containing detergent, a surface active agent, or a substance that could cause excessive foaming in the wastewater system or its effluent; or
- (24) An enzyme, chemical, or other agent that allows FOG or other waste to pass through a pretreatment facility.

(c) *Dilution prohibited.* No user shall use dilution as a partial or complete substitute for adequate pretreatment to achieve compliance with the national categorical standards, state law or the provisions of divisions 2, 3, 4, or 5 of this article. This prohibition does not include dilution that is a normal part of the production process or a necessary part of the process to treat the waste or wastewater (i.e.: adding lime for neutralization or precipitation or the mixture of compatible wastes in order to treat at capacity levels rather than treating waste or wastewater in small batches). The director may impose mass limitations on a user that is using dilution to meet applicable pretreatment standards as provided by federal, state or local regulations. (Ord. No. 10-009, § II, 3-30-10; Ord No. 14-012, 2-25-14)

Sec. 30-74. Monitoring, inspections, and sampling.

(a) *Discharge survey.* The director may require, and an industrial user shall submit, information relating to the nature and characteristics of a user's discharge by completing a wastewater survey on a form prepared by the director. Failure to complete and return the survey within thirty (30) days of receipt of the notice of requirement shall be a violation of this division.

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Receipt is presumed to have occurred five (5) days following the date of mailing the discharge survey.

(b) The director may require a user to provide and operate monitoring facilities to allow inspection, sampling, and flow measurements of the building sewer and/or internal drainage systems at the user's own expense when facts exist establishing that there is a reasonable probability that a user's discharge exceeds allowable limits and adequate facilities for inspection, sampling or measurement do not currently exist. "Reasonable probability" may be established, for example and without limitation, when: information provided in a completed discharge survey, as required by subsection (a) of this section, indicates that the user's discharge contains substances or pollutants prohibited by section 30-73 of this division; the condition of the wastewater system downstream from the user's facility indicates that substances or pollutants in excess of allowable limits are adversely affecting the wastewater system or are attributing to a waste stream that exceeds the levels of normal domestic wastewater; or, upon inspection and/or consultation with a user, when the director determines that a user's operations do not employ BMPs that will prevent prohibited levels of substances or pollutants from being discharged into the wastewater system.

- (1) When required by the director, the owner of any property served by a building sewer carrying industrial wastewater shall install a control point at user's expense.
- (2) The monitoring facility or control point should normally be situated on the user's premises near the property line, but the director may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public right-of-way or sidewalk area and located so that it will not be obstructed. Relating to control points necessary to verify compliance with Division 3, Fat, Oil and Grease Control and Prevention, of this Article, control points may be installed either downstream from where industrial wastewater from a grease or grit trap on the building sewer mixes with normal domestic wastewater or prior to that point, but following the industrial wastewater's introduction to the building sewer.
- (3) There shall be ample room in or near monitoring facilities or control point(s) to allow accurate sampling and preparation of samples for analysis. All equipment that is part of the monitoring facilities shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- (4) Whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the director's requirements and all applicable local construction standards and specifications. Construction shall be completed within one hundred-twenty (120) days following written notification by the director.

(c) The director shall inspect and monitor all users whenever the director deems that it is necessary to determine whether such users are in compliance with divisions 2, 3, 4, or 5 of this article.

(d) Persons or occupants of premises where waste or wastewater is created or discharged, and any other premises in which records required to be maintained under this divisions 2, 3, 4, or

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5 of this article are located, shall allow the director, the approval authority, and the EPA, or their representatives, ready access at all reasonable times to all parts of the premises, including without limitation, access to sewer cleanouts, control points and other points of the building sewer or internal drainage system, for the purposes of inspection, sampling, records examination, copying, or in the performance of any of their duties.

(e) In addition to or instead of the monitoring facilities or control points that may be required by this section, the director, the approval authority, and the EPA shall have the right to set upon the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations.

(f) Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with user's security guards so that the director, the approval authority, and the EPA will be permitted to enter immediately for the purposes of performing their specific responsibilities.

(g) *Measurements, tests, analyses.* All measurements, tests, and analyses of the characteristics of wastewaters and wastes to which reference is made shall be determined in accordance with standard methods and shall be determined from samples taken at the control point provided for in this division, a location specified in the wastewater system use permit, or upon samples taken at other representative locations approved by the Director.

(h) *Sampling expense.* Laboratory processing of initial grab samples collected by the director to determine a user's compliance with federal and state regulations and with divisions 2, 3, 4, or 5 of this article shall be borne by the city. Upon request of a user, a composite sample will be collected and analyzed by the Director or a third party contractor and/or laboratory at the user's expense, which shall be assessed as a separate line item on the user's utility bill. If the user requests a composite sample, the Director may also require the user to install a device of a type and design approved by the Director that will allow the sampling equipment to be secured and protected. If the first sample(s) collected indicate that a user is out of compliance the director shall at a minimum, in accordance with division 5 of this article, issue a Notice of Violation to the user. This provision in no way limits the director's authority to take additional action under division 5 of this article. If, within any twelve (12) month period from the date of the first Notice of Violation, additional samples indicate that the user continues to be non-compliant, and in addition to any other action taken by the director under division 5, the expense of obtaining and processing the repeat grab or composite (if requested) samples shall be at the user's own expense and shall be reflected as a separate line item on the user's utility bill. If at any time during this twelve (12) month period samples are collected and analyzed and indicate that the user is in compliance, this provision shall not be implemented again until another Notice of Violation is subsequently issued.

(Ord. No. 10-009, § II, 3-30-10; Ord. No. 14-012, 2-25-14)

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Sec. 30-75. Act of God or other uncontrollable event.

If a person can establish that a violation of divisions 2, 3, 4, or 5 of this article was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation. (Ord. No. 10-009, § II, 3-30-10)

DIVISION 3. FAT, OIL AND GREASE CONTROL AND PREVENTION

Sec. 30-76. Applicability and prohibitions.

(a) This division shall apply to all non-residential users of the wastewater system and transporters of grease or grit trap waste.

(b) Grease or grit traps or interceptors shall not be required for residential users.

(c) Food service establishments, as defined in division 2 of this article, that generate fats, oils, or greases as a result of food manufacturing, processing, preparation, or food service shall install, use, and maintain appropriate grease traps or interceptors as required in section 30-77 of this division.

(d) Food service establishments, as defined in Division 2 of this Article, that utilize cooking oil (yellow grease) fryers in the preparation of food products shall provide a recycling or disposal container for used oil on site and shall properly dispose of said used oil as necessary.

(e) Other non-residential users not identified as a food service establishment may be required to institute BMPs and/or comply with this division 3 if, upon sampling, the user's discharge is shown to exceed any pollutant limit established by division 2 of this article or the director determines, based upon a reasonable probability, that the user's discharge exceeds the same. The phrase "reasonable probability" has the same meaning ascribed to it in division 2, section 30-74(b) of this article.

(f) Facilities generating motor oil, grease, sand, wash water and other wastes or substances harmful or hazardous to the wastewater system as a result of providing commercial service or manufacturing shall install, use, and maintain appropriate grit traps as required in section 30-77 of this division. These facilities include, without limitation, car washes, auto repair, fueling stations and various manufacturing facilities.

(g) No user may intentionally or unintentionally allow the discharge of any automotive oil, petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin, including, without limitation, cooking oil or yellow grease, into the wastewater system in amounts exceeding the limits established under division 2 of this article which are hereby determined to cause interference with the wastewater system, or cause pollutants to pass through the wastewater system into the environment or water in the state.

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(Ord. No. 10-009, § III, 3-30-10; Ord. No. 14-012, 2-25-14)

Sec. 30-77. Installation, cleaning, maintenance, and transporter requirements.

(a) *Installations.*

(1) *New facilities.*

(A) Food service establishments which are newly proposed or constructed, or existing facilities which will be expanded or renovated to include a food service establishment, or to expand an existing food service establishment, shall be required to design, install, operate and maintain a grease trap in accordance with the adopted plumbing codes under chapter 8 of this code of ordinances and this Article. The grease trap shall have adequate capacity to capture all FOG, TSS, BOD and COD in excess of that found in normal domestic wastewater. The food service establishment shall also be required to install and maintain a control point in accordance with section 30-74 of this article. Grease traps and control points shall be installed and inspected prior to issuance of a certificate of occupancy.

(B) Commercial service or manufacturing facilities which are newly proposed or constructed, or existing facilities which will be expanded or renovated that generate motor oil, grease, sand, wash water or other substances that will interfere with the wastewater system shall be required to design, install, operate and maintain a grit trap in accordance with the adopted plumbing codes under chapter 8 of this code of ordinances and other applicable ordinances. The facility shall also be required to install and maintain a control point in accordance with this article. Grit traps and control points shall be installed and inspected prior to issuance of a certificate of occupancy.

(2) *Existing facilities.* Existing grease or grit traps must be operated and maintained in accordance with the manufacturer’s recommendations and in accordance with this division. Grease or grit traps that either do not have adequate capacity to capture all FOG, TSS, BOD or COD in excess of that found in normal domestic wastewater, or sand or other deleterious substances as designed, or that are non-functional shall be replaced at the user’s expense upon notification by the director. The director may require an existing facility to install a control point, in accordance with section 30-74 of this article, at the user’s sole expense, to enable the director to monitor discharges.

(3) *Grease Trap Capacity Sizing Criteria.* Notwithstanding any conflict found in the adopted plumbing code under Chapter 8 or this Code of Ordinances, grease traps shall be sized in accordance with the following minimum criteria. The Director may adjust the final grease trap size as needed to protect the wastewater system.

<u>Type of Fixture</u>	<u>Trap/Trap Arm Size</u>	<u>Fixture Unit Count</u>
3 compartment sink	1-1/2”, 2”	3, 4
2 compartment sink	1-1/2”	2

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Dishwasher	2"	4
Garbage grinder	2"	4
Wok stove	2"	4
Floor drains (2",3",4")	2", 3", 4"	2,3,4
Floor sinks* (3", 4")	3", 4"	3,4
Mop sinks	2", 3", 4"	2,3,4
Hand sink	1-1/2"	0

Calculation:

Grease Trap Holding Capacity (GTHC) (gallons) = GTFR in gallons/minute multiplied by 12 minutes (Applicable Retention Time), where Grease Trap Flow Rating (GTFR) = Total Fixture Unit Count multiplied by 3 gallons/minute.

Example: Fixtures: (1) 3-compartment sink (2"), (1) dishwasher, and (2) 4" floor drains
 = 16 (Fixture Unit Count) * 3 gallons/minute = 48 gallons per minute (GTFR) * 12
 minutes = 576 GTHC

All facilities are required to install 2-compartment grease traps with a minimum 12-minute total retention time. All floor drains in food preparation area shall drain through the grease trap.

- (4) All grease and grit trap waste shall be properly disposed of at a permitted facility in accordance with federal, state, and local regulation.
- (5) Alternate grease removal devices or technologies.
 - (A) An industrial user may propose the use of an alternate grease removal device (AGRD) or other technologies in lieu of a grease or grit trap in those cases where the user can demonstrate that it is impossible or impractical to install, operate, or maintain a grease or grit trap due to one or more of the following conditions:
 - (i) Archeological or historical circumstances prevent the disturbance of the ground or structure where the grease or grit trap and/or plumbing connecting the building fixtures to the grease or grit trap must be installed;
 - (ii) There is not adequate space or alternate locations for installing and maintaining a grease or grit trap;
 - (iii) There is not adequate slope for gravity flow in the building sewer between plumbing fixtures in the building and the grease or grit trap and/or between the grease or grit trap and the wastewater system;
 - (iv) Other conditions or obstacles, in the opinion of the director, prevent the installation of an adequately sized grease or grit trap and control point as required by this Divisions 2, 3, 4 and 5 of this article.

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- (B) Alternate grease removal devices or technologies may include, but are not limited to dissolved air flotation, system baffling, active devices, automated grease removal devices, electronic alarms and shut offs or any combination of devices and procedures that will generate a discharge that complies with Divisions 2, 3, 4 and 5 of this article.
- (C) Proposals for the installation of AGRDs or technologies shall be made in writing to the director and shall contain specifications, calculations or other documentation necessary to demonstrate treatment capabilities sufficient to maintain compliance with divisions 2, 3, 4, and 5 of this article.
- (D) AGRDs or technologies shall be approved by the director in writing prior to the commencement of the installation. This approval by the director in no way endorses the design, device, or its performance, or relieves the user of the responsibility to comply with the requirements specified in divisions 2, 3, 4, or 5 of this article.
- (E) Where the user proposes AGRDs or technologies, the director may require data demonstrating that the user is able to comply with the limitations or other requirements outlined divisions 2, 3, 4. or 5 of this article. The user may also be subject to periodic monitoring to demonstrate continued compliance.
- (F) Installed AGRDs or technologies shall be maintained in efficient operating condition, which shall mean a condition that consistently produces an effluent in compliance with requirements divisions 2, 3, 4, or 5 of this article. Any waste generated by an AGRD shall be properly disposed of in accordance with any applicable local, state or federal regulation.
- (G) The decision of the director to disapprove the use of AGRDs or technologies shall be final.

(b) *Cleaning and maintenance.*

- (1) Grease and grit traps shall be maintained in an efficient operating condition at all times. "Efficient operating condition" shall mean a grease or grit trap that fully complies with the provisions of divisions 2, 3, 4, and 5 of this article.
- (2) Each grease or grit trap pumped shall be fully evacuated unless the grease/grit trap volume is greater than the tank capacity on the vacuum truck in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a twenty-four (24) hour period, in accordance with 30 TAC § 312.143. Grease and grit trap cleaning and evacuation shall be completed by a transporter permitted under this article to operate within the City. It is a violation of this article for a user to utilize a non-permitted transporter for cleaning and maintenance.

(c) *Self-cleaning.*

- (1) Grease trap self-cleaning users must apply for and receive approval from the director annually prior to removing grease from user's own grease trap(s). Applications may

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be obtained from the director and shall be completed and submitted to the director prior to commencing self cleaning and within thirty (30) days prior to the expiration of a previously approved application. The director may approve an application provided that the application confirms that:

- (A) The grease trap is no more than fifty (50) gallons in liquid/operating capacity;
 - (B) Proper on-site material disposal methods will be implemented (e.g. absorb liquids into solid form and dispose into trash);
 - (C) Grease trap waste will be placed in a leak proof, sealable container(s) located on the user's premises and in an area for the transporter to pump-out; and
 - (D) Detailed records on these activities will be maintained.
- (2) Self-cleaners must adhere to all the requirements; procedures and detailed record keeping outlined in their approved application to comply with this division. A maintenance log shall be kept by self cleaning users that indicates, at a minimum, the following information:
- (A) Date the grease trap was serviced;
 - (B) Name of the person or company servicing the grease trap;
 - (C) Waste disposal method used;
 - (D) Gallons of grease removed and disposed of;
 - (E) Waste oil added to grease trap waste; and
 - (F) Signature of the user after each cleaning that certifies that all grease was removed, disposed of in accordance with this division and an approved application, grease trap was thoroughly cleaned, and that all parts were replaced and are in operable condition.
- (3) Violations incurred by grease trap self-cleaners will be subject to enforcement action including, without limitation, fines and/or removal from the self-cleaner program.

(d) *Cleaning/inspection schedules.*

- (1) Grease and grit traps shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible FOG is observed in discharge.
- (2) Grease traps shall be completely evacuated and inspected a minimum of every ninety (90) days, or more frequently when:
 - (A) Twenty-five (25) percent or more of the wetted height of the grease trap, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, fats, oils or greases; or
 - (B) The discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by divisions 2, 3, 4, or 5 of this article; or

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- (C) More frequently if there is a history of non-compliance and the user is administratively directed to do so by the director; or
 - (D) Any time the grease trap is found to have garbage, waste or solids exceeding one-half inch (1/2") in diameter, as necessary to prevent clogs, damage and/or overflows in the wastewater system
- (3) Any user who owns or operates a grease trap may submit to the director a request in writing for an exception to the ninety (90) day pumping frequency and inspection of their grease trap. The director may grant an extension for required cleaning frequency on a case-by-case basis when:
- (A) The grease trap user has demonstrated the specific grease trap will produce an effluent, based on standard methods, in consistent compliance with established local discharge limits such as COD, BOD, TSS, and FOG, or other parameters as determined by the director without evacuation every ninety (90) days, or
 - (B) Less than twenty-five (25) percent of the wetted height of the grease trap, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases after ninety (90) days.
- (4) In any event, a grease trap shall be fully evacuated, cleaned, and inspected at least once every one hundred-eighty (180) days.
- (5) Grit traps shall be completely evacuated and inspected at least once every one hundred-eighty (180) days or more frequently, if required by the director, or if necessary to comply with divisions 2, 3, 4, or 5.
- (e) *Alternative Treatment.*
- (1) A user commits an offense if the user introduces, or causes, permits, or suffers the introduction of any surfactant, solvent or emulsifier into a grease or grit trap. Surfactants, solvents, and emulsifiers are materials which allow the FOG to pass from the grease or grit trap into the wastewater system, and include but are not limited to enzymes, soap, diesel, kerosene, terpene, and other solvents. It is an affirmative defense to an enforcement of this prohibition that the use of surfactants or soaps is incidental to, and not in excess of, normal kitchen hygiene operations.
 - (2) Bioremediation media may be used with the director's prior approval if the user has proved to the satisfaction of the director that laboratory testing which is appropriate for the type of grease or grit trap to be used has verified that:
 - (A) The media is a pure live bacterial product which is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids, and/or water temperatures of one hundred-sixty degrees Fahrenheit (160° F) (seventy-one degrees Celsius, 71° C).

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- (B) The use of the media does not reduce the buoyancy of the grease layer in the grease or grit trap and does not increase the potential for FOG to be discharged into the wastewater system.
 - (C) The use of the bioremediation media does not cause foaming in the wastewater system.
 - (D) The FOG, BOD, COD, and TSS discharged to the wastewater system after use of the media does not exceed the FOG, BOD, COD, and TSS levels which would be discharged if the product were not being used and the grease or grit trap was being properly maintained. pH levels must be between 6 and 10.
- (3) All testing designed to satisfy the criteria set forth in paragraph (2) above shall be scientifically sound and statistically valid. All tests to determine FOG, TSS, BOD, COD, pH, and other pollutant levels shall be determined in accordance with the standard methods by a state certified laboratory. Testing shall be open to inspection by the director, and shall meet the director's approval.
- (f) *Transporter requirements.*
- (1) *Compliance.* All transporters providing service to generators using the wastewater system shall at all times comply with all local, state and federal requirements including, without limitation, divisions 2, 3, 4, or 5 of this article and 30 TAC § 312.141 et seq.
 - (2) *Notification.* All transporters providing service to generators using the wastewater system shall, upon discovering a structural or mechanical failure in a generator's grease, grit or other pretreatment facility that is or may cause a discharge of prohibited waste, wastewater or substances into the wastewater system, immediately notify the generator and the director by telephone and in writing within five (5) days of the discovery of such failure.
 - (3) *Transporter Permit.* Within ninety (90) days from the effective date of the ordinance from which this subsection is derived, all transporters operating within the municipal boundaries of the City must obtain a permit from the City's water and sewer utilities division. Operating as a transporter without a permit issued by the City is a violation of this article. Permits shall be valid for a term of one (1) year from the date of issuance and must be renewed annually. The content of a permit application shall contain, at a minimum, the transporter's TCEQ registration number, the types of liquid waste proposed to be transported, a disposal site identification list, a driver and vehicle identification list, proof of liability insurance for all vehicles utilized to transport liquid waste, and an executed acknowledgement by an authorized representative confirming an understanding and consent to all applicable provision of this article.
 - (4) *Permit Revocation.* If a transporter fails to comply with this article or applicable state law, the City may, upon ten (10) days written notice, revoke a permit issued under this article for a period of one (1) year. Permit revocation under this subsection may be appealed in accordance with Division 5 of this article.

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(Ord. No. 10-009, § III, 3-30-10; Ord. No. 14-012, 2-25-14)

Sec. 30-78. Manifest and record-keeping requirements.

(a) Each pump-out of a grease or grit trap must be accompanied by a manifest to be used for record keeping purposes.

(b) Persons who generate, collect and transport grease or grit trap waste (referred to as “waste” in this section) shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest obtained from the City. The manifest shall include:

- (1) Name, address, telephone, and TCEQ registration number of transporter;
- (2) Name, signature, address, and phone number of the user who generated the waste and the date collected;
- (3) Type and amount(s) of waste collected or transported;
- (4) Name and signature(s) of responsible person(s) collecting, transporting, and depositing the waste;
- (5) Date and place where the waste was deposited;
- (6) Identification (permit or site registration number, location, and operator) of the facility where the waste was deposited;
- (7) Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
- (8) The volume of the waste received; and
- (9) A consecutive numerical tracking number to assist transporters, generators, and the city in tracking the volume of waste transported.

(c) Manifests shall be divided into five (5) parts and records shall be maintained as follows:

- (1) One part of the manifest shall have the generator and transporter information completed and be given to the generator at the time of waste pickup;
- (2) The remaining four (4) parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest;
- (3) One part of the manifest shall go to the receiving facility;
- (4) One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste;
- (5) One copy of the manifest shall be returned by the transporter to the generator within fifteen (15) days after the waste is received at the disposal or processing facility; and
- (6) One completed part of the manifest shall be provided by the transporter to the director within fifteen (15) days after the waste is received at the disposal or processing facility.

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(d) Copies of manifests returned to the generator and retained by a transporter shall be retained for at least three (3) years and be readily available for review by the director upon request.

(Ord. No. 10-009, § III, 3-30-10; Ord. No. 14-012, 2-25-14)

DIVISION 4. PRETREATMENT PROGRAM

Sec. 30-79. Applicability and requirements.

(a) *Applicability and requirements.* If discharges or proposed discharges to the wastewater system may deleteriously affect the wastewater system, processes, equipment, or receiving waters, create a hazard to life or health, create a public nuisance, or constitute a violation of divisions 2, 3, 4, or 5 of this article the director shall require one or more of the following:

- (1) Pretreatment of the discharge to an acceptable condition prior to introducing the discharge to the wastewater system;
- (2) Control over the quantities and rates of discharge; and/or
- (3) Payment of a surcharge, if appropriate, to cover the cost of handling and treating waste and wastewater that is not considered normal domestic wastewater.

(b) In accordance with divisions 2, 3, 4, and 5 of this article, the director shall determine whether a discharge or proposed discharge is included under subsection (a) above.

(c) The director shall reject discharges when:

- (1) The director determines that a discharge or proposed discharge is prohibited by divisions 2, 3, 4, or 5 of this article; and
- (2) The user does not meet the requirements provided in divisions 2, 3, 4, or 5 of this article.

(d) *Pretreatment facilities; when required.*

(1) Pretreatment facilities are required at the user's expense prior to the discharge into the wastewater system by any categorical or significant industrial user if any wastes, wastewaters or substances discharged by the user:

- (A) Have a five-day BOD, greater than 250 mg/l; or
- (B) Contain more than 300 mg/l of TSS; or
- (C) Contain any quantity of substances having the characteristics or exceeding the limitations described in division 2, section 30-73 of this article; or

(2) If a user is not classified as a categorical or significant industrial user and, therefore, is not required to obtain a wastewater system use permit under section 30-80 below, the user may still be required to adopt certain pretreatment practices and procedures,

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such as BMPs, prior to discharge into the wastewater system. Such user may also be subject to applicable surcharges provided under this division

- (3) In lieu of, or in conjunction with pretreatment facilities or BMPs, the director may approve a discharge with the payment of fees, or surcharge, to cover the costs to treat and handle the discharge. The director may also assess extra charges, or surcharges, for exceeding BOD/COD and/or TSS levels in lieu of considering the exceedences to be violations. If the proposed discharge of pollutants will cause interference, pass through or otherwise violate the terms of the city's contract with BCWCID#1, or the laws of the state, payment of a surcharge as an alternative to compliance with discharge standards shall not be allowed or authorized.

(e) *Pretreatment facilities; approval of plans, specifications required.* Plans, specifications and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the Director, and no construction of such facilities shall be commenced until such approval is obtained in writing. The Director may require that users separate industrial waste or wastewater from normal domestic wastewater until such industrial waste or wastewater has passed through a control point or other monitoring facilities.

(f) *Pretreatment facilities -- Operation.* Where pretreatment facilities are provided for any waste, wastewater or other substances, such facilities shall be maintained continuously in satisfactory and effective operation by the user at the user's expense.

(g) *Bypass of pretreatment facilities.*

- (1) Bypass is prohibited and enforcement action may be taken against the user unless the following three (3) conditions are met:
 - (A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage or no feasible alternatives existed. As used in this paragraph, severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
 - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance; and
 - (C) The user submits the notices required by this section.
- (2) The user may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operations.

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(3) *Notification of bypass.*

(A) *Anticipated bypass.* If the user knows in advance of the need for a bypass, it shall submit prior written notice to the director, at least ten (10) days before the date of the bypass.

(B) *Unanticipated bypass.* The user shall immediately orally notify the director and submit a written notice to the director within five (5) days of the start of the bypass. Both notices shall specify:

- (i) A description of the bypass and its cause, including its duration (including the time, volume, and location of the bypass, and the type and concentration of waste, wastewater and substances in the bypass);
- (ii) Whether the bypass has been corrected; and
- (iii) The steps being taken or to be taken to reduce, eliminate and prevent a reoccurrence of the bypass.

(h) *Surcharge calculation and assessment.* Users may be assessed a surcharge for discharges that contain concentrations of TSS and/or BOD/COD higher than that found in normal domestic wastewater in accordance with this division. A user may also be assessed a surcharge that represents the city's cost of pretreating any other type of pollutant prohibited by divisions 2, 3, 4 or 5.** The surcharge shall be in addition to any other wastewater service charge, non-compliant sampling charge or other charge required by other city ordinances and shall be listed as a separate line item on the user's monthly utility bill. Written notice of the assessment of a surcharge shall be given by the director prior to imposition of surcharge.

(1) *Finding.* The city hereby finds that the introduction of nondomestic wastewater, waste, pollutants or substances regulated or prohibited by divisions 2, 3, 4, and 5 of this article, state or federal law, into the wastewater system is damaging to the system and/or results in increased cost of operating and maintaining the system to varying degrees based on the volume, type, character and quality of such wastewater, waste, pollutants or substances, the techniques required to adequately pretreat the same, the increased costs of operating and maintaining the wastewater system to comply with state and federal law and other costs directly attributable to providing waste disposal service. Surcharges assessed in conformance with the provisions of this subsection (h) are necessary to cover this increased cost (State law reference: Texas Water Code § 26.176 et seq.).

(2) *Application: TSS/BOD/COD.* A user shall be subject to a surcharge for TSS and BOD/COD when its discharge:

- (i) Exceeds a TSS concentration of three hundred (300) mg/l; and/or
- (ii) Exceeds a BOD concentration of two hundred-fifty (250) mg/l; or
- (iii) Exceeds a COD concentration of four hundred-fifty (450) mg/l.

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(3) *Computation of Surcharge.* The city may sample for TSS, BOD, and COD, as necessary. Computations of surcharges shall be based on the formulas below and for those concentrations that exceed the levels set forth in subsection (h)(2) of this section, the surcharge shall be applied to that excess. The surcharges for individual TSS and BOD/COD are additive.

- (i) BOD surcharge
 $S = V \times 8.34 (A[BOD - 250])$
- (ii) TSS surcharge
 $S = V \times 8.34 (B[TSS - 300])$
- (iii) COD surcharge
 $S = V \times 8.34 (C[COD - 450])$

where:

- S = Sum of surcharges in dollars that will appear on the user's monthly bill.
- V = Monthly average volume of user's discharge in millions of gallons whichever is the least of the following volumes: (1) total monthly water consumption during the billing period, (2) the average water consumption for the billing periods of December, January, and February of each fiscal year, or; (3) the total estimated or measured user's discharge as determined by methods specified in the user's wastewater system use permit.
- 8.34 = Conversion factor for units of measure in surcharge equations.
- A = \$0.3825 per pound of BOD
- B = \$0.240 per pound of TSS
- C = \$0.1913 per pound of COD
- BOD = BOD concentration in mg/l. For more than one user discharge, this shall be the flow-weighted concentration.
- TSS = TSS concentration mg/l. For more than one user discharge, this shall be the flow-weighted concentration.
- COD = COD concentration in mg/L. For more than one user discharge, this shall be the flow-weighted concentration.
- 250 mg/l = Normal daily domestic wastewater average BOD concentration in mg/l.
- 300 mg/l = Normal daily domestic wastewater average TSS concentration in mg/l.
- 450 mg/l = Normal daily domestic wastewater average COD in mg/l.

(4) *Sampling and analysis.* The city shall sample for TSS, BOD, and/or COD, as necessary. The time of sampling shall be at the sole discretion of the director. The director may select an independent contractor and/or laboratory to conduct the sampling and/or analyses.

(5) *Period of surcharge.* If analyses for TSS, BOD and/or COD indicate that a surcharge is applicable, the surcharge shall be applied to a user's monthly utility bill for a period of twelve (12) months. Prior to expiration of the period, new analyses shall be conducted to establish whether the surcharge continues to be applicable to a user and,

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- if so, what level of surcharge will be assessed for the following twelve (12) months. Notwithstanding the standard twelve (12) month period, a user may request during this time period, at the user's expense, that a maximum of one (1) additional sample be analyzed for purposes of establishing and assessing a surcharge for the remainder of the time period, if any. However, the city reserves the right to reassess and reestablish the amount of the surcharge at any time.
- (6) *Costs of Analyses.* The cost of sampling and analyses shall be assessed in accordance with division 2, section 30-74(h) of this article.
- (7) *Contested Charges.*
- (A) A user may contest a charge within thirty (30) days of the date of the Director's notification that a surcharge will be assessed or revised as a result of a reassessment. A user must submit any contest in writing and the contest must provide sufficient evidence to contradict the findings of the facts leading to the assessment or reassessment of the surcharge, as determined by the director's notice. Any evidence submitted involving sampling of a user's effluent must be in accordance with the standard methods. Test results, from a state certified laboratory including chain of custody documentation must be submitted with any contest. The director, after considering the evidence submitted, shall issue a written determination to the user granting or denying the contest within ten (10) days of receipt of such contest.
- (B) *Appeal.* Within ten (10) days from the date of the director's written determination the user may, in writing, appeal the determination to the city manager. The city manager shall issue a written determination to the user within ten (10) days' receipt of the appeal. The city manager's determination shall be final.
- (C) *Credit.* The assessment or reassessment of a surcharge shall not be stayed in the case of a contest; however, if the director or the city manager determine that the amount of the surcharge was unwarranted, any surcharge amount paid by the user in excess of what the surcharge amount should have been shall be refunded as a credit on the user's utility bill.

** Surcharges for pollutants or substances other than TSS, BOD, and COD may be imposed on a user that discharges pollutants or substances in excess of the levels established by divisions 2, 3, 4, or 5 of this article, state or federal law at a rate that represents the city's cost of adequately pretreating the specific pollutant or substance, in accordance with this sub-section (h).
(Ord. No. 10-009, § IV, 3-30-10; Ord. No. 14-012, 2-25-14)

Sec. 30-80. Wastewater system use permit.

(a) *Required.* All categorical (including new sources) and/or significant industrial users proposing to connect to or to discharge to the wastewater system shall obtain a wastewater system use permit before connecting or contributing to the wastewater system. Users that are not classified as categorical or significant industrial users, as those terms are defined in division 2 of this article, shall not be required to obtain a wastewater system use permit. All existing sources

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shall obtain a wastewater system user permit within ninety (90) days of the date of written notice from the director.

(b) *Application.*

- (1) Users required to obtain a wastewater system use permit shall complete and file an application with the director on a form to be obtained from the director and signed by an authorized representative of the user. Proposed new categorical (including new sources) or significant industrial users shall apply for a wastewater system use permit at least ninety (90) days prior to connecting to or contributing to the wastewater system.
- (2) The director will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the director may issue a wastewater system use permit subject to terms and conditions provided in divisions 2, 3, 4, and 5 of this article.
- (3) If the user applying for a permit is located beyond the city limits, that user may be required to enter into a contract with the city prior to the issuance of the permit which requires the user to subject itself to and abide by divisions 2, 3, 4, and 5 of this article, including all permitting, compliance monitoring, reporting, and enforcement provisions contained herein.

(c) *Modifications.* Within nine (9) months, or sooner if required by the regulating agency, of the promulgation of a national categorical pretreatment standard, the wastewater system use permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater system use permit as required by this section, the user shall apply for a wastewater system use permit within ninety (90) days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user with an existing wastewater system use permit shall submit to the City within ninety (90) days after the promulgation of an applicable federal categorical pretreatment standard the information required by this division.

(d) *Conditions.*

- (1) Wastewater system use permits shall be expressly subject to all provisions of divisions 2, 3, 4, and 5 of this article and all other applicable regulations, user charges, and fees established by the city. Permits shall contain the following:
 - (A) The unit charge or schedule of user charges and fees for the waste, wastewater, or substances to be discharged into the wastewater system;
 - (B) Limits on the average and maximum wastewater constituents and characteristics;
 - (C) Limits on the average and maximum rate and time of discharge or requirements for flow regulations and equalization;

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- (D) Requirements for installation and maintenance of inspection and sampling facilities;
 - (E) Specifications for monitoring programs which may include: pollutants to be monitored, sampling locations, sampling frequency, number of samples, sampling types, standards for tests, and reporting schedule;
 - (F) Compliance schedules;
 - (G) Requirements for submission of technical reports or discharge reports;
 - (H) Requirement for an authorized representative to meet the signatory and certification requirements for all applications and industrial user reports and certifications that pretreatment standards are being met on a consistent basis;
 - (I) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the director and affording the director access thereto;
 - (J) Requirements for notification of the director of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system;
 - (K) Statement that the city may make any permit amendment deemed necessary by the city if there is new introduction into the wastewater system of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater system;
 - (L) Requirements for notification of slug discharges, notification of any wastewater system use permit violations, and requirements for re-sampling and reporting;
 - (M) Statement of duration (in no case more than five (5) years);
 - (N) Statement of non-transferability without, at a minimum, prior notification to the city, provision of a copy of the current permit to the new owner or operator, and written approval of the director;
 - (O) Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
 - (P) Other conditions as deemed appropriate by the director to ensure compliance with divisions 2, 3, 4, or 5 of this article.
- (2) The director may modify a wastewater system use permit for good cause including, without limitation, the following reasons:
- (A) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
 - (B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - (C) A change in the wastewater system that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (D) Information indicating that the permitted discharge poses a threat to the wastewater system, personnel, the receiving waters, or beneficial sludge or treated wastewater use;
 - (E) Violation of any terms or conditions of the wastewater system use permit;

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- (F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater system use permit application or in any required reporting;
 - (G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (H) To correct typographical or other errors in the wastewater system use permit; or
 - (I) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 30-80(e)(1)(N) of this article.
- (3) The director may revoke a wastewater system use permit for good cause, including, without limitation, the following reasons:
- (A) Failure to notify the director of significant changes to the wastewater prior to the changed discharge;
 - (B) Failure to provide prior notification to the director of changed conditions pursuant to section 30-80(e)(1)(J);
 - (C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (D) Falsifying self-monitoring reports and certification statements;
 - (E) Tampering with monitoring equipment;
 - (F) Refusing to allow the director immediate access to the facility premises and records;
 - (G) Failure to meet effluent limitations;
 - (H) Failure to pay fines;
 - (I) Failure to pay wastewater service charges, sampling/testing charges and/or surcharges;
 - (J) Failure to meet compliance schedules;
 - (K) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - (L) Violation of any pretreatment standard or requirement, or any terms of the wastewater system use permit or divisions 2, 3, 4, or 5 of this article.
- (4) Wastewater system use permits shall be voidable upon cessation of operations or transfer of business ownership. All prior wastewater system use permits issued to a user are void upon the issuance of a new wastewater system use permit to that user.

(e) *Accidental discharge control plan required.* Each categorical user required to obtain a wastewater system use permit under division 4 of this article shall provide protection from accidental discharge of prohibited materials or other substances regulated by divisions 2, 3, 4, or 5 of this article. The director, upon reasonable cause and in writing, may require significant industrial users to adhere to this subsection (e) and subsection (f) of this section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the director for review, and shall be approved by the

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director before construction of any new facilities. All existing categorical users, and significant industrial users if required, shall complete such a plan in ninety (90) days from the date of issuance of a wastewater system use permit. An accidental discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch or slug discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the director of any accidental or slug discharge, as required by this divisions 2, 3, 4, or 5 of this article; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(f) No categorical user, or significant industrial user if required, who commences discharging into the wastewater system after the effective date of the original ordinance from which this division was derived shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the director. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of divisions 2, 3, 4, or 5 of this article.

(g) *Notification.* In the case of an accidental discharge, it is the responsibility of the permitted user to immediately telephone and notify the director of the incident. The notification shall include location of discharge, type of waste, wastewater and substances, concentration and volume, and corrective actions. A written report concerning the accidental discharge must be submitted within five (5) days to the director and shall include the same.

(h) *Upset provisions.*

- (1) An industrial user shall submit the following to the city orally within twenty four (24) hours of actual or constructive knowledge of an upset and in writing within five (5) days:
 - (A) A description of the discharge and cause of noncompliance;
 - (B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
 - (C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (2) The industrial user shall control production and/or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards or standards established by divisions 2, 3, 4, and 5 of this article upon reduction, loss, or

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failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
(Ord. No. 10-009, § IV, 3-30-10)

DIVISION 5. COMPLIANCE AND ENFORCEMENT

Sec. 30-81. Compliance monitoring.

(a) *Right of entry; inspection and sampling.* The director shall have the right to enter the property of any user discharging into the wastewater system to determine if the user is complying with all requirements of divisions 2, 3, 4, and 5 of this article. A user shall allow the director immediate access to all parts of the property for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties necessary to ensure compliance with the same. A person shall make available to the director, upon request, any self-inspection reports, monitoring and manifest records, compliance evaluations, and any other records, reports, or other documents related to compliance with divisions 2, 3, 4, and 5 of this article or compliance with any State or Federal regulation governing the same.

(State law reference: Texas Water Code § 26.173.)

- (1) Where a user has security measures in force that require proper identification and clearance before entry into its property, the user shall make necessary arrangements with its security personnel or employees so that, upon presentation of official city issued identification, the director shall be permitted to enter immediately upon request.
- (2) The director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations related to all discharges regulated by divisions 2, 3, 4, or 5 of this article.
- (3) If the director determines that there is a reasonable probability that a discharge originating from a user's property does not comply with the provisions of divisions 2, 3, 4, or 5 of this article, the director may require any user to conduct specified sampling, testing, analysis, and other monitoring of such discharges, and may specify the frequency and parameters of any such activities necessary to ensure compliance with divisions 2, 3, 4, and 5 of this article. The phrase "reasonable probability" shall have the same meaning ascribed to it in division 2, section 30-74(b) of this article. All required sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition. All such activities shall be at the user's sole expense.
- (4) Any temporary or permanent obstruction that obstructs safe and easy access to the property to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the director and shall not be thereafter replaced. The costs of providing such access shall be borne by the user.

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(b) *Search warrants.* If the city is able to demonstrate probable cause to believe that there may be a violation of divisions 2, 3, 4, or 5 of this article or that there is a need to inspect and/or sample a user's property as part of a routine inspection and sampling program established by the director and designed to verify compliance with divisions 2, 3, 4, or 5 of this article or any order issued hereunder, or to protect the public health, safety, and welfare of the community, then the city may seek issuance of a search warrant to gain entry from any court of competent jurisdiction.

(Ord. No. 10-009, § V, 3-30-10; Ord. No. 14-012, 2-25-14)

Sec. 30-82. Administrative enforcement remedies.

(a) *Generally.* Nothing in this section shall limit the authority of the director to take any action, including emergency action or any other enforcement action, without first issuing any other type of notice or order provided under this section. Compliance with any notice or order issued hereunder in no way relieves the alleged violator of liability for any violations occurring before or after receipt of any notice or order.

(b) *Warning notice.* When the director finds that any person has violated, or continues to violate, any provision of divisions 2, 3, 4, or 5 of this article the director may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting that the person immediately comply with the same.

(c) *Notification of violation (NOV).* When the director finds that any person has violated, or continues to violate, any provision of divisions 2, 3, 4, or 5 of this article, the director may serve upon that person a written NOV. Within ten (10) days of the receipt of the NOV the person shall submit an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof, to include specific required actions and time lines for completion, to the director. If the person denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the director within the same time period. Receipt of the NOV is presumed to occur five (5) days following the date the NOV is mailed.

(d) *Consent orders.* The director may enter into consent orders, assurances of voluntary compliance, or other similar agreements with any person responsible for the noncompliance with any provision in divisions 2, 3, 4, or 5 of this article. Such agreements may include compliance schedules detailing specific action(s) to be taken by the person to correct the noncompliance within a stated time period. Agreements entered into under this paragraph shall be judicially enforceable.

(e) *Compliance orders.* When the director finds that any person has violated, or continues to violate, any provision of divisions 2, 3, 4, or 5 of this article, the director may issue an order to the person directing the person to come into compliance with the same in accordance with a compliance schedule. Compliance orders may contain requirements to address the actual or threatened violation and/or a reoccurrence thereof, including additional monitoring requirements

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and/or requiring the establishment of BMPs designed to eliminate or minimize the amount of pollutants discharged into the wastewater system. The compliance order may also contain requirements directing the user to install, repair, replace and/or maintain pretreatment facilities necessary to comply with divisions 2, 3, 4, or 5 of this article or state or federal law. A compliance order may not extend the deadline for any compliance established by State or Federal requirements.

(f) *Stop work orders.* When the director finds that any user, including an authorized representative of an industrial user, of a property under construction has violated, continues to violate or threatens to violate any provision of divisions 2, 3, 4, or 5 of this article, the director may issue a stop work order which shall be posted at the property and distributed to all city departments and divisions whose decisions affect any continuing construction activity at the property. Unless express written exception is made by the director, the stop work order shall prohibit any further construction activity at the property and shall bar any further inspection or approval by the city associated with a building permit, grading permit, plat approval, site development plan approval, or any other city approval necessary to commence or continue construction or to assume occupancy at the property.

(g) *Emergency orders.* When the director finds that any user has violated, or continues to violate, any provision of divisions 2, 3, 4, or 5 of this article, or that the user's past violation(s) are likely to reoccur, and that the user's violation(s) has caused or may cause a discharge to the wastewater system which reasonably appears to present an imminent or substantial threat to the health, safety or welfare of persons or to the environment including, without limitation, a discharge that will adversely affect the wastewater system, the director may issue an order to the person directing such person to immediately cease and desist all such violations and directing the user to:

- (1) Immediately comply with divisions 2, 3, 4, or 5 of this article; and
- (2) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

Any user issued an emergency order shall immediately comply with the provisions of such order. In the event of a user's failure to immediately comply with the emergency order, the director may take such steps as deemed necessary to prevent or minimize harm to the wastewater system or the personnel operating the same including immediate termination of municipal utility services to the property, seeking injunctive relief and/or any other remedies provided by divisions 2, 3, 4, or 5 of this article or by state or federal law. The director may authorize the reconnection of municipal utility services, at the user's sole expense, and may authorize the user to recommence discharging into the wastewater system when it has been demonstrated to the satisfaction of the director that the user's discharges are in full compliance with divisions 2, 3, 4, or 5 of this article and that the violation(s) will not reoccur. An emergency order issued under this section shall also require a user that is responsible, in whole or in part, for any discharge presenting an imminent or substantial threat to the health, safety or welfare of persons or the

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environment to submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the director within ten (10) days of the receipt of the emergency order. Receipt is presumed to occur five (5) days following the date the notice is mailed.

(h) *Termination of utility services.*

(1) *Cause.* The city reserves the right to disconnect a user's utility services when a user's discharge reasonably appears to have, or threatens to:

- (i) Damage or cause interference with the wastewater system or cause pass through;
- (ii) Cause the city to be noncompliant with its agreement with BCWCID#1, state or federal law, or cause BCWCID#1 to be noncompliant with the terms of its TPDES permit, state or federal law; or
- (iii) Violate any regulations of divisions 2, 3, 4, or 5 of this article, or state or federal regulations.

(2) *Notification.* The director shall attempt to give oral or written notice to a user prior to disconnection.

(3) *Reconnection.* The user's utility services shall remain disconnected until such time as the user has provided evidence sufficient to the director that the cause of previous violations has been eliminated and is unlikely to recur. Reconnection charges shall apply and shall be at the sole expense of the user.

(4) *Liability.* The city shall not be liable for any damage resulting from disconnection of utility services for any reason.

(Ord. No. 10-009, § V, 3-30-10)

Sec. 30-83. Right to reconsideration and appeal.

(a) *Reconsideration.*

(1) Any person subject to a permit revocation, compliance order, stop work order or an emergency order issued pursuant to this division may petition the director to reconsider the basis for the director's order within ten (10) days of the affected person's receipt of such order. Notice is presumed to occur five (5) days following the date the notice is mailed.

(2) Failure to submit a timely written petition for reconsideration shall be deemed to be a waiver of any further right to administrative reconsideration or review of the order.

(3) In its petition, the petitioning party must indicate the provisions of the order objected to, the reasons for the objection(s), any facts that are contested, the facts that support the petitioner's view of the facts, and any alternative terms of any order that the petitioner would accept.

(4) The effect of any compliance order shall be stayed upon the director's receipt of the petition pending the director's reconsideration of the petition unless the director

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expressly makes a written determination to the contrary. The effectiveness of any permit revocation, stop work order or emergency order shall not be stayed pending the director's reconsideration unless the director expressly makes a written determination staying such order.

- (5) Within ten (10) days of receipt of a petition for reconsideration, the director shall either:
 - (a) grant the petition and withdraw or modify the order accordingly; or
 - (b) deny the petition and provide a written explanation detailing the reasons for the denial. The director's determination shall be personally served upon the petitioner, or his agent, or mailed, certified, return receipt requested, to the petitioner.
- (6) Nothing in this section shall limit the authority of the director to take any other enforcement action or prevent existing or further enforcement action from proceeding without first making the determination contemplated by this section.

(b) *Appeal.*

- (1) Any person whose petition for reconsideration by the director has not been granted in its entirety and who remains adversely affected by the director's order may appeal the action of the director to the city manager by filing a written appeal with the city secretary within ten (10) days of receipt of the director's decision. Receipt is presumed to occur five (5) days following the date the determination is mailed.
- (2) Failure to submit a timely written appeal, in accordance with subsection (b)(1) of this section, to the city manager shall be deemed to be a waiver of further administrative review.
- (3) In its written appeal to the city manager, the appealing party shall indicate the particular provisions of the order objected to, the particular determinations of the director that are contested, the reasons that the director's order and/or determinations are contested, and any alternative order that the appealing party would accept.
- (4) The effect of the director's order, as issued or modified, shall not be stayed pending the appeal to the city manager, unless the city manager expressly makes a written determination staying the order.
- (5) Within thirty (30) days of receipt of a written appeal to the city manager, the city manager shall consider the appeal and make a final written determination to the appellant. Such determination shall be personally served upon the appellant, or his agent, or mailed, certified, return receipt requested, to the appellant.
- (6) Following final determination by the city manager on the appeal, any adversely affected party may challenge such determination by the city manager in an appropriate court of competent jurisdiction.
- (7) Nothing in this section shall limit the authority of the director to take any other enforcement action or prevent existing or further enforcement action from proceeding unless the same is expressly stayed by the city manager.

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(Ord. No. 10-009, § V, 3-30-10; Ord. No. 14-012, 2-25-14)

Sec. 30-84. Judicial enforcement remedies.

(a) *Civil remedies.* Whenever it appears that a person has violated, or continues to violate, any provision of divisions 2, 3, 4, or 5 of this article relating to point source effluent limitations or the discharge of a pollutant, other than from a non-point source, into the wastewater system, the city may petition the Bell County district court for injunctive relief and/or civil penalties not to exceed \$5,000 per day.

(State law reference: Texas Local Government Code §§ 54.012 and 54.017.)

(b) *Injunction.* Upon a showing of substantial danger of injury or an adverse health impact to any person or to the property of any person other than the user, owner or operator, the city may obtain a temporary or permanent injunction, as appropriate, against the user, owner or the operator of a premises that:

- (1) prohibits specific conduct that violates divisions 2, 3, 4, or 5 of this article; and
- (2) requires specific conduct that is necessary for compliance with any provision of divisions 2, 3, 4, or 5 of this article.

(State law reference: Texas Local Government Code § 54.016.)

(c) *Criminal penalties.*

- (1) *Penalty.* A person who violates, or causes or permits the violation of, any provision of divisions 2, 3, 4, or 5 of this article, including knowingly making any false statement, representation, or certification in any application, record, report, plan, petition, appeal or other documentation filed, or required to be maintained, pursuant to divisions 2, 3, 4, or 5 of this article, or any order issued hereunder, or who has falsified, tampered with, or knowingly rendered inaccurate any monitoring device or method required under this article, commits a Class C misdemeanor which shall be punishable under section 1-8 of this code. A fine not exceeding two thousand dollars (\$2,000.00) may be imposed for violation of the provisions of divisions 2, 3, 4, or 5 of this article that govern fire safety or public health and sanitation. With respect to violations of this code that are continuous with respect to time, each day the violation continues is a separate offense. Proof of a culpable mental state, unless otherwise stated in divisions 2, 3, 4, or 5 of this article, is not required for conviction of an offense under divisions 2, 3, 4, or 5 of this article.
- (2) *Considerations.* In determining the amount of any fine imposed hereunder, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions by the violator,

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the compliance history of the violator, the violator's knowledge, intent and/or negligence, and any other factor as justice requires.

(d) *Remedies nonexclusive.* The remedies provided for in this division are not exclusive of any other remedies that the city may have under state or federal law or other city ordinances including, without limitation, other civil actions provided under the Texas Water Code. The city may take any, all, or any combination of these actions against a violator. The city is empowered to take more than one enforcement action against any violator and these actions may be taken concurrently.

(Ord. No. 10-009, § V, 3-30-10)

Secs. 30-85--30-100. Reserved.

ARTICLE IV. RATES AND CHARGES

DIVISION 1. GENERALLY

Sec. 30-101. Classes of customers.

Water and sewer customers are classified as follows:

- (1) *Code (A1) residential.* Single-family homes and duplexes where each unit has its own water meter; inside city limits.
 - (2) *Code (A2) commercial.* All business not manufacturing a product, mainly engaged in retail trade, and not otherwise classified; inside city limits.
 - (3) *Code (A3) apartments.* Five (5) or more living units served by a single meter or combination of meters in a circulating effect. Each meter to be billed individually; inside city limits.
 - (4) *Code (A4) mobile home parks.* Mobile homes grouped in a park; inside city limits.
 - (5) *Code (A5) apartments.* Four (4) or less units served by a single meter; inside the city limits.
 - (6) *Code (A6) West Bell water supply.* Contracts with the city of Killeen, to purchase water, for resale outside the city limits.
 - (7) *Code (A7) fireplug (city-owned).* To be used inside the city limits only.
 - (8) *Code (A8) outside city commercial.* All businesses not manufacturing a product, mainly engaged in retail trade or wholesale trade not otherwise classified; outside the city limits.
 - (9) *Code (A9) industrial.* Manufacturing products mainly for wholesale trade but possible retail.
 - (10) *Code (A0) outside city residential.* Single-family homes, duplexes, trailer homes, etc., where each unit has its own meter; outside city limits.
- (Code 1963, ch. 14, art. 1, § 17(IV); Ord. No. 90-81, § I, 9-18-90)

Sec. 30-102. Tap charges to be paid by applicant.

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(a) *When tap charges are due.* The water and sewer tap charges shall be paid by the applicant at the time the application is made for a building or finish out permit, whichever occurs first. In addition to the water and sewer tap charges, the meter deposit shall be required before a certificate of occupancy is issued. However, no application for water and/or sewer taps shall be accepted until construction plans have been approved by the department of public works.

(b) *How tap charges are assessed.* Tap charges shall be assessed per connection, based upon the following classifications:

- (1) Residence: one (1) connection.
- (2) Multi-family: one (1) connection for each living unit.
- (3) Commercial: one (1) connection for each certificate of occupancy issued or meter, whichever is greater.
- (4) Industrial: as authorized by the city council.
- (5) Mobile home park & manufactured home subdivisions: one (1) connection for each one (1) living unit.

(c) *Irrigation meters.* Regardless of the connection classification, irrigation meters are subject only to water tap fee charges.

(Code 1963, Ch. 14, art. 1, § 4(A) [Ord. No. 86-31, § 3, 5-13-86; Ord. No. 86-64, §§ 1,2, 9-9-86; Ord. No. 86-76, § 1, 9-23-86]; Ord. No. 96-16, § I, 3-12-96; Ord. No. 96-37, §I, 5-14-96; Ord. No. 97-13, § I, 2-11-97)

Sec. 30-103. Base charges for water and sewer taps.

(a) The following base charges shall be made for water and sewer taps:

(1) Water base tap charges:

- | | |
|--|-----------|
| a. 3/4" tap | \$ 350.00 |
| b. 1" tap | 477.00 |
| c. 1½" tap | 862.00 |
| d. 2" tap | 1,375.00 |
| e. Construction tap, actual cost plus minimum rate of three hundred dollars (\$300.00) per month, with meter serviced by city every four (4) months. | |

(2) The minimum size meter installation shall be three-quarters-inch service and three-quarters-inch by five-eighths-inch meter. All meter installation applications for meter and service larger than one (1) inch shall be sized by the water department. Applications for meters larger than one (1) inch shall be accompanied by information indicating fixtures by number and type to be serviced through each meter for proper meter sizing calculations.

(3) All sewer base tap charges shall be three hundred fifty dollars (\$350.00).

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- (4) Base tap charges for industrial establishments shall be determined by resolution of the city council.
- (5) All applicants for water and sewer service located outside the city limits shall pay double the tap charge applicable within the city.

(b) Repealed by Ord. No. 97-13, § II, 2-11-97.

(c) In addition to tap charges, a meter deposit shall be required before certificate of occupancy.

(Code 1963, Ch. 14, art. 1, § 4(B) [Ord. No. 86-31, § 3, 5-13-86; Ord. No. 86-64, §§ 1,2, 9-9-86; Ord. No. 86-76, § 1, 9-23-86]; Ord. No. 93-77, § I, 9-14-93; Ord. No. 96-16, § I, 3-12-96; Ord. No. 04-71, § I, 8-24-04)

Sec. 30-104. Water and sewer extension fund.

Repealed by Ord. No. 97-58, § II, 10-28-97.

Sec. 30-105. Deposit for water meters.

(a) The following charges shall be made for water meter deposits:

(1) *Residential meters:*

a. 3/4" and 5/8" meters	\$60.00
b. 1" meters	60.00
c. 1½" meters	150.00
d. 2" meters	200.00

(2) *Commercial meters:*

a. 3/4" and 5/8" meters	75.00
b. 1" meters	150.00
c. 1½" meters	200.00
d. 2" meters	300.00
e. 3" meters	400.00
f. 4" meters	500.00
g. 6" meters	700.00
h. 8" meters	900.00

(b) Any deposits that are not claimed within two (2) years after the final disconnection of water shall be handled in a manner consistent with state law for unclaimed monies.

(c) All residential customers who maintain their utility account without incurring a penalty for late payment for a period of twelve (12) months shall receive a refund of their deposit. Such

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refund shall be credited to the customer's utility account. If the customer incurs more than one (1) late charge during any subsequent twelve (12) month period, a deposit in the amount of the water meter deposit charge in effect at the time the penalty is incurred will be billed to the customer's account.

(Code 1963, Ch. 14, art. 1, § 16; Ord. No. 88-53, § I, 6-28-88; Ord. No. 98-45; § I, 6-23-98; Ord. No. 00-67, § I, 8-29-00; Ord. No. 04-08, § I, 2-24-04)

Sec. 30-106. Miscellaneous charges.

The following charges shall be imposed for services and miscellaneous items:

(1) Cutting off for repairs and turning back on 8:00 a.m. to 5:00 p.m. Monday--Friday	\$25.00
(2) Transferring services	25.00
(3) Collection fee for delinquent accounts where service call is already being made	5.00
(4) Late penalty--assessed if payment is not received by the close of business on the due date--the 15 th day from the billing date or mailing date	10.00
(5) Delinquent account charge/reconnection fee--assessed if payment is not received by the close of business on the delinquent date--the 22 nd Day from the billing date or mailing date	25.00
(6) Administrative handling of returned checks	30.00
(7) Returned check late charge--assessed if returned check not redeemed by disconnect date--the 7 th day from mailing date	25.00
(8) After hours service--unscheduled request received after 5:00 p.m. Monday--Friday; also scheduled and unscheduled request for Saturdays, Sundays and legal holidays	40.00
(9) When water service is turned on by anyone other than authorized water department personnel	75.00
(10) If, after a water meter has been pulled, an attempt to obtain water from the city in any manner other than through a meter has been made	100.00
(11) Delinquent garbage only late charge--assessed if payment is not received by discontinued date--the 22 nd day from the billing date or mailing date	10.00
(12) New account fee	15.00
(13) Meter check (when request is made by account holder and reading is determined to be correct)	15.00
(14) Meter check (pull and test), if meter is not faulty	50.00
(15) Annual itemized bill, per account	3.00
(16) Alphabetical listing of accounts	35.00
(17) Wastewater system use permit application (original, revised or renewal) for significant industrial and categorical users	250.00
(18) Disconnection of utility services resulting from violation of wastewater system discharge prohibitions/reconnect fee	25.00

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(19) Grease trap self-cleaner application	50.00
(20) Broken lock fee – assessed if a customer breaks or damages the meter lock Installed by city personnel.	100.00
(21) Transporter Manifest Book	15.00
(22) Transporter Permit	100.00

(Code 1963, Ch. 14, art. 1, § 17; Ord. No. 89-44, §§ IV, V, 6-13- 89; Ord. No. 90-81, § I, 9-18-90; Ord. No. 00-67, § II, 8-29-00; Ord. No. 04-71, § I, 8-24-04; Ord. No. 10-009, § VI, 3-30-10; Ord. No. 10-047, § I, 9-14-10; Ord. No. 14-012, 2-25-14)

Sec. 30-107. Payment for water, sewer, and garbage; delinquency.

(a) *Due date.* All bills for water, sewer, and garbage shall be due and payable on or before fifteen (15) days from the billing date specified on the bill. Failure to receive such bill shall not excuse the customer’s failure to pay the same before it becomes delinquent. Failure to pay for water, sewer, or garbage when due shall forfeit the right of the customer to use water and have garbage collection, and water and garbage service shall be cut off. Water and garbage service shall not be recontinued until all bills and fees are paid.

(b) *Delinquent accounts.* All unpaid bills for water, sewer and garbage shall become delinquent at the end of the fifteenth business day after the billing date specified on the bill, except when the fifteenth day is on a Saturday, Sunday or legal holiday during which the collection office of the water, sewer and garbage department is closed, in which case such unpaid bill shall become delinquent at the end of the next succeeding business day.

(c) *Late notice.* As soon as practicable after water, sewer and garbage bills become delinquent, a notice to each customer shall be prepared and mailed to such customer at his last known address. A list of such customers shall be retained in the utility collections office as evidence for all purposes.

(d) *Late penalty.* Delinquent accounts at the end of the fifteenth business day after the billing date, except when the fifteenth day is a Saturday, Sunday or legal holiday, will be assessed a ten-dollar (\$10.00) late penalty.

(e) *Disconnection.* If any water, sewer or garbage customer fails or refuses to pay water, sewer or garbage bill, together with all other unpaid charges due by him, before the close of the twenty-second day after the same becomes due, all water of such customer shall be disconnected on the twenty-third day after such bill becomes due or as soon thereafter as practicable, except that, when such customer or his family contacts the utilities collection department and has approved a signed written request to extend payment. The utilities collection manager or designee may postpone disconnecting such customer’s water service. If such bill and penalties are not paid within such extended time, all water connections of such customer shall be promptly disconnected and a delinquent service fee assessed. A twenty five dollar (25.00) delinquent service fee will be charged to each and every account remaining unpaid on the twenty-third (23rd) day after the billing date. If the reconnection or connection of water service is requested to

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be made, and is made, on a Saturday, Sunday or legal holiday, from 8:00 a.m. to 5:00 p.m., or between the hours of 5:01 p.m. and 6:59 p.m. Monday through Friday, an additional fee of forty dollars (40.00) shall be charged. All deposits, fees, charges and bills for water, sewer and garbage service together with penalties due by such customer shall be paid prior to the connection. (Example: \$34.39 (net bill) + \$10.00 (delinquent penalty) + \$25.00 (delinquent fee) = \$69.39 (gross bill). Example: \$34.39 (net bill) + \$10.00 (late penalty) + \$25.00 (delinquent fee) + \$40.00 (after hours service charge) = \$109.39 (gross bill).

(f) The utility collections manager may, upon ascertaining that there have been no late payments received from an account holder within the previous 12-month period, waive the assessment of one (1) late penalty and one (1) delinquent fee. In no instance shall there be more than one late penalty and one delinquent fee waived per account holder during each 12-month period.

(Code 1963, ch. 14, art. 1, § 3 [Ord. No. 68-20, § 1, 7-22-68; Ord. No. 81-37, § 2, 8-11-81]; Ord. No. 90-81, § I, 9-18-90; Ord. No. 00-67, § III, 8-29-00; Ord. No. 04-71, § I, 8-24-04; Ord. No. 10-047, § I, 9-14-10)

Secs. 30-108--30-125. Reserved.

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DIVISION 2. RATES

Subdivision A. General Provisions

Sec. 30-126. Manner of collection of rates.

The charges fixed in this division for water and sewer service shall be entered by the finance director and/or designee in their respective amounts as charges against each such person, owner, occupant or lessee described herein on the water and sewer bill of such person, owner, occupant or lessee and the amount so fixed and charged shall be collected monthly. Should any person, owner, occupant or lessee of any place of abode or of any place of business fail or refuse to pay the charges fixed against him in his place of abode or his place of business when due, the city shall be authorized to cut off and disconnect the water and sewer services to his place of abode or place of business, until such fees shall be paid in full. (Code 1963, Ch. 14, art. 1, § 18 [Ord. No. 87-65, § 5, 9-8-87]; Ord. No. 89-69, § V, 9-19-89; Ord. No. 90-81, § II, 9-18-90; Ord. No. 11-082, § I, 9-13-11)

Secs. 30-127--30-135. Reserved.

Subdivision B. Water Rates

Sec. 30-136. Assessed.

(a) The following water charges shall apply to all residential users for the consumption of water inside the city limits these charges include a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities:

0 to 2,000 gallons - Meter size:	
5/8" & 3/4"	\$12.03
1"	\$13.32
1½"	\$16.54
2"	\$20.41
3"	\$29.45
4"	\$42.38
6"	\$75.61
8"	\$113.36
10"	\$158.56
Applicable to all meter sizes:	
2,001 to 25,000 gallons, per 1,000 gallons	\$3.00
Over 25,000 gallons, per 1,000 gallons	\$3.58

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(b) The following water charges shall apply to all commercial users for the consumption of water inside the city limits these charges include a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities:

0 to 2,000 gallons - Meter size:	
5/8" & 3/4"	\$12.46
1"	\$13.83
1½"	\$17.17
2"	\$21.19
3"	\$30.59
4"	\$44.04
6"	\$78.60
8"	\$117.98
10"	\$164.86
Applicable to all meter sizes:	
All over 2,000 gallons, per 1,000 gallons	\$3.11

(c) The following water charges shall apply to all apartment, small apartment, and mobile home park users for the consumption of water inside the city limits these charges include a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities:

0 to 2,000 gallons - Meter size:	
5/8" & 3/4"	\$12.03
1"	\$13.32
1½"	\$16.54
2"	\$20.41
3"	\$29.45
4"	\$42.38
6"	\$75.61
8"	\$113.36
10"	\$158.56
Applicable to all meter sizes:	
All over 2,000 gallons, per 1,000 gallons	\$3.00

(d) The water rates for all residential users outside the city limits shall be double the water rates for residential users inside the city limits these charges include a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities:

0 to 2,000 gallons - Meter size:	
5/8" & 3/4"	\$23.06
1"	\$25.64

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1½"	\$32.09
2"	\$39.82
3"	\$57.90
4"	\$83.76
6"	\$150.22
8"	\$225.73
10"	\$316.12

Applicable to all meter sizes:

2,001 to 25,000 gallons, per 1,000 gallons	\$6.00
Over 25,000 gallons, per 1,000 gallons	\$7.15

(e) The water rates for all commercial users outside the city limits shall be double the water rates for commercial users inside the city limits these charges include a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities:

0 to 2,000 gallons - Meter size:

5/8" & 3/4"	\$23.93
1"	\$26.65
1½"	\$33.34
2"	\$41.38
3"	\$60.19
4"	\$87.07
6"	\$156.20
8"	\$234.96
10"	\$328.72

Applicable to all meter sizes:

All over 2,000 gallons, per 1,000 gallons	\$6.22
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(f) The water rates for all apartment, small apartment, and mobile home park users outside the city limits shall be double the water rates for apartment, small apartment and mobile home park users inside the city limits these charges include a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities:

0 to 2,000 gallons - Meter size:

5/8" & 3/4"	\$23.06
1"	\$25.64
1½"	\$32.09
2"	\$39.82
3"	\$57.90
4"	\$83.76
6"	\$150.22
8"	\$225.73

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10" \$316.12

Applicable to all meter sizes:

All over 2,000 gallons, per 1,000 gallons \$6.00

(g) The meter rates for city-owned fireplugs are as follows:

0 to 2,000 gallons \$28.45

All over 2,000 gallons, per 1,000 gallons \$3.11

(h) The meter rates for Stonetree Golf Course irrigation:

All gallons, per 1,000 gallons \$0.60

(Code 1963, Ch. 14, art. 1, § 17(II); Ord. No. 89-69, § IV, 9-19-89; Ord. No. 90-81, § I, 9-18-90; Ord. No. 91-56, § I, 9-17-91; Ord. No. 92-62, § I, 9-8-92; Ord. No. 93-77, § II, 9-14-93; Ord. No. 98-59, § II, 9-15-98; Ord. No. 99-74, § II, 9-14-99; Ord. No. 00-67, § IV, 8-29-00; Ord. No. 01-42, § II, 8-28-01; Ord. No. 03-42, § I, 8-26-03; Ord. No. 04-71, § I, 8-24-04; Ord. No. 06-101, § I, 9-12-06; Ord. No. 09-058, § I, 9-15-09; Ord. No. 10-047, § I, 9-14-10; Ord. No. 11-082, § I, 9-13-11)

Secs. 30-137--30-150. Reserved.

Subdivision C. Sewer Rates

Sec. 30-151. Rates.

(a) The wastewater use rates for all residential users shall be based on and calculated by the water meter consumption less three thousand (3,000) gallons minimum times the appropriate return flow factor times the cost for each unit of discharge plus the minimum charge. A flat rate of eighteen and twenty one cents (\$18.21) shall be charged each account as a minimum charge for the first three thousand (3,000) gallons, with a charge of three dollars and sixty nine cents (\$3.69) for each one-thousand-gallon unit of discharge thereafter. The flat rate charge includes a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities.

(b) The wastewater use rates for all commercial, small apartment and apartment users shall be based on and calculated by the water meter consumption less three thousand (3,000) gallons minimum times the appropriate return flow factor times the cost for each unit of discharge plus the minimum charge. A flat rate of eighteen and fifty nine cents (\$18.59) shall be charged each account as a minimum charge for the first three thousand (3,000) gallons, with a charge of three dollars and sixty nine cents (\$3.69) for each one-thousand-gallon unit of discharge thereafter. (Example: Commercial account: Usage 10,000 gallons minus 3,000 gallons = 7,000 gallons; 7,000 gallons x 90% flow factor = 6,300 gallons; 6,300 gallons x 3.69 per 1,000 gallons = \$23.25)

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+ \$18.59 (minimum charge) = \$41.84 (total charge). The flat rate charge includes a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities.

(c) The following return flow factors will be applied for each class of sewer customer:

(1) Residential	100%
(2) Commercial	90%
(3) Outside city residential	200%
(4) Apartments, motels, etc.	90%
(5) Laundries and car wash	90%
(6) Industrial	90%
(7) Mobile home parks	100%
(8) Outside city commercial	180%

(d) The return flow in gallons is determined by multiplying the water meter consumption, less three thousand (3,000) gallons minimum, times the return flow factor for each specific classification (i.e., usage 10,000 gallons minus 3,000 gallons minimum = 7,000 gallons; 7,000 gallons x 90% flow factor = 6,300 gallons).

- (1) *Residential*. One hundred (100) percent of metered water up to ten thousand (10,000) gallons per month.
- (2) *Commercial*. Ninety (90) percent of metered water.
- (3) *Outside city residential*. Two hundred (200) percent of metered water up to ten thousand (10,000) gallons per month.
- (4) *Apartments, motels, etc.* Ninety (90) percent of metered water.
- (5) *Laundries and car wash*. Ninety (90) percent of metered water.
- (6) *Industrial*. Ninety (90) percent of metered water.
- (7) *Mobile home parks*. One hundred (100) percent of metered water up to ten thousand (10,000) gallons per unit.
- (8) *Outside city commercial*. One hundred eighty (180) percent of metered water.

(e) The wastewater rate shall be per one thousand (1,000) gallons and the minimum monthly fee:

- (1) *Rate for single-family residential*. eighteen and twenty one cents (\$18.21) minimum charge for the first three thousand (3,000) gallons, plus three dollars and sixty nine cents (\$3.69) per thousand gallons thereafter, not to exceed ten thousand (10,000) gallons. The flat rate charge includes a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities.
- (2) *Rate for commercial customers*. eighteen and fifty nine cents (\$18.59) minimum charge for the first three thousand (3,000) gallons, plus three dollars and sixty nine cents (\$3.69) per one thousand (1,000) gallons in excess of minimum. The flat rate charge includes a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities.

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- (3) *Rates for motels, two-family and multifamily residential.* eighteen and fifty nine cents (\$18.59) minimum charge for the first three thousand (3,000) gallons, plus three dollars and sixty nine cents (\$3.69) per one thousand (1,000) gallons in excess of minimum thereafter. The flat rate charge includes a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities:
- (4) *Rate for mobile home parks.* eighteen and fifty nine cents (\$18.59) per unit minimum charge for the first three thousand (3,000) gallons per unit, plus three dollars and sixty nine cents (\$3.69) per one thousand (1,000) gallons in excess of minimum, not to exceed ten thousand (10,000) gallons per unit. The flat rate charge includes a one dollar (\$1.00) fee that is to be set aside for fleet and equipment purchases for water & sewer activities:

(Code 1963, Ch. 14, art. 1, § 17(I)(B); Ord. No. 89-69, § II, 9-19-89; Ord. No. 90-81, § I, 9-18-90; Ord. No. 91-56, § II, 9-17-91; Ord. No. 92-62, § II, 9-8-92; Ord. No. 93-77, § III, 9-14-93; Ord. No. 98-59, § III, 9-15-98; Ord. No. 99-74, § III, 9-14-99; Ord. No. 00-67, § V, 8-29-00; Ord. No. 01-42, § III, 8-28-01; Ord. No. 03-42, § II, 8-26-03; Ord. No. 04-71, § I, 8-24-04; Ord. No. 05-73, § I, 9-13-05; Ord. No. 06-101, § I, 9-12-06; Ord. No. 10-047, § I, 9-14-10; Ord. No. 11-082, § I, 9-13-11)

Sec. 30-152. Proof of discharge.

Any customer who disagrees with the return flow factors listed in section 30-152(b) shall, at his expense, prove the actual discharge or the correct factor. Upon approval of the city manager, the adjusted flow factor will be used to calculate the customer's sewer bill. (Code 1963, Ch. 14, art. 1, § 17(C))

Sec. 30-153. Discharges from sources other than metered water supply.

Because some sewer customers may have sources of water other than or in addition to city water, the water meter consumption will not accurately measure the return flow to the sewer. In such cases, meters or measuring devices meeting the approval of the city's director of public works must be installed by the customer on the sources of water not controlled by the city. Such devices must be accessible to the city for monthly reading and checking for proper operation, calibration and proper maintenance by the customer. (Code 1963, Ch. 14, art. 1, § 17(D))

Sec. 30-154. Charges for users outside city limits.

All persons connected to and using the sewer systems of the city which are located outside the city limits shall be charged rates to be determined by the city council. (Code 1963, Ch. 14, art. 1, § 17(E))

Sec. 30-155. Right to connect not guaranteed to users outside city limits.

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No provision of this subdivision shall be construed as giving any person located, living or residing outside the corporate limits of the city the right to tie on or to use the sewer services of the city or the appurtenances thereto. However, the city council may contract with any person for sewer service under such terms and conditions as may appear to the city council to be for the best interest of the city. (Code 1963, Ch. 14, art. 1, § 17(F))

Sec. 30-156. Charges due date; payments.

Sewer charges shall be due and payable monthly as water bills are paid to the city water department. (Code 1963, Ch. 14, art. 1, § 17(G))

ARTICLE V. CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

DIVISION 1. GENERALLY

Sec. 30-157. Purposes.

The purposes of this article are to:

(a) Protect the city's potable water system from contamination or pollution by preventing contaminants and pollutants originating from customers' water systems from entering into the city's potable water system that may jeopardize the health, safety and welfare of the customers.

(b) Provide for a continuing program of cross-connection control and backflow prevention by requiring the installation of approved backflow prevention assemblies or methods as required by this article, the city plumbing code, the requirements of chapter 290, title 30 of the Texas Administrative Code, and the requirements of chapter 341, subchapter C, Texas Health and Safety Code, all as amended, and requiring the certification and operational testing of all testable backflow prevention assemblies.

(c) Comply with the federal Safe Drinking Water Act (title 42, United States Code, chapter 6A, subchapter XII) and state regulations as established by the Texas Commission on Environmental Quality (title 30, Texas Administrative Code) related to cross-connections and backflow prevention.
(Ord. No. 08-040, § II, 5-27-08)

Sec. 30-158. Applicability.

This article applies to all connections to the city's potable water system, unless the customer's system is excepted under section 30-165(h), both as system protection and as internal protection, and to all installations of backflow prevention assemblies related to the city's potable water system, regardless of whether the connection or assembly is located within the city limits

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of Killeen or in the city's certificated water service area (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(1)). (Ord. No. 08-040, § II, 5-27-08)

Sec. 30-159. Definitions.

Air gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle.

Approved assembly means a backflow prevention assembly that has been listed approved, manufactured, tested and installed for specific uses in accordance with the standards adopted by the AWWA (Manual M14, latest version) or approved and listed by the University of Southern California Foundation Manual for Cross-Connection Control (latest version) and is otherwise in compliance with this article and the plumbing code.

Auxiliary water supply means any water supply on or available to a customer's premises from a source other than directly through the city water system. Auxiliary water supplies include all of the following:

- (1) Water from another public water system.
- (2) Water from a natural source, such as a well, spring, pond, river or creek.
- (3) Reclaimed water.
- (4) Any water supplied by a public water system, including the city water system, that has passed through a point of delivery and is no longer controlled by the city water system.

AWWA means the American Water Works Association.

Backflow means the undesirable reversal of flow of water and/or mixtures of water and other liquids, gases, or other substances from a customer's side of the service connection into the city water system. Backflow may occur under either a backpressure or back siphonage condition or as a result of a cross-connection.

Backflow prevention assembly or *assembly* means an approved assembly or aggregation of approved assemblies designed to prevent backflow.

Backpressure means any situation or occurrence where the pressure in a customer's system is higher than in the city water system.

Back siphonage means an occurrence where the pressure in the city water system becomes less than that of the customer's system due to a vacuum in the city water system causing the flow of water to reverse its flow.

Building official means the person designated as the building official in the construction code adopted in chapter 8 of this code.

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Bypass means a connection from the city side of a backflow prevention assembly to the customer side of the assembly for the purpose of diverting the water around the assembly while it is being repaired or replaced.

Certified backflow prevention assembly tester or *certified tester* means a person who: (1) holds a current professional certification as a backflow prevention assembly tester as required by 30 Texas Administrative Code § 290.44(h)(4)(A), as amended; and (2) is currently registered with the city director of water and sanitary sewer department.

Check valve means a valve that seats readily and completely in order to completely cease the flow of water.

City water system means the entire potable water distribution system of the city of Killeen, including, without limitation, all pipes, facilities, valves, pumps, conduits, tanks, receptacles and fixtures and appurtenances between the water supply source and the point of delivery, used by the city to produce, convey, deliver, measure, treat or store potable water for public consumption or use.

Contamination means the presence of any foreign substance (organic, inorganic, radiological or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water. Contamination includes both hazardous contaminants and pollutants.

Cross-connection means any physical connection between the city water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process, through which backflow may occur.

Customer means any person or entity that is supplied potable water by or through the city water system and includes an owner, tenant or lessee.

Customer service inspection means an examination of the customer's system for the purpose of providing or denying water service. This inspection is limited to the identification and prevention of cross-connections, potential contaminant hazards, and illegal lead materials. The customer service inspector has no authority or obligation beyond the scope of the TCEQ's regulations. A customer service inspection is not a plumbing inspection as defined and regulated by the Texas State Board of Plumbing Examiners (TSBPE).

Customer's system means the entire plumbing system, including all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, store or utilize potable or non-potable water between the point of delivery and the customer's point of use.

Director means the director of public works for the city of Killeen or another official as designated by the director.

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Hazardous contaminant means any form of contamination that poses a health hazard with respect to the use of water for drinking or other domestic purposes.

Health hazard means a cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

Non-health hazard means a cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the city water system.

Person means any natural person, entity, corporation, corporate body, partnership, cooperative corporation, association, public or private organization of any character, or political subdivision of the state.

Plumbing code means the version of the International Plumbing Code or other related provisions in the International Residential Code adopted in chapter 8 of this code.

Point of delivery means the point at which water leaves the city water system and enters a customer's system at or near the property line or the edge of an easement. When a water meter is installed on or near the property line or edge of an easement, the point of delivery is the terminal end on the discharge side of the water meter.

Pollutant means a contaminant that impairs the quality of water in a manner or to a degree that does not create a hazard to public health, but may adversely affect the aesthetic qualities of the water for domestic use.

Potable water means water that complies with the TCEQ rules for drinking water and other domestic uses.

Potential contamination hazard means a condition which, by its location, piping or configuration, has a reasonable probability of being used incorrectly, through carelessness, ignorance, or negligence, to create or cause to be created a backflow condition by which contamination can be introduced into the water supply.

Service connection means the terminal end of a service connection from the city water system. If a meter is installed at the point of delivery, the service connection means the point at which the terminal end on the discharge side of the water meter connects to the customer's system.

TCEQ means the Texas Commission on Environmental Quality or its predecessor or successor agencies.

(Ord. No. 08-040, § II, 5-27-08)

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Sec. 30-160. Conflicts.

If there is a conflict between any provisions of this article, any other provision of this code or state or federal law including title 30 of the Texas Administrative Code, all as amended, the most restrictive provision shall apply. (Ord. No. 08-040, § II, 5-27-08)

DIVISION 2. AUTHORITY AND RESPONSIBILITY

Sec. 30-161. Director of public works.

(a) *Authority and responsibility.* The director, in accordance with this article and title 30, chapter 290 of the Texas Administrative Code, both as amended, is responsible for enforcing the requirements of this article and may establish policies to implement the purposes of this article (State law reference: 30 Texas Admin. Code § 290.44(h)(1)(B)(iii); Texas Health and Safety Code, chapter 341, subchapter C).

(b) *Adequate protection determination.* To ensure adequate protection in individual cases, the director may assess and determine the degree of hazard to the city's potable water system posed in the case of individual connections, customers or users. When the director determines that a backflow prevention assembly is required for the protection of the city water system, the director will require the customer, at the customer's expense, to properly install an approved assembly at each service connection or hazard point. Notice of such requirement shall be given in accordance with section 30-168 of this article (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(1)(B)(iii)).

(c) *Certified testing required.* In accordance with the TCEQ's Rules, the director shall require a certified testing report for all required and testable assemblies where an actual or potential hazard has been determined to exist in accordance with section 30-161(d) in the following instances:

- (1) Prior to providing continuous water service to new construction;
- (2) On any existing service when the director has reason to believe that cross connections or other unacceptable plumbing practices increase the risk of actual or potential contamination hazards entering into the city water system;
- (3) After any installation, repair, relocation, alteration, or addition to a customer's system that may affect the system's compliance with this article; and
- (4) At other times as provided by this article.

(State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(4)).

(d) *Testing by city.* City personnel, as directed by the director, may perform periodic tests on assemblies at random locations to ensure that acceptable test standards are being followed by

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certified testers and randomly select and tag assemblies in a manner that will determine if the assemblies have been tested as required.

(e) *Authority to compel report production.* The director may require from any person the submission of any records relating to the installation, maintenance, repair or testing of backflow prevention assemblies performed in accordance with this article (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(1)(B)(ii)).

(f) *Authority to refuse or terminate service.* The director may, upon approval of the city manager, refuse to initiate service or discontinue present service to any customer where the director determines that: (1) an actual or potential sanitary hazard in the customer's system exists; and/or (2) adequate protection against backflow has not been provided or reported in accordance with this article. Notice of terminating service is not required where the actual or potential threat of contamination endangers the health, safety and welfare of the city water system and the customers the system serves (State law reference: 30 Texas Admin. Code (TAC) § 290.46(j)(2)).

(g) *Authority to revoke certified tester registration.* The director may revoke a certified tester's registration in the following cases:

- (1) failure to register the serial number or have the gauge tested for accuracy annually;
- (2) use of a test gauge that does not meet the manufacturer's calibration standards in preparation of a city backflow test and maintenance report;
- (3) two (2) testing or reporting discrepancies within a one (1) year period, beginning on the date of the first discrepancy, including:
 - (i) false, incomplete, or inaccurate reporting of test completion or certification of a backflow prevention assembly;
 - (ii) use of inaccurate gauges;
 - (iii) improper operational certification methods; or,
 - (iv) failure to comply with sections 30-163(b) or (d) of this article;
- (4) failure to maintain licensure or registration with TCEQ;
- (5) failure to comply with sections 30-163(e) or (f) of this article; or,
- (6) conviction of a violation of this article.

(State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(4)).

Revocation under this paragraph is effective upon receipt of written notice from the director sent via certified mail, return receipt requested. Receipt is presumed to occur five (5) calendar days following the date the notice is mailed. Non-receipt of the notice does not affect the validity of a revocation order. Written notice under this paragraph shall provide specific written findings justifying revocation. Registrations for certified tester's that have had a registration revoked shall not be accepted for a period of one (1) year following the effective date of revocation.

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(h) *Appeal of registration revocation.* A request for appeal and reconsideration of registration revocation by a certified tester shall be delivered to the city manager within fifteen (15) calendar days of receipt of the revocation notice and shall specifically contest or justify the director's findings as outlined in the revocation notice. The city manager shall have fifteen (15) calendar days to reconsider revocation and shall then issue a written final determination via certified mail, return receipt requested.

(Ord. No. 08-040, § II, 5-27-08)

Sec. 30-162. Responsibilities of customers.

(a) *Duty.* Each customer has a duty to prevent contaminants from entering into the customer's system and the city water system. This duty begins at the point of delivery and includes the customer's entire internal water system. If the director determines that an actual or potential hazard exists in the customer's system, this article, including the requirements to implement an adequate cross-connection control program and/or install a backflow prevention assembly at the service connection and compliance with the applicable testing requirements, shall apply (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)).

(b) *Consent to allow access and survey.* Each customer, as a condition of receiving water service, consents to allow city personnel access to the customer's property during normal business hours to inspect and survey the customer's system for potential contamination, backflow hazards and cross-connections in accordance with section 30-169. Written consent for access shall be requested by the city prior to conducting an inspection and the property owner shall grant such consent within ten (10) calendar days of receipt of the request for access by the city. If a customer refuses to allow access to city personnel for an inspection or survey in the time frame provided, the director may discontinue or refuse the customer's water service, and/or assume that a high contamination health hazard exists and, therefore, require the highest degree of protection to be used in the customer's system prior to providing water service. If access is denied the director may immediately discontinue water service without further notice and the installation and certification of such required protection shall be required prior to allowing service to the customer.

(c) *Expense.* Each customer, at the customer's expense, shall install, operate, maintain and test approved backflow prevention assemblies as required by this article.

(d) *Testing requirements.*

(1) *Customer responsibilities.* If the director determines that an internal cross-connection program and/or a backflow prevention assembly at the service connection is required, the customer shall: (a) initiate the testing required by this section; (b) have completed any maintenance or installation of backflow assemblies as determined by the test to be necessary; and (c) ensure that an original report is submitted to the director as

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required by this article (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(4)).

- (2) *Initial testing or testing following repair, replacement, alteration or relocation.* All required backflow prevention assemblies shall be tested by a certified tester upon installation, repair, alteration or relocation and prior to being placed into service (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(1)(B) and (4)).
- (3) *Annual testing.* All required backflow prevention assemblies which are installed to provide protection against health hazards shall be tested by a certified tester annually following installation, repair or maintenance. (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(1)(B)(i) and (h)(4)).

(e) *Installation, repair or maintenance.* Each customer, when contracting for the installation, repair or maintenance of backflow prevention assemblies shall employ a person, entity or contractor lawfully permitted to perform such services under state law. A customer must apply for and obtain a permit from the building official before installing, replacing, re-piping or relocating a backflow prevention assembly.

(f) *Record keeping requirements.* Customers shall keep and maintain accurate copies of city of Killeen test and maintenance report forms for all tests and repairs made to backflow prevention assemblies for at least three (3) years from the date of any such act, and shall provide the director with copies of these reports upon written request or as provided for in this article (State law reference: 30 Texas Admin. Code § 290.46(f)(3)(B)(vi)).

(g) *Internal System Inspections - thermal expansion.* With the installation of backflow assemblies the potential for creating a “closed-system” occurs. This closed system could result in injury to the water system customer if adequate safety measures, including thermal expansion valves, are not functioning properly. Thermal expansion of heated water may occur wherever potable water is heated in a closed system. This expansion may cause damage ranging from leaking faucets to a ruptured water heater if the condition is not addressed. The city shall not accept any liability resulting from the implementation of this article.
(Ord. No. 08-040, § II, 5-27-08)

Sec. 30-163. Certified backflow prevention assembly testers.

(a) *Registration of certified testers.* Each person qualified to perform services as a certified tester for a city water system customer shall submit a completed city registration form to the director prior to performing any services regulated under this article. Test results or certification of the performance of other services shall not be accepted if the tester is not currently registered with the director. The director shall maintain a current list of registered certified testers, and will make this list available to city water system customers upon request. Registrations will be valid for one (1) year and must be renewed annually.

(b) *Testing equipment.* The certified tester shall furnish the city with the serial number of the tester’s test kit, and the tester’s test gauge must be tested when purchased and annually

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thereafter, or more frequently as required by the director, to be in compliance with the University of Southern California's Manual of Cross Connection Control (latest edition) or the American Water Works Association Manual of Cross Connection Control requirements (Manual M14, latest edition). The certified tester must maintain the test gauge within a two (2) percent accuracy deviation and retain test results for three (3) years from the date of any such test. All test results shall be made available to the director upon written request or as provided for by this article (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(4)(A) and (B)).

(c) *Accountability of certified tester.* The certified tester is responsible for the competency and accuracy of all tests and reports certifying assemblies to be operating within specifications performed or submitted by the certified tester, and for all work done by any persons under the direction or control of the certified tester. All work performed by a certified tester's assistants must be performed in the tester's presence. Certified testers shall certify that all backflow prevention assemblies comply with the specifications provided in the University of Southern California's Manual of Cross Connection Control (latest edition) or the American Water Works Association Manual of Cross Connection Control requirements (Manual M14, latest edition) and that such assemblies are otherwise in compliance with this article.

(d) *Reporting and record keeping requirements.* A city of Killeen test and maintenance report form must be completed by a certified backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the director for record keeping purposes. Only city of Killeen test and maintenance report forms will be accepted. All test and maintenance reports shall be retained for at least three (3) years from the date of any such test, and shall be made available to the director upon written request or as provided for by this article (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(1)(C)).

(e) *Immediate notification required from a certified tester.* If a backflow prevention assembly test fails or an assembly malfunctions and the actual or potential hazard of contamination is not immediately curable through repair or replacement, the certified tester shall notify the director and the customer immediately in person or by telephone. This notification shall also be submitted in writing within five (5) calendar days. If the failure or malfunction of a backflow prevention assembly is not immediately curable through repair or replacement, the director upon notification, shall take all necessary steps, including the immediate cessation of water service through the assembly, to prevent the possible contamination of the city water system.

(f) *Alteration of backflow assembly.* It is a violation of this article for a certified tester to alter the design, material, or operational characteristics of a backflow prevention assembly during testing, repairing or maintaining the assembly without the prior written approval of the director.

(g) *Qualified.* Certified backflow prevention assembly testers are qualified to test and repair assemblies on any domestic, commercial, industrial, or irrigation service. However, certified testers shall only test and repair assemblies on fire lines if they are permanently employed by an

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approved fire line contractor as required by the State of Texas Fire Marshall's office (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(1)(A)(i) and (ii)).
(Ord. No. 08-040, § II, 5-27-08)

Sec. 30-164. Backflow assembly installation and maintenance; permit required.

(a) *Permit and inspection required.* Plumbing permits shall be obtained prior to installing, replacing, modifying or relocating existing backflow prevention devices in accordance with chapter 8 of this code. In addition, plumbing inspections are required to be requested upon completion of the above acts and no inspection shall be requested until the original backflow test results are submitted to the city in accordance with this article.

(b) *Testing, reporting and record keeping required.* When a backflow prevention assembly is installed, replaced, modified or relocated the approved assembly shall be tested prior to being placed into service. The person completing the work in paragraph (a) of this section shall submit copies of written reports detailing the work to the customer and original reports to the director on the city of Killeen's test and maintenance report form. The report shall include a list of the materials or replacement parts used. All test, installation and maintenance reports shall be retained for at least three (3) years from the date of any such test, and shall be made available to the director upon written request or as provided for by this article.
(Ord. No. 08-040, § II, 5-27-08)

DIVISION 3. STANDARDS AND REQUIREMENTS

Sec. 30-165. General requirements.

(a) *Compliance required.* This article, the TCEQ Rules and Regulations for Public Water Systems provided in title 30 of the Texas Administrative Code, the city plumbing code and other applicable state and federal laws, all as amended, will govern the design, construction, operation and maintenance of the city water system with respect to cross-connection control and backflow prevention. Each person shall comply with all applicable provisions of these rules and regulations.

(b) *Auxiliary and reclaimed water systems.* It is unlawful for a person to cause or allow water from an auxiliary water supply or reclaimed water system to enter the city water system. Where a customer is served by an auxiliary water supply or utilizes a reclaimed water system in addition to the city water system, all applicable TCEQ regulations shall be followed, and the director will determine the type of backflow prevention assembly to be used (State law reference: 30 Texas Admin. Code § 290.44(h)(2)).

(c) *Unlawful connections.* It is unlawful for a person to make a connection from the city water system to a customer's system where an actual or potential contamination hazard to the city water system exists and there is no air gap separation between the drinking water supply and the source of potential contamination. Where a containment air gap is impractical and, instead,

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an individual internal air gap or mechanical backflow prevention assembly is used, a backflow prevention assembly will be required at the service connection in accordance with AWWA Standards on those establishments handling substances deleterious or hazardous to the public health. This requirement does not apply if the customer maintains an adequate internal cross-connection control program that includes an annual inspection by a certified tester (State law reference: 30 Texas Admin. Code § 290.44(h)(1)(A) and (B)).

(d) *Non-potable connections.* It is unlawful for a person to make any connection from the city water system to any condensing, cooling or industrial process or any other system of non-potable usage, over which city water system officials do not have sanitary control, in a manner that does not fully comply with the requirements of subsection (c) above. It is unlawful for any person to cause or permit backflow from any such process to be transmitted into the city water system (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(2)).

(e) *Overhead bulk water dispensing stations.* Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against back siphonage and cross-contamination (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(3)).

(f) *Service connections, additional protection.* The use of a backflow prevention assembly at a service connection will be considered additional backflow prevention, and does not negate the requirement of backflow prevention on internal hazards as provided by this article or chapter 8 of this code (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(5)).

(g) *Unlawful bypasses.* It is unlawful for a person to install, or to cause or permit the installation of, a bypass that has not been approved in advance by the director. All bypasses on backflow prevention assemblies must themselves include provisions for backflow prevention as described in this article.

(h) *Exception.* This article shall not apply at any residence or facility where there is no actual or potential contamination hazard as determined by the director (State law reference: 30 Texas Admin. Code (TAC) § 290.44(h)(6)).
(Ord. No. 08-040, § II, 5-27-08)

Sec. 30-166. Types of backflow prevention required.

(a) *Generally.* Cross-connections vary widely in degree of potential contamination hazards. Backflow may occur under many different pressure differentials, varying from vacuum to very high pressures. The protection afforded by a backflow prevention assembly depends upon its type, the circumstances in which it is installed, and on its proper installation, maintenance and testing. Only approved assemblies shall be used (as defined in section 30-159 of this article).

(b) *Minimum specific backflow prevention assembly required.* Specific backflow prevention assembly requirements for all affected customers and persons shall comply with this Article,

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TCEQ regulations as provided in title 30, chapter 290 of the Texas Administrative Code and the city’s plumbing code, all as amended. In the event that a conflict exists, the most stringent requirement shall control. Only approved assemblies shall be used. The TCEQ table provided below details the types of premises and uses that are commonly subject to compliance with this article, however, notwithstanding this provision or the table below, the director shall retain final approval authority in each individual case.

Table Insert: (State law reference: Figure: 30 Texas Admin. Code (TAC) §290.47(I))

Assessment of Hazards and Selection of Assemblies

The following table lists many common hazards. It is not an all-inclusive list of the hazards which may be found connected to public water systems.

Premises Isolation - Description of Premises	Assessment of Hazard	Required Assembly
Aircraft and missile plants	Health	RPBA or AG
Animal feedlots	Health	RPBA or AG
Automotive plants	Health	RPBA or AG
Breweries	Health	RPBA or AG
Canneries, packing houses and rendering plants	Health	RPBA or AG
Commercial car wash facilities	Health	RPBA or AG
Commercial laundries	Health	RPBA or AG
Cold storage facilities	Health	RPBA or AG
Connection to sewer pipe	Health	RPBA or AG
Dairies	Health	RPBA or AG
Docks and dockside facilities	Health	RPBA or AG
Dye works	Health	RPBA or AG
Food and beverage processing plants	Health	RPBA or AG
Hospitals, morgues, mortuaries, medical clinics, dental clinics, veterinary clinics, autopsy facilities, sanitariums, and medical labs	Health	RPBA or AG
Metal manufacturing, cleaning, processing, and fabrication plants	Health	RPBA or AG
Microchip fabrication facilities	Health	RPBA or AG

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Paper and paper products plants	Health	RPBA or AG
Petroleum processing or storage facilities	Health	RPBA or AG
Photo and film processing labs	Health	RPBA or AG
Plants using radioactive material	Health	RPBA or AG
Plating or chemical plants	Health	RPBA or AG
Pleasure-boat marinas	Health	RPBA or AG
Private/Individual/Unmonitored Wells	Health	RPBA or AG
Reclaimed water systems	Health	RPBA or AG
Restricted, classified or other closed facilities	Health	RPBA or AG
Rubber plants	Health	RPBA or AG
Sewage lift stations	Health	RPBA or AG
Sewage treatment plants	Health	RPBA or AG
Slaughter houses	Health	RPBA or AG
Steam plants	Health	RPBA or AG
Tall buildings or elevation differences where the highest outlet is 80 feet or more above the meter	Nonhealth	DCVA

Internal Protection - Description of Cross Connection	Assessment of Hazard	Required Assembly
Aspirators	Nonhealth†	AVB
Aspirator (medical)	Health	AVB or PVB
Autoclaves	Health	RPBA
Autopsy and mortuary equipment	Health	AVB or PVB
Bedpan washers	Health	AVB or PVB
Connection to industrial fluid systems	Health	RPBA
Connection to plating tanks	Health	RPBA
Connection to salt-water cooling systems	Health	RPBA
Connection to sewer pipe	Health	AG
Cooling towers with chemical additives	Health	AG

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Cuspidors	Health	AVB or PVB
Degreasing equipment	Nonhealth†	DCVA
Domestic space-heating boiler	Nonhealth†	RPBA
Dye vats or machines	Health	RPBA
Fire-fighting system (toxic liquid foam concentrates)	Health	RPBA
Flexible shower heads	Nonhealth†	AVB or PVB
Heating equipment Commercial Domestic	Nonhealth† Nonhealth†	RPBA DCVA
Hose bibbs	Nonhealth†	AVB
Irrigation systems with chemical additives without chemical additives	Health Nonhealth†	RPBA AVB or PVB
Kitchen equipment - Commercial	Nonhealth†	AVB
Lab bench equipment	Health or Nonhealth†	AVB or PVB
Ornamental fountains	Health	AVB or PVB
Swimming pools Private Public	Nonhealth† Nonhealth†	RVB or AG RPBA or AG
Sewage pump	Health	AG
Sewage ejectors	Health	AG
Shampoo basins	Nonhealth†	AVB
Specimen tanks	Health	AVB or PVB
Steam generators	Nonhealth†	RPBA
Steam tables	Nonhealth†	AVB
Sterilizers	Health	RPBA
Tank vats or other vessels containing toxic substances	Health	RPBA
Trap primers	Health	AG
Vending machines	Nonhealth†	RPBA or PVB

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Watering troughs	Health	AG or PVB
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NOTE: AG = air gap; AVB = atmospheric vacuum breaker; DCVA = double check valve backflow prevention assembly; PVB = pressure vacuum breaker; RPBA = reduced-pressure principle backflow prevention assembly.

*AVBs and PVBs may be used to isolate health hazards under certain conditions, that is, backsiphonage situations. Additional area of premises isolation may be required.

†Where a greater hazard exists (due to toxicity or other potential health impact) additional area protection with RPBA is required.

Uses not listed in this table may require backflow prevention through air gaps or backflow prevention assemblies depending on the nature of the use, the equipment and the plumbing system. These will be determined on an individual basis by the director.

(c) *Exceptions.* A person may request approval from the director for a proposed deviation from or exception to the requirements of this article. Upon request, the Director shall conduct a customer service inspection to determine what (if any) hazards are present and shall document what (if any) backflow protection is required and provide the same to the customer. The director may approve a deviation or exception if the deviation or exception does not conflict with applicable law or increase the risk of an actual or potential contamination hazard from entering into the city water system.

(d) *Criteria for selection of backflow prevention assemblies.* The selection of an appropriate backflow prevention assembly depends upon the degree of hazard involved and will be based on the following criteria:

- (1) whether the assembly could ever be subject to backpressure due to the customer's internal pumping pressures or elevation differentials;
- (2) the nature of contaminating material under the most critical circumstances;
- (3) the extent to which additions may be made to the plumbing system at a later date which would affect the initial selection of the assembly;
- (4) the frequency with which a water supply could be exposed to a hazardous condition; and,
- (5) the degree of protection of the water supply required, as provided by this article, the local plumbing code and title 30, chapter 290 of the Texas Administrative Code, as enforced by the director.

(e) *Highly detrimental hazards.* Where an actual or potential contamination hazard is determined to be highly detrimental to the general health of the city water system, the director may require a total containment backflow prevention system to provide for backflow prevention assemblies on each internal branch line. The proper backflow protection assembly shall be maintained on each service connection or separation of internal systems. At the point of delivery,

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an assembly must be installed on each leg or branch (i.e., industrial and domestic). The type of backflow prevention assembly required on each leg or branch shall be in accordance with the highest degree of actual or potential contamination hazard found on the premises.

(f) *Mobile connections.* Any person connecting any part of a vehicle or other container to the city water system shall utilize an air gap method or permanently install an approved backflow prevention assembly on the vehicle or container and shall have the assembly tested in accordance with this article prior to connecting to the city water system.

(Ord. No. 08-040, § II, 5-27-08)

DIVISION 4. PROCEDURES

Sec. 30-167. New facilities.

(a) All new facilities, unless excepted from this article under 30-165(h), are required to comply with the requirements of this article. Compliance by a new city water system customer with the requirements for installation of one or more backflow prevention assemblies shall be verified in conjunction with the customer's application for water service or with the customer's building and plumbing permits as provided in section 30-169 of this division.

(b) The director may require field inspection of the customer's premises in addition to building plan submittal and review to determine the actual or potential contamination hazards and backflow prevention assembly requirements.

(c) All plumbing layouts or building plans submitted to the building inspections division shall be reviewed to assure compliance with the requirements of this article and the plumbing code. All plumbing layouts or plans will be stamped by the building inspections division to indicate that containment backflow prevention may be required.

(Ord. No. 08-040, § II, 5-27-08)

Sec. 30-168. Existing facilities, inspections.

(a) *Inspection procedure.* The director or designated representative may inspect the existing facilities of city water system customers that do not have a record of backflow prevention assembly installation or current annual certified testing report(s) on file in the water and sanitary sewer department and at other times as determined necessary by the director in accordance with this article. The director shall prioritize these inspections based on the severity of the potential health hazard as listed in section 30-166 of this article. After the inspection is completed, the director will provide a written notice to the customer advising of any backflow prevention assembly requirements for the customer's system.

(b) *Installation and testing required.* Upon the receipt of written notice as provided for in paragraph (a) of this section the customer shall have thirty (30) calendar days from the date of receipt of the notice to have the appropriate backflow prevention assemblies installed, replaced

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or repaired and certification of testing submitted to the director. Notice is presumed to be received five (5) calendar days after the notice is mailed. Upon written request of the customer and for cause, the director may extend this time period if an immediate threat of contamination does not exist for additional time periods, which, when combined, shall not exceed ninety (90) calendar days.

(c) *Building plan review.* Plans submitted to the building inspections department for approval of plumbing modifications, or extensions to an existing plumbing system, may be reviewed by the director to determine the type of backflow prevention method or assembly required. The method and type of assembly required will be noted on the plans.
(Ord. No. 08-040, § II, 5-27-08)

Sec. 30-169. Customer service inspections.

(a) A customer service inspection shall be completed prior to providing continuous water service to all new facilities, for any existing facility when the director has reason to believe that potential cross-connections or other contaminant hazards exists, or after any material improvement, correction, or addition to the private distribution facilities that may affect the system's compliance with this article (State law reference: Texas Admin. Code § 290.46(j)).

(b) Only individuals with the following credentials shall be recognized as qualified to conduct a customer service inspection (in accordance with title 30, chapter 290.46(j) of the Texas Administrative Code):

- (1) Plumbing Inspectors and Water Supply Protection Specialists that have been licensed by the Texas State Board of Plumbing Examiners; or,
- (2) Customer service inspectors who have completed a TCEQ approved course, passed an examination administered by the TCEQ, and hold current professional certification or endorsement as a customer service inspector.

(c) The customer service inspection must certify that:

- (1) No direct connection between the city water system and a potential source of contamination exists and potential sources of contamination are isolated from the city water system by a properly installed air gap or an appropriate backflow prevention assembly;
- (2) No cross-connection between the city water system and a private water source exists;
- (3) No connection exists which would allow water to be returned to the city water system;
- (4) No pipe or pipe fitting containing more than 8% lead has been used for the installation or repair of plumbing at any connection that provides water for human use; and,

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- (5) No solder or flux containing more than 0.2% lead has been used for the installation or repair of plumbing at any connection that provides water for human use. A minimum of one lead test shall be performed for each inspection.

(Ord. No. 08-040, § II, 5-27-08)

Sec. 30-170. Penalty and disconnection.

(a) A person who violates, or causes or permits the violation of, any provision of this article commits a Class C misdemeanor which shall be punishable under section 1-8 of this code. A fine not exceeding two thousand dollars (\$2,000.00) may be imposed for violation of provisions in the article that govern fire safety or public health and sanitation. With respect to violations of this code that are continuous with respect to time, each day the violation continues is a separate offense. Proof of a culpable mental state is not required for conviction of an offense under this article.

(b) Failure or refusal on the part of a customer to comply with any provision of this article will constitute grounds for refusing or discontinuing water service.

(Ord. No. 08-040, § II, 5-27-08)