

ORDINANCE NO. O-2020-0188

AN ORDINANCE AMENDING CHAPTER 44, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, BY AMENDING SECTION 44-149 AND SECTION 44-151 REGARDING ENVIRONMENTAL SERVICES FEES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Chapter 44, Section 44-149(d) of the Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

**Sec. 44-149. - Wastewater discharge permit applications and surcharge.**

(d) *Surcharge for higher concentrations.* Users shall be assessed a sewer surcharge for nondomestic sewage that contains concentrations of TSS and BOD/COD higher than those defined for domestic sewage herein. The surcharge shall be in addition to any other sewer charges required by other city ordinances. If a user has more than one nondomestic outfall identified in a permit, the surcharge shall be applicable to the daily average total of all nondomestic discharges and not the individual nondomestic discharges. In the event that a user has nondomestic sewage that has either not been sampled, or cannot be sampled due to site characteristics, a sewer surcharge will be charged based on quality data per Standard Industrial Classification (SIC) codes.

(1) *When surcharge shall be applied.* A user shall be subject to a surcharge when its nondomestic discharge daily average total:

- a. Exceeds a TSS concentration of 250 mg/l; and/or
- b. Exceeds a BOD concentration of 250 mg/l; or
- c. Exceeds a COD concentration of 450 mg/l.

(2) *+Computation of surcharge.* The city shall sample for both TSS and either BOD or COD. Computations of surcharges shall be based on the formulas below and for those concentrations that exceed the levels set forth in subsection (d)(1) of this section, the surcharge shall be applied to that excess. The surcharges for individual TSS and BOD/COD are additive.

BOD surcharge	$S_{BOD} = V \times 8.34 (A[BOD - 250])$
TSS surcharge	$S_{TSS} = V \times 8.34 (B[TSS - 250])$
COD surcharge	$S_{COD} = V \times 8.34 (C[COD - 450])$

S	-	Sum of surcharges in dollars that will appear on the user's monthly bill.
V	-	Monthly average volume of nondomestic 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 nondomestic discharge as determined by methods specified in the user's permit.

8.34	-	Conversion factor for units of measure in surcharge equations.
A	-	\$0.477 per pound of BOD
B	-	\$0.477 per pound of TSS
C	-	<del>\$0.477</del> <u>0.227</u> per pound of COD
BOD	-	Biological Oxygen Demand concentration in mg/l. For more than one nondomestic discharge, this shall be the flow-weighted concentration.
TSS	-	Total Suspended Solids concentration mg/l. For more than one nondomestic discharge, this shall be the flow-weighted concentration.
COD	-	Chemical Oxygen Demand concentration in mg/l. For more than one nondomestic discharge, this shall be the flow-weighted concentration.
250	-	Normal daily average domestic BOD and TSS concentration in mg/l.
450	-	Normal daily average domestic COD in mg/l.

- (3) *Application of surcharge.* Surcharge will apply directly to the water meter customer assigned to the discharging user.
- (4) *Sampling and analysis.* The wastewater discharge sampling event consists of a 24-hour composite sample taken by automatic sampler. The scheduling of the sampling is subject to approval and availability of the appropriate public works personnel. The city shall sample for TSS, and either BOD or COD. The time of sampling shall be at the sole discretion of the control authority. The control authority may select an independent contractor to conduct the sampling and/or analyses.
- (5) *Sampling/control point.* The user shall provide and the control authority shall designate a sampling/control point for the purpose of sampling. The location and design of the control point shall be approved by the control authority.  
This sampling point shall be free of impediments and easily accessible by city personnel.
- (6) *Period of surcharge.* If analyses for TSS and/or BOD/COD shows that a surcharge is applicable, the surcharge shall be applied to the monthly water bill for a period of ~~six~~ twelve months.
- (7) *Costs of analyses.* When analyses show that a surcharge shall be applied, a fee of ~~\$50.00~~ \$100 shall be added to a user's bill to cover the sampling, handling, and laboratory analyses. When analyses show that a surcharge shall not be applied, then this fee shall not be added to the user's bill.
- (8) ~~*Contested charges.* User must contest any/all charges within 14 days of issuance of surcharge notification.~~ *Resampling.* The user may request that its discharge be resampled for a fee of \$100. The results from the resampling shall be averaged with the results from the previous sampling to obtain the final surcharge value. The final surcharge shall be applied for a period of twelve months from the resampling date.

1 II.

2 That Chapter 44, Section 44-151(c) and (d) of the Code of Ordinances (2018  
3 Edition), City of Round Rock, Texas, are hereby amended to read as follows:

4 **Sec. 44-151. - Analytical fees, sampling fees, and instrument inspection fees.**

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6 (c) *Analytical fees.*

7 (1) *Analytical fees for water/wastewater.* Fees for analytical tests are as follows:

Biochemical Oxygen Demand (BOD)	\$20.00 per sample
Total Suspended Solids (TSS)	\$20.00 per sample
Carbonaceous Biochemical Oxygen Demand (CBOD)	\$20.00 per sample
<u>Chemical Oxygen Demand (COD)</u>	<u>\$20.00 per sample</u>
Hardness	\$10.00 per sample
Alkalinity	\$10.00 per sample
Turbidity	\$10.00 per sample
Chlorine	\$10.00 per sample
pH	\$10.00 per sample
Total Dissolved Solids (TDS)	\$20.00 per sample

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9 (2) *Water bacteriological fees.*

24 hour Present/Absence Test for Total Coliform/E. Coli	\$20.00 per sample
18 hour Presence/Absence Test for Total Coliform/E. Coli	\$25.00 per sample
24 hour Enumeration Test For Total Coliform/E. Coli	\$25.00 per sample
18 hour Enumeration Test for Total Coliform/E. Coli	\$30.00 per sample
Heterotrophic Plate Count (HPC)	\$15.00 per sample
After Hours Presence/Absence Test for Total Coliform/E. Coli (24 hour or 18 hour)	\$50.00
After Hours Enumeration Test for Total Coliform/E. Coli (24 hour or 18 hour)	\$50.00

10 The above-stated fees include reporting to the appropriate state agencies when required.

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12 (d) *Sampling fees.*

13 (1) The sampling or re-sampling fee for wastewater discharge is ~~\$75.00~~100.00 per sampling event.

14 (2) The wastewater discharge sampling event consists of a 24-hour composite sample taken by  
15 automatic sampler. The scheduling of this service is subject to approval and availability of the  
16 appropriate public works personnel.

1 **III.**

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3 **A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are  
4 expressly repealed.

5 **B.** The invalidity of any section or provision of this ordinance shall not  
6 invalidate other sections or provisions thereof.

7 **C.** The City Council hereby finds and declares that written notice of the date,  
8 hour, place and subject of the meeting at which this Ordinance was adopted was posted  
9 and that such meeting was open to the public as required by law at all times during  
10 which this Ordinance and the subject matter hereof were discussed, considered and  
11 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas  
12 Government Code, as amended.

13 Alternative 1.

14 By motion duly made, seconded and passed with an affirmative vote of all the  
15 Council members present, the requirement for reading this ordinance on two separate  
16 days was dispensed with.

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18 **READ, PASSED, and ADOPTED** on first reading this \_\_\_\_ day of  
19 \_\_\_\_\_, 2020.

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21 Alternative 2.

22 **READ and APPROVED** on first reading this the \_\_\_\_ day of  
23 \_\_\_\_\_, 2020.

24 **READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_ day of  
25 \_\_\_\_\_, 2020.

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CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

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SARA L. WHITE, City Clerk