



City of Belton, Texas

City Council Meeting Agenda
Tuesday, October 13, 2020 - 5:30 p.m.
Wright Room at the Harris Community Center
401 N. Alexander, Belton, Texas

**PLEASE NOTE: FACE COVERINGS WILL BE REQUIRED
WHERE SOCIAL DISTANCING CANNOT BE
MAINTAINED.**

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember Guy O'Banion.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Director of Library Services Kim Kroll.

"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

Invocation. The Invocation will be given by Councilmember Dan Kirkley.

1. Call to order.
2. Public Comments.

Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

Consent Agenda

Items 3-4 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

3. Consider minutes of September 22, 2020, City Council Meeting.
4. Consider appointing Interim Director of Planning Bob van Til to the Killeen-Temple Metropolitan Planning Organization (KTMPPO) Technical Committee.

Regular Agenda

5. Hold a public hearing and consider an ordinance amending Chapter 23, Article III – Sewer Industrial Wastes Standards, of the Code of Ordinances to include an Industrial Pretreatment Program.
6. Consider authorizing the City Manager, in conjunction with the Belton Economic Development Corporation, to execute a contract for the South IH-35 Waterline project, and any change orders associated with the contract, not to exceed the amount authorized under State law.

Work Session

7. Conduct a Work Session and consider authorizing the City Manager to take all steps necessary to implement the 13th Avenue Sidewalks project.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.



City of Belton, Texas

City Council Meeting Agenda
Tuesday, October 13, 2020 - 5:30 p.m.
Wright Room at the Harris Community Center
401 N. Alexander, Belton, Texas

OFFICE OF THE CITY MANAGER

**PLEASE NOTE: FACE COVERINGS WILL BE REQUIRED
WHERE SOCIAL DISTANCING CANNOT BE
MAINTAINED.**

Pledge of Allegiance. The Pledge of Allegiance to the U.S. Flag will be led by Councilmember Guy O'Banion.

Texas Pledge. The Pledge of Allegiance to the Texas Flag will be led by Director of Library Services Kim Kroll.

"Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

Invocation. The Invocation will be given by Councilmember Dan Kirkley.

1. Call to order.
2. Public Comments.

Citizens who desire to address the Council on any matter may register to do so prior to this meeting and speak during this item. Forms are located on the table outside of the south side entry to the meeting room. Please state your name and address for the record, and limit your comments to three minutes. Also, please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda.

Consent Agenda

Items 3-4 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be

removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

3. **Consider minutes of September 22, 2020, City Council Meeting.**

A copy of the minutes is attached. Recommend approval.

4. **Consider appointing Interim Director of Planning Bob van Til to the Killeen-Temple Metropolitan Planning Organization (KTMPPO) Technical Committee.**

See Staff Report from City Clerk Amy Casey. Recommend appointment of Bob van Til to the KTMPPO Technical Committee.

Regular Agenda

5. **Hold a public hearing and consider an ordinance amending Chapter 23, Article III – Sewer Industrial Wastes Standards, of the Code of Ordinances to include an Industrial Pretreatment Program.**

See Staff Report from Director of Public Works Angellia Points. Recommend holding the public hearing and adopting the ordinance as presented.

6. **Consider authorizing the City Manager, in conjunction with the Belton Economic Development Corporation, to execute a contract for the South IH-35 Waterline project, and any change orders associated with the contract, not to exceed the amount authorized under State law.**

See Staff Report from Director of Public Works Angellia Points and BEDC Executive Director Cynthia Hernandez. At their meeting on October 6, 2020, the BEDC unanimously recommended award of the contract to McLean Construction, and Staff concurs.

Work Session

7. **Conduct a Work Session and consider authorizing the City Manager to take all steps necessary to implement the 13th Avenue Sidewalks project.**

See attached presentation and conduct work session.

The City Council reserves the right to adjourn into Executive Session at any time regarding any issue on this agenda for which it is legally permissible.

Belton City Council Meeting
September 22, 2020 – 5:30 P.M.

The Belton City Council met in an in-person/virtual meeting via Zoom due to the COVID-19 Public Health Emergency that has been declared by Governor Greg Abbott, Bell County Judge David Blackburn and Belton Mayor Marion Grayson. Members present included Mayor Marion Grayson, Mayor Pro Tem Wayne Carpenter and Councilmembers David K. Leigh, John R. Holmes, Sr., Craig Pearson, Guy O'Banion and Dan Kirkley. Staff present included Sam Listi, John Messer, Amy Casey, Gene Ellis, Matt Bates, Cheryl Maxwell, Jon Fontenot, Paul Romer, Chris Brown, Mike Rodgers, Charlotte Walker, Bob van Til, Kim Kroll, Judy Garrett and Angellia Points.

The Pledge of Allegiance to the U.S. Flag was led by Councilmember Dan Kirkley, and the Pledge of Allegiance to the Texas Flag was led by Assistant City Manager/Chief of Police Gene Ellis. The Invocation was given by Councilmember David K. Leigh.

1. **Call to order.** Mayor Grayson called the meeting to order at 5:32 p.m.

2. **Public Comments.** *(Audio 1:49)*

David Palomares, 704 Damascus – brush fee/reduce speed limit in neighborhood.

Phil Petty, 680 CR339, Moody – spoke regarding an issue he has with the Police Department.

Nancy Hite, 2213 Ash Drive – spoke regarding an issue she has with Bell County courts.

Assistant City Manager/Chief of Police Gene Ellis – National Night Out activities in Belton neighborhoods.

Cindy Youngblood, 4470 Shanklin – spoke regarding an issue she has with subdividing land for a family member; would like a waiver from the platting requirement.

Consent Agenda *(Audio 16:14)*

Items 3-6 under this section are considered to be routine by the City Council and may be enacted by one motion. If discussion is desired by the Council, any item may be removed from the Consent Agenda prior to voting, at the request of any Councilmember, and it will be considered separately.

3. **Consider minutes of September 15, 2020, Special Called City Council Meeting.**

4. **Consider appointing Marvin Bell to serve as a Commissioner on the Central Texas Housing Consortium Board of Directors.**

5. **Consider a resolution authorizing the City Manager to sign a Professional Services Agreement with Texas Coalition for Affordable Power, Incorporated (“TCAP”), and a Commercial Electricity Service Agreement with Gexa Energy, LP.**
6. **Consider authorizing the City Manager to execute an agreement for Visitor Center support with the Belton Area Chamber of Commerce for FY2021.**

Upon a motion for approval by Councilmember Pearson, and a second by Councilmember Holmes, the Consent Agenda, including the following captioned resolution, was unanimously approved upon a vote of 7-0.

RESOLUTION NO. 2020-27-R

RESOLUTION OF THE CITY OF BELTON, TEXAS, ADOPTING TCAP’S PROFESSIONAL SERVICES AGREEMENT AND GEXA ENERGY’S COMMERCIAL ELECTRIC SERVICE AGREEMENT FOR POWER TO BE PROVIDED ON AND AFTER JANUARY 1, 2023

Mayor Grayson announced that Item #14 would be taken out of order, and it would follow the Consent Agenda.

14. **Consider authorizing the City Manager to execute a contract for the South Belton Shared Use Path project, and any change orders associated with the contract, not to exceed the amount authorized under State law.** *(Audio 17:44)*

Upon a motion for approval by Councilmember Leigh, and a second by Councilmember Holmes, Item #14 was unanimously approved upon a vote of 7-0.

Parks and Recreation

7. **Hold a public hearing and consider the following:**
 - A. **a resolution authorizing a name change for Confederate Park.**
 - B. **an ordinance authorizing a name change for Confederate Park Drive.** *(Audio 22:26)*

Public Hearing:

Naomi Flores, 2200 Montrose Place – in favor of change to Liberty Park.
Rucker Preston, 2013 Hilltop Street – in favor of change to Unity Park.
Brandon Bell, 3609 North Drive – in favor of changing park name.
Michael Carpenter, 4102 W. Adams, Temple – in favor of change to Unity Park.

Upon a motion by Mayor Pro Tem Carpenter, and a second by Councilmember Holmes, the name of Confederate Park was changed to Liberty Park and the name

of Confederate Park Drive was changed to Veteran's Way upon a unanimous vote of 7-0.

RESOLUTION NO. 2020-28-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, CHANGING THE NAME OF CONFEDERATE PARK TO UNITY PARK, AND PROVIDING AN OPEN MEETINGS CLAUSE.

ORDINANCE 2020-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, CHANGING THE STREET NAME OF CONFEDERATE PARK DRIVE TO VETERAN'S DRIVE; DECLARING FINDINGS OF FACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Planning and Zoning

8. Hold a public hearing and consider a zoning change from Agricultural District to Single Family-3 District on approximately 0.2 acres located at 1450 E. Avenue A, generally east of I-35 and Nolan Creek, near the southeast corner of Central Avenue and Avenue A, described as Richard 2nd Addition, Block 1, portion of Lot 9 (S 90' of W 98' of Lot 9), Belton Original Town. (Audio 47:33)

Public Hearing: No one spoke for or against.

Upon a motion by Councilmember Holmes, and a second by Councilmember Pearson, 1450 E. Avenue A was rezoned to Single Family-3 District upon a vote of 7-0.

ORDINANCE NO. 2020-33

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL DISTRICT TO SINGLE FAMILY THREE DISTRICT ON APPROXIMATELY 0.2 ACRE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 11 DESIGN STANDARDS.

9. Hold a public hearing and consider a zoning change from Planned Development (Patio Home) District to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback for 6 lots located at 2806, 2810, 2811, 2819, 2826, & 2827 Lone Oak Drive, on the south side of S. Estate Drive, east of N. Main Street. (Audio 54:47)

Public Hearing: No one spoke for or against.

Upon a motion for approval by Councilmember Kirkley, and a second by Councilmember Pearson, 2806, 2810, 2811, 2819, 2826 and 2827 Lone Oak Drive was not rezoned to Amended Planned Development (Patio Home) District to allow a reduced rear yard setback upon a vote of 3-4. Councilmembers Kirkley and Pearson, as well as Mayor Pro Tem Carpenter voted in favor, and Councilmembers Holmes, O'Banion, Leigh and Mayor Grayson voted against the rezoning.

ORDINANCE NO. 2020-34

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM PLANNED DEVELOPMENT (PATIO HOME) DISTRICT TO AMENDED PLANNED DEVELOPMENT (PATIO HOME) DISTRICT ON APROXIMATELY 0.626 ACRE, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 14 DESIGN STANDARDS.

10. **Hold a public hearing and consider a zoning change from Agricultural District to Commercial Highway District on approximately 8 acres located at 500 N. I-35 Service Road, on the east side of I-35, south of Nolan Creek (Crossroads Church property).** *(Audio 1:11:06)*

Public Hearing: No one spoke for or against.

Upon a motion by Councilmember Leigh, and a second by Councilmember O'Banion, 500 N. I-35 Service Road was rezoned to Single Family-3 District upon a vote of 7-0.

ORDINANCE NO. 2020-35

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL DISTRICT TO COMMERCIAL HIGHWAY DISTRICT ON APROXIMATELY 8 ACRES, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

11. **Hold a public hearing and consider a zoning change from Agricultural District to Commercial Highway District on approximately 8.338 acres located on the east side of I-35 near 8101 S. I-35 Service Road, beginning approximately 0.6 mile north of Amity Road.** *(Audio 1:15:29)*

Public Hearing: No one spoke for or against.

Upon a motion by Councilmember Leigh, and a second by Councilmember Pearson, the 8.338 acres was rezoned to Commercial Highway District upon a vote of 7-0.

ORDINANCE NO. 2020-36

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BELTON BY CHANGING THE DESCRIBED DISTRICT FROM AGRICULTURAL DISTRICT TO COMMERCIAL HIGHWAY DISTRICT ON APROXIMATELY 8.338 ACRES, WITH DEVELOPMENT TO BE REGULATED UNDER TYPE AREA 2 DESIGN STANDARDS.

12. **Consider a preliminary plat of The Pioneer at Connell, comprising 9.031 acres, located generally west of I-35 between US 190 and Loop 121, along an extension of Laila Lane, on the east side of Connell Street.** (Audio 1:20:21)

Councilmember Leigh made a motion for approval of the Preliminary Plat of The Pioneer at Connell with a note stating that the alignment of Laila Lane will be jointly decided upon by the applicant and the City. The motion was seconded by Councilmember Holmes, and was unanimously approved upon a vote of 7-0.

13. **Hold a public hearing and consider amendments to Subdivision Ordinance Section 502—Street Standards and Policy—Perimeter Streets.** (Audio 1:35:23)

Public Hearing:

Marty Janczak, Temple Area Builders Association spoke in favor of the ordinance. Marvin Bell, Magnolia Baptist Church, asked what it means that Connell Street is considered a major collector street.

No one else spoke for or against the item.

Upon a motion by Councilmember Leigh and a second by Councilmember Holmes, the Subdivision Ordinance Section 502 – Street Standards and Policy – Perimeter Streets, was amended upon a unanimous vote of 7-0.

ORDINANCE NO. 2020-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING SECTION 502, STREET STANDARDS AND POLICIES, OF THE SUBDIVISION ORDINANCE FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Contracts and Bids

15. **Consider authorizing the Belton Economic Development Corporation to enter into a memorandum of understanding with Temple College for the joint effort of pursuing a grant from the Economic Development Administration (EDA) for the construction of a workforce training center in Belton, Texas.** (Audio 2:04:51)

Mayor Grayson announced that the BEDC has requested Council table this item.

Councilmember Leigh made a motion to table Item #15 to a future Council meeting. Councilmember Pearson seconded the motion which passed unanimously upon a vote of 7-0.

There being no further business, the Mayor adjourned the meeting at 7:35 p.m.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



Staff Report – City Council Agenda Item

Agenda Item #4

Consider appointing Interim Director of Planning Bob van Til to the Killeen-Temple Metropolitan Planning Organization (KTMPO) Technical Committee.

Originating Department

Administration – Amy M. Casey, City Clerk

Background

Grants and Special Projects Coordinator Bob van Til was recently appointed Interim Director of Planning due to Cheryl Maxwell's resignation. The Mayor is recommending Mr. van Til serve as Mrs. Maxwell's replacement on the KTMPO Technical Committee, as well.

Fiscal Impact: None

Recommendation: Recommend approval of the appointment.

Attachments: None



Staff Report – City Council Agenda Item

Agenda Item #5

Hold a public hearing and consider an ordinance amending Chapter 23, Article III – Sewer Industrial Wastes Standards, of the Code of Ordinances to modify the existing Industrial Pretreatment Program.

Originating Department

Public Works – Angellia Points, P.E., Director of Public Works/City Engineer

Background Information

The City currently has an Industrial Wastewater Pretreatment Program outlined in Chapter 23, Article III of the Code of Ordinances. The City is required to have such program to regulate industrial waste so that it does not upset or interfere with the wastewater treatment process. The EPA and TCEQ require such a program to protect the wastewater treatment process, which in turn protects the receiving water body.

Industrial wastewater discharge can be high in volume and/or high in concentrations, and is much different from normal commercial and residential waste. For example, Belton has one permitted industrial facility, American Spincast, a metal finishing business. American Spincast has a pretreatment process to remove metals and high organic concentrations before their waste enters the sewer collection system. Although the flows from the business are low, concentrations are high enough that the pollutants can either pass through the treatment process or upset the biological treatment processes at the plant.

In 2005, EPA issued a directive for all industrial pretreatment programs to be revised as part of their “streamlining” initiative so that all programs are consistent nationwide. At that time, TCEQ began requiring cities to submit revised ordinances for review with each treatment plant permit renewal, which occurred in 2009 for Belton and Temple. Following multiple reviews, revisions, resubmissions, TCEQ finally approved Belton’s revised ordinance. The next step is for City Council to hold a public hearing and consider approval.

The Brazos River Authority not only operates and maintains the Temple-Belton Wastewater Treatment Plant (TBWWTP), but they also provide staff to manage the City of Belton and Temple’s Industrial Pretreatment Program (IPP). BRA staff has done an excellent job of working with TCEQ to update the City’s ordinance to TCEQ’s satisfaction.

Ordinance Summary

The existing and revised ordinance applies to all those located in Belton’s sewer service basin. However, the ordinance only regulates permitted industries. Permitted industries are those that discharge more than 25,000 gallons per day of wastewater, are a specific

category requiring a permit (i.e. metal finishing, chemical plants, etc.), or if their waste is determined to pose a risk of pollutant pass-through or interference with the treatment processes at the plant. This ordinance does and would continue to require permitted industries to have pretreatment units at their facility to reduce specific pollutants before their waste enters the collection system. It would also continue to require the permitted industry to perform sampling and reporting on such sampling and any process changes.

The proposed ordinance has the following changes from the previously TCEQ approved ordinance.

1. Added slug control and slug discharge requirements
 - a. "Slug" is any discharge to the sewer system containing an unusually high or potentially harmful pollutant concentration.
2. Additional factors to determine Significant Non-Compliance (SNC)
 - a. This would include errors in reporting, falsification, endangerment.
 - b. SNC for a permitted industry also now results in reporting to TCEQ and publication in a local newspaper detailing the non-compliance in addition to correction of violation(s).
3. Requirements for industries to develop and adhere to Best Management Practices (BMP)
 - a. BMPs need to be specifically designed to reduce the potential and/or concentration of pollutants in wastewater discharge.
 - b. BMP examples: general housekeeping and upkeep of pretreatment facilities, pollution prevention/waste reduction practices, quality control practices, etc.
4. Specific sampling requirements
 - a. Permitted industries are required to monitor pollutant levels in their wastewater periodically through collection and analysis of samples.
5. Templates and forms
 - a. Documents were modified to mirror ones used at the TBWWTP and City of Temple. This is because our waste goes to the same location, treated by the same entity, and under the same requirements.
6. There were no changes to maximum pollutant concentrations from the previously TCEQ approved ordinance that is currently being enforced.

BRA and City of Belton staff are satisfied that the revised IPP ordinance provides only the minimum necessary changes to the City's current TCEQ approved ordinance to meet the EPA's streamlining requirements. If adopted, there is no impact to the City's single permitted facility.

Fiscal Impact

None

Recommendation

Hold the public hearing and adopt the ordinance amending Chapter 23, Article III of the Code of Ordinances.

Attachments

Ordinance

ORDINANCE NO. 2020-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELTON, TEXAS, AMENDING CHAPTER 23, ARTICLE III, SEWER INDUSTRIAL WASTES STANDARDS, OF THE CODE OF ORDINANCES FOR THE CITY OF BELTON; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the amendments proposed herein have been presented to the City Council and due notice of said amendments and hearing on said amendments has been given as required by law, and a hearing on said amendments before the City Council of the City of Belton was set for the 13th day of October, 2020, at 5:30 p.m. for hearing and adoption; and

WHEREAS, a hearing was held upon the amendments by the City Council of the City of Belton of the time, place and date herein before set forth; and

WHEREAS, said amendments were duly required by the Texas Commission on Environmental Quality and Environmental Protection Agency; and

WHEREAS, the standards contained within this ordinance are intended to “streamline” industrial pretreatment program standards across the nation to ensure consistent practices in protection of wastewater treatment and therefore, protection of the receiving waterbodies from harmful pollutants; and

WHEREAS, the City Council has determined that the proposed amendments are reasonable.

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

PART 1: The existing “Article III – Sewer Industrial Wastes Standards” of Chapter 23 of the Code of Ordinances for the City of Belton, Texas, is hereby amended as follows:

“Article III – Sewer Industrial Wastes Standards” is deleted in its entirety and is hereby replaced with Attachment A.

PART 2: If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PART 3: This ordinance shall take effect October 13, 2020, after its passage in accordance with the provisions of the Charter of the City of Belton, Texas, and it is accordingly so ordained.

PART 4: Chapter 23 of the Code of Ordinances of the City of Belton, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

PART 5: It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on this the 13th day of October, 2020.

Marion Grayson, Mayor

ATTEST:

Amy M. Casey, City Clerk



ATTACHMENT “A”

CITY OF BELTON INDUSTRIAL PRETREATMENT PROGRAM

Chapter 23 – Article III

CITY OF BELTON CODE OF ORDINANCES
CHAPTER 23 – ARTICLE III

TABLE OF CONTENTS

SECTION 1 - GENERAL PROVISIONS

- 1.1 Purpose and Policy
- 1.2 Administration
- 1.3 Abbreviations
- 1.4 Definitions
- 1.5 Duties of the Director of Public Works

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

- 2.1 Prohibited Discharge Standards
- 2.2 National Categorical Pretreatment Standards
- 2.3 State Pretreatment Standards
- 2.4 Local Limits
- 2.5 Right of Revision
- 2.6 Dilution

SECTION 3 - PRETREATMENT OF WASTE WATER

- 3.1 Pretreatment Facilities
- 3.2 Additional Pretreatment Measures
- 3.3 Accidental Discharge/Slug Control Plans
- 3.4 Hauled Wastewater

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION.

- 4.1 Wastewater Analysis
- 4.2 Wastewater Discharge Permit Requirement
- 4.3 Wastewater Discharge Permitting: Existing Connections
- 4.4 Wastewater Discharge Permitting: New Connections
- 4.5 Wastewater Discharge Permit Application Contents
- 4.6 Application Signatories and Certification

4.7 Wastewater Discharge Permit Decisions

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

- 5.1 Wastewater Discharge Permit Duration
- 5.2 Wastewater Discharge Permit Contents
- 5.3 Wastewater Discharge Permit Modification
- 5.4 Wastewater Discharge Permit Transfer
- 5.5 Wastewater Discharge Permit Revocation
- 5.6 Wastewater Discharge Permit Reissuance

SECTION 6 - REPORTING REQUIREMENTS

- 6.1 Baseline Monitoring Reports
- 6.2 Compliance Schedule Progress Reports
- 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline
- 6.4 Periodic Compliance Reports
- 6.5 Reports of Changed Conditions
- 6.6 Reports of Potential Problems
- 6.7 Reports from Unpermitted Users
- 6.8 Notice of Violation/Repeat Sampling and Reporting
- 6.9 Analytical Requirements
- 6.10 Sample Collection
- 6.11 Date of Receipt of Reports
- 6.12 Record Keeping
- 6.13 Certification Statements

SECTION 7 - COMPLIANCE MONITORING

- 7.1 Right of Entry: Inspection and Sampling

SECTION 8 - CONFIDENTIAL INFORMATION

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

- 10.1 Notification of Violation
- 10.2 Consent Orders
- 10.3 Show Cause Hearing

- 10.4 Compliance Orders
- 10.5 Cease and Desist Orders
- 10.6 Emergency Suspensions
- 10.7 Termination of Discharge

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

- 11.1 Injunctive Relief
- 11.2 Civil Penalties
- 11.3 Criminal Prosecution
- 11.4 Remedies Nonexclusive

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

- 12.1 Upset
- 12.2 Act of God
- 12.3 Prohibited Discharge Standards
- 12.4 Bypass

SECTION 13 - MISCELLANEOUS PROVISIONS

- 13.1 Review and Approval; Preliminary Treatment; Required Facilities
- 13.2 Pretreatment Charges and Fees

SECTION 14 - RESERVED

SECTION 1- GENERAL PROVISIONS

1.1 Purpose and Policy

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

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

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

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

1.3 Abbreviation

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

- BOD - Biochemical Oxygen Demand
- BMP - Best Management Practice
- BMR - Baseline Monitoring Report
- CFR - Code of Federal Regulations
- CIU - Categorical Industrial User
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency
- gpd - gallons per day
- IU - Industrial User
- mg/L - milligrams per liter
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - Significant Noncompliance
- TCEQ - Texas Commission on Environmental Quality
- TPDES - Texas Pollutant Discharge Elimination System
- TSS - Total Suspended Solids
- TTO - Total Toxic Organics
- U.S.C. - United States Code

1.4 Definitions

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

Act or “Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251.

Administrative Fines shall mean a punitive monetary charge unrelated to actual treatment costs which are assessed by the control authority rather than a court.

Approval Authority shall mean the Texas Commission on Environmental Quality (TCEQ)

Authorized or Duly Authorized Representative of the User shall mean the person authorized to represent, sign, and submit documents in accordance with the following criteria:

- (A) If the user is a corporation:
 - (1) 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 or decision-making functions for the corporation; or
 - (2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (B) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (C) If the User is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (D) The individuals described in paragraphs (A)-(C), 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 Brazos River Authority.

Best Management Practices or BMPs mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A & B (40 CFR 403.5(a)(1) and (b)). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/I).

Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three (3) feet outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.

Bypass shall mean the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.

Categorical Industrial User shall mean an industrial user subject to Categorical Standards as established by the U. S. Environmental Protection Agency.

Categorical Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Cease and Desist Order shall mean an administrative order directing an industrial user to immediately halt illegal or unauthorized discharges.

Chemical Oxygen Demand or COD shall mean a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

City. City of Belton or the City Council of Belton.

Compliance Order shall mean an administrative order directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

Composite Sample shall mean a sampling method consisting of either discrete or continuous samples collected in equal amounts and over equal time intervals. For discrete sampling, at least 12 aliquots shall be composited. Where a 24 hour composite sample is not feasible, four (4) grab samples may be collected in equal amounts and equal time intervals. All samples must be representatives of normal daily operations.

Consent Order shall mean an administrative order embodying a legally enforceable agreement between the Control Authority and the noncompliant industrial user designed to restore the user to compliance status.

Control Authority shall mean the Belton's City Manager or his duly authorized representative.

Daily Limit or Daily Maximum Limit shall mean the maximum allowable discharge of a pollutant over a calendar day or equivalent representative 24-hour period. Where daily maximum limits are expressed in units of mass, and the daily discharge is calculated by multiplying the daily average concentration and total flow volumes in the same 24-hour period by a conversion factor to get the desired units. Where daily limits are expressed in terms of a concentration, the daily discharge is the composite sample value, or flow weighted average if more than one discrete sample was collected. Where flow weighting is infeasible, the daily average is the arithmetic average of all samples if analyzed separately, or the same value if samples are composited prior to analysis.

Direct Discharge shall mean the discharge of untreated wastewater directly to the waters of the State of Texas.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

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

Garbage shall mean solid wastes from the preparation of cooking and dispensing food, and from the handling, storage, and sale of produce.

Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Indirect Discharge or Discharge shall mean the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial User shall mean a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act, (33 USC 1317) into the wastewater system (including holding tank waste discharged into the system).

Industrial Wastes shall mean the liquid wastes from industrial processes as distinct from sanitary sewer.

Instantaneous Limit shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations:

Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Local Limit shall mean a 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).

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average. The arithmetic mean of the effluent samples collected during a calendar month or specified 30-day period. Where the Control Authority has taken a sample during the period, it must be included in the monthly average if provided in time. However, where composite samples are required, grab samples taken for process control or by the Control Authority are not to be included in a monthly average.

Monthly Average Limit shall mean the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

National Pollution Discharge Elimination System or NPDES Permit shall mean a permit pursuant to Section 402 of the Act.

National Pretreatment Standards, Pretreatment Standard, or Standard, (i.e. prohibitive discharge standards, categorical pretreatment standards, and local limits) shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial users. This term includes prohibitive discharge limits established pursuant to 403.5.

New Source

- (A) 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:
 - (i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (iii) The production or 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.
- (B) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (C) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (D) Begun, or caused to begin, as part of a continuous onsite construction program
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (E) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a

reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact Cooling Water shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Pass Through shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's TPDES permit, including an increase in the magnitude or duration of a violation.

Person shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

pH shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment or Treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

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

Process Wastewater shall mean any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by product, or waste product.

Prohibited Discharge Standards or Prohibited Discharge. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. *1292). This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

Sanitary sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Septic Tank Waste shall mean any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage shall mean human excrement and gray water (household showers, dishwashing operations, etc.).

Sewage treatment plant shall mean an arrangement of devices and structures used for treating sewage.

Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.

Sewer shall mean a pipe or conduit for carrying sewage.

Shall is mandatory; may is permissive or discretionary.

Significant Industrial User shall mean:

- (1) An Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) An Industrial User that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

- (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
 - (d) Violates any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria Subsection (2), has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug Load or Slug Discharge shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any Discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, Local Limits, or Permit conditions.

Standard Industrial Classification or SIC Code shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Storm Water shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids or Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

TBRSS Pretreatment Program shall mean the approved Temple-Belton Regional Sewerage System Pretreatment Program as amended. Belton Pretreatment Program shall mean the approved City of Belton Pretreatment Program as amended. Temple Pretreatment Program shall mean the approved City of Temple Pretreatment Program as amended.

Texas Commission on Environmental Quality (TCEQ) shall mean the State agency of that title, or where appropriate, the term may also be used as a designation for the Director or other duly authorized official of said agency.

Upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment regulations because of factors beyond the reasonable control of the Industrial User. This does not include noncompliance caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

User shall mean any person who contributes, causes or permits the contribution of wastewater into City's wastewater system.

User Permit shall mean permits issued to Significant Industrial Users and Categorical Industrial Users by the City Manager as set forth in this ordinance.

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

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

1.5 Duties of the Director of Public Works

It shall be the duty of the Director to see that certain provisions of this article as pertaining to the use of public sewers are carried out, to determine if the sewage collected by the sewer collection system is treatable, and to supervise the treatment of the sewage.

SECTION 2- GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

A. General Prohibitions.

- (1) No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- (2) If in the opinion of the Director, the character of the sewage from any manufacturer or industrial plant, building or other premises is such that it will:
 - a. injure or interfere with wastewater treatment processes or facilities;
 - b. constitute a hazard to humans or animals;

- c. create a hazard in receiving waters of the wastewater treatment plant effluent; or
- d. violate appropriate Federal, State or local regulations, the City shall have the right require such User to dispose of such waste otherwise and prevent it from entering the system.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 5.5 or more than 10.5 or otherwise causing corrosive material damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction resulting in interference to the flow in the POTW or interference with the proper operation of the sewage works, (4) Wastewater with twenty-four (24) hour composite samples containing biochemical oxygen demand (BOD) and/or total suspended solids (TSS) in excess of eight (800) milligram per liter (mg/L).
- (4) Wastewater having a temperature greater than 40°C (104°F), or which will inhibit biological activity in the treatment plant resulting in interference;
- (5) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (6) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (7) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 3.4 of this ordinance;
- (8) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewer for maintenance;
- (9) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, inks, dye wastes and vegetable tanning

solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's TPDES permit;

- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (11) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, contact cooling water, and unpolluted wastewater, unless specifically authorized by the City;
- (12) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (13) Medical wastes, except as specifically authorized by the City in a wastewater discharge permit;
- (14) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (15) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (16) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 96 mg/L;
- (17) Any garbage that has not been properly shredded;
- (18) Any feathers, entrails, feet, bones, paunch manure, hair, fleshings or eggshells, whole blood or other liquids in quantities which exert an unusual oxygen or chlorine requirement or which result in coloration of the treatment plant influent;
- (19) Wastewater taken as a grab sample which contains total phenols and/or formaldehyde in concentrations greater than 15.7 parts per million;
- (20) Wastewater which contains hydrogen sulfide measured as H₂S or fluoride that is discharged in the amount which would cause the levels of H₂S or fluoride to increase in the treated effluent from the sewerage treatment plant; or
- (21) Pollutants including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either by singly or by interaction with other pollutants, will cause Interference with the POTW.

Hazardous wastes, including those that would otherwise be permissible under domestic sewage exclusion in 40 CFR Section 261.4, are prohibited and shall not be discharged to the sewer system. Any type of user shall notify the City, State, and EPA of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

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

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471. According to 40 CFR 403.6(a), within 60 days after the effective date of a Pretreatment Standard for a subcategory under which an Industrial User may be included, the Industrial User or the City may request that the Water Management Division Director or Director, as appropriate, provide written certification on whether the Industrial User falls within that particular subcategory. If an existing Industrial User adds or changes a process or operation which may be included in a subcategory, the existing Industrial User must request this certification prior to commencing discharge from the added or changed processes or operation. A New Source must request this certification prior to commencing discharge. Where a request for certification is submitted by the City, the City shall notify any affected Industrial User of such submission. The Industrial User may provide written comments on the City submission to the Water Management Division Director or Director, as appropriate, within 30 days of notification.

- A. When limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e): Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the Control Authority or by the Industrial User with the written concurrence of the Control Authority. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the Control Authority or Industrial User shall calculate both an alternative daily maximum value using the daily maximum value(s) specified in the appropriate categorical Pretreatment Standard(s) and an alternative consecutive sampling day average value using the monthly average value(s) specified in the appropriate categorical Pretreatment Standard(s). The

Industrial User shall comply with the alternative daily maximum and monthly average limits fixed by the Control Authority until the Control Authority modifies the limits or approves an Industrial User modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An Industrial User must immediately report any such material or significant change to the Control Authority. Where appropriate new alternative categorical limits shall be calculated within 30 days.

Alternate Limit Calculations:

1. Alternative concentration limit calculation. For purposes of these formulas, the “average daily flow” means a reasonable measure of the average daily flow for a 30-day period. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant will be derived by the use of either of the following formulas:

$$C_T = \left(\frac{\sum_{i=1}^N C_i F_i}{\sum_{i=1}^N F_i} \right) \left(\frac{F_T - F_D}{F_T} \right)$$

where

C_T = the alternative concentration limit for the combined wastestream.

C_i = the categorical Pretreatment Standard concentration limit for a pollutant in the regulated stream i .

F_i = the average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D = the average daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a Categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the *NRDC v. Costle* Consent Decree (12 ERC 1833) for one or more of the reasons in appendix D to Part 403.

2. Alternative mass limit calculation.

$$M_T = \left(\sum_{i=1}^N M_i \right) \left(\frac{F_T - F_D}{\sum_{i=1}^N F_i} \right)$$

where

M_T = the alternative mass limit for a pollutant in the combined wastestream.

M_i = the categorical Pretreatment Standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i = the average flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D = the average daily flow (at least a 30-day average) from: (a) Boiler blowdown streams, non-contact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an Industrial User's regulated process wastestream(s) will result in a substantial reduction of that pollutant, the Control Authority, upon application of the Industrial User, may exercise its discretion to determine whether such stream(s) should be classified as diluted or unregulated. In its application to the Control Authority, the Industrial User must provide engineering, production, sampling and analysis and such other information so that the Control Authority can make its determination; or (b) sanitary wastestreams where such streams are not regulated by a categorical Pretreatment Standard; or (c) from any process wastestreams which were or could have been entirely exempted from categorical Pretreatment Standards pursuant to paragraph 8 of the NRDC v. Costle Consent Decree (12 ERC 1833) for one or more of the reasons in appendix D to Part 403.

2.3 State Pretreatment Standards

Users must comply with TCEQ codified at 30 TAC 315.

2.4 Local Limits

- A. The City is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following Daily Maximum Limit.

BELTON

106.327 mg/L Aluminum

1.207 mg/L Arsenic

1.441 mg/L	Cadmium
14.699 mg/L	Chromium
2.806 mg/L	Copper
5.212 mg/L	Cyanide
8.318 mg/L	Lead
0.009 mg/L	Mercury
2.064 mg/L	Molybdenum
6.587 mg/L	Nickel
96.0 mg/L	Oil and Grease (T)
15.7 mg/L	Phenols
0.174 mg/L	Selenium
18.105 mg/L	Silver
8.443 mg/L	TTO
6.571 mg/L	Zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for 'total metal unless indicated otherwise.

- C. The City may develop best management practices by ordinance or in individual wastewater discharge permits to implement categorical standards only.

2.5 Right of Revision

The City and/or TBRSS reserves the right to establish, by ordinance, or in wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.6 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The City and/or TBRSS may impose mass limitations on Users

who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3- PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. When required by the Director of Public Works, the owner of any property served by a building sewer carrying industrial wastes, shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the industrial wastes. Such manholes, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. This manhole shall be installed by the owner at his expense and shall be maintained by him/her so as to be safe and accessible at all times. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the City may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. The City may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

3.3 Accidental Discharge/Slug Control Plans

The City is required to have the authority and responsibility to evaluate, within one (1) year of being designated as a SIU, whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The City may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Director of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- E. The City is required to keep records of the activities associated with slug control evaluation and results of such activities are required to be available to the Approval Authority upon request.

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the City, and at such times as are established by the City. Such waste shall not violate Section 2.1(B)(8) of this ordinance or any other requirements established by the City. The City shall require septic tank waste haulers to obtain individual wastewater discharge permits.
- B. Septic tank waste haulers may discharge loads only at locations designated by the Director. No load may be discharged without prior consent of the Chief Operator at the POTW. The Operator may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the septic tank waste hauler to provide a waste analysis of any load prior to discharge.
- C. No industrial, hazardous waste is allowed to be discharged to the POTW.
- D. Septic tank haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the hauler, permit number, truck identification, names and addresses of the sources of waste, and volume and

characteristics of waste. The form shall identify the type of business the waste originated from, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

SECTION 4- WASTEWATER DISCHARGE PERMITS

4.1 Wastewater Analysis

When requested by the City, a User must submit information on the nature and characteristics of its wastewater within (60) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Discharge Permit Requirement

- A. No significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City, except that Significant Industrial User that has filed a timely application pursuant to Section 4.5 of this ordinance may continue to discharge for the time period specified therein.
- B. The City may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 11 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 4.5 of this Ordinance, must be filed at least 60 days prior to the date upon which a discharge will begin or recommence.

Any User that has an existing connection for discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the Director for a wastewater discharge permit in accordance with Section 4.5 of this Ordinance, and shall not cause or allow discharges to the

POTW to continue after 90 days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the City.

4.4 Wastewater Discharge Permitting: New Connections

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with this ordinance, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The City may require all Users to submit all or some of the following information as part of a permit application:

- A. Identifying Information.
 - 1. The name and address of the facility, including the name of the operator and owner.
 - 2. Contact information, description of activities, facilities, and plant production processes on the premises;
- B. Environmental Permits. A list of any environmental control permits held by or for the facility.
- C. Description of Operations
 - 1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated process(es);
 - 2. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - 3. Each product produced by type, amount, process or processes, and rate of production;
 - 4. Type and amount of raw materials processed (average and maximum per type); and

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- D. Time and duration of discharges;
 - E. The location for monitoring all wastes covered by the permit; and
 - F. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set in 40 CFR 403.6(e).
 - G. Measurement of Pollutants.
 1. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated process for Existing Sources.
 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the City, of regulated pollutants in the discharge from each regulated process.
 3. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance. Where the Standard requires compliance with a BMP or Pollution Prevention alternative, the User shall submit documentation as required by the City, or the applicable Standards to determine compliance with the Standard.
 4. Sampling must be performed in accordance with procedures set out in Section 6.9 of this ordinance.
 - H. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.
 - I. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.6 Application Signatories and Certification

- A. All wastewater discharge permit applications and User reports and certification statements must be signed by an Authorized Representative of the User and contain the following certification statement:

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

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

4.7 Wastewater Discharge Permit Decision

- A. The City will evaluate the data furnished by the User and may require additional information within thirty (30) calendar days, after receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit or require additional safeguards, reports or information. For Users not meeting the criteria of Significant Industrial Users, the Director may also waive or defer a permit, or allow discharges in the interim while a permit is being prepared.
- B. No discharge originating in areas outside the territorial limits of the city shall be made into any sanitary sewer of the city without first obtaining a special permit, which shall be subject to and incorporated by reference the terms of this ordinance and the following requirements.
 - 1. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the City shall consider entering into an intermunicipal agreement with the contributing municipality.
 - 2. Prior to entering into an agreement required by paragraph 1, above, the City of Belton shall request the following information from the contributing municipality:
 - (i) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

- (ii) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (iii) Such other information as the City of Belton may deem necessary.
- 3. An intermunicipal agreement, as required by paragraph 1, above, shall contain the following conditions:
 - (i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;
 - (ii) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
 - (iii) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City;
 - (iv) A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities;
 - (v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
 - (vi) Requirements for monitoring the contributing municipality's discharge;
 - (vii) A provision ensuring the City access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City; and
 - (viii) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION 5- WASTEWATER DISCHARGE PERMIT ISSUANCE

5.1 Wastewater Discharge Permit Duration

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

5.2 Wastewater Discharge Permit Contents

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

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 5.4 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including best management practices, based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practices, to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements to control Slug Discharge, if determined by the City to be necessary.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (5) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (6) Other conditions as deemed appropriate by the City to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Modification

- A. The City may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (1) To incorporate any new or revised Federal, State, and local Pretreatment Standards or Requirements;
 - (2) 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;
 - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the POTW, City personnel, or the receiving waters;
 - (5) Violation of any terms or conditions of the individual wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13.
- (8) To correct typographical or other errors in the wastewater discharge permit;
or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.4.

5.4 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the City and the Director approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

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

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

5.5 Wastewater Discharge Permit Revocation

The City may revoke a wastewater discharge permit for good cause, including, but not limited to, 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 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director timely access to the facility premises and records;

- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

5.6 Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.

SECTION 6- REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.

- (1) All information required in Section 4.5.
- (2) Measurement of pollutants.
 - a. The User shall provide the information required in Section 4.5 G.
 - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. Where the standard requires compliance with BMP or pollution prevention alternative, the User shall submit documentation as required by the City or the applicable Standards to determine compliance with the Standard.
 - c. Samples should be taken immediately downstream from the pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards.
 - d. Sampling and analysis shall be performed in accordance with Section 6.10 and 40 CFR Part 136;
 - e. The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4(3) and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the

shortest schedule by which the User will provide such additional pretreatment and/or operations and maintenance must be provided. The completion date in this schedule shall not be later than the compliance due established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirement set out in Section 6.2 of this ordinance.

- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.1(B)(3) of this ordinance and signed by an Authorized Representative as defined in Section 1.4(3).

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

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

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment Standards and requirements shall submit to the City a report containing the information described in Section 4.5(F)(G) and 6.1B(2) of this ordinance. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

6.4 Periodic Compliance Reports

- A. All Significant Industrial Users shall, at a frequency determined by the City but in no case less than twice per year (in June and December or dates specified by the Control Authority), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment Standard requires compliance with a Best Management Practice or Pollution Prevention alternative, the User must submit documentation required by the City or the pretreatment Standard necessary to determine compliance status of the User.
- B. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.
- C. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- D. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location, more frequently than required by the Director, using the procedures prescribed in Section 6.10 of this ordinance, the results of this monitoring shall be included in the report.
- E. Report the average and maximum daily flows for the reporting period and identify where flow estimates are used.
- F. All periodic compliance reports must be signed and certified in accordance with Section 6.13(A) of this ordinance.

6.5 Reports of Changed Conditions

Each user must notify the Control Authority (and the POTW if the POTW is not the Control Authority) of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

- A. The Control Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.
- B. The Control Authority may issue a wastewater discharge permit under Section 5.6 of this ordinance or modify an existing wastewater discharge permit under Section 5.3 of this ordinance in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted in a prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the City immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the City may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the Users between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling. If the City has performed sampling, the User will repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty (30) days upon being notified by the City of any violations.

6.9 Analytical Requirements

All pollutant analyses, including sampling techniques and chain-of-custody forms, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CER Part 136 does not contain sampling or analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures.

6.10 Sample Collection

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data is available, the Director may authorize a lower minimum. For the reports required by paragraphs 40 CFR 403.12(e) and 403.12(h), the IU is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.11 Date of Receipt of Reports

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

6.12 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

6.13 Certification Statement

Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.5; Users submitting baseline monitoring reports under Section 6.1; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4; and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4(E). The following certification statement must be signed by an Authorized Representative as defined in Section 1.4(3):

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

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The City, or its representative(s), Brazos River Authority's representative(s), TCEQ representative(s), and EPA's representative(s) shall have the right to enter the premises, at least once per treatment year, of any User to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the representatives from the City, Brazos River Authority, TCEQ and/or EPA, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The City, or its representative(s), are required to sample and inspect each permitted IU at least once per pretreatment year per 40 CFR Section 403.8(f)(2)(v).

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The City, TCEQ, and/or EPA shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated, annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written request of the Director and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this ordinance.
- F. When monitoring facility is constructed in the public right-of-way or easement, in an unobstructed location, the IU shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the City's requirements and all applicable local construction standards and specifications, and such facilities shall be constructed

and maintained in such manner so as to enable the Director to perform independent monitoring activities.

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

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The City shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by in the municipality where the POTW is located, a list of the users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D), or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the sample pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2:
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limit, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined in Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s) which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 – ADMINISTRATIVE ENFORCEMENT REMEDIES AND ADMINISTRATIVE ORDERS

All enforcement actions shall follow the TCEQ approved Enforcement Response Plan (ERP) and the Enforcement Response Guide (ERG). (See Temple Section 1.B(3) and Belton, Section 1.C(3)).

This Plan contains detailed procedures indicating how the Control Authority will investigate and respond to instances of industrial user noncompliance, including but not limited to, non-emergency response/reporting violations.

10.1 Notification of Violation

When the City finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may serve upon that User a written Notice of Violation. Within thirty (30) days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The City may enter into Consent Orders, assurances of voluntary compliance or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The City may order a User which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) business days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 1.4C and required by Section 4.6. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

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

10.5 Cease and Desist Orders

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

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.6 Emergency Suspensions

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

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

voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

As authorized by and in accordance with Chapter 23 of the City of Belton's Code of Ordinances, this Permit may be revoked or suspended and services disconnected for violation of Chapter 23 including, but not limited to, the following:

- A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge.
- B. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
- C. Falsifying self-monitoring reports.
- D. Refusing to allow the Director or duly authorized representative(s), timely access to the facility premises and/or records.
- E. Failure to pay fines or penalties.
- F. Failure to pay sewer and /or surcharges.
- G. Failure to meet obligation of an Administrative Order or Compliance Schedule.
- H. Failure to provide advance notice of the transfer of a permitted facility, nonuse, and/or cessation of operations.
- I. Violation of any pretreatment standard or requirement, and/or any terms of the wastewater discharge permit.

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

10.7 Termination of Discharge

In addition to the provisions in Section 5.5 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;

- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of the option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

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

11.2 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$2,000 but not less than \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than two thousand dollars (\$2,000) per violation, per day, or imprisonment for not more than one (1) year, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, be subject to a penalty up to \$2,000, or be subject to not more than one (1) year imprisonment or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than two thousand dollars (\$2,000) per violation, per day, or imprisonment for not more than one (1) year, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than two thousand dollars (\$2,000) per violation, per day, or imprisonment for not more than one (1) year, or both.

11.4 Remedies Nonexclusive

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

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATION

12.1 Upset

- A. In an action brought in federal court and for the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the 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.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Section 12.2, are met.
- C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs or other relevant evidence that:
 - 1. An upset occurred and the User can identify the cause(s) of the upset;
 - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - 3. The User has submitted the following information to the City within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days;
 - a. A description of the indirect discharge and cause of noncompliance;
 - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - 4. In an enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
 - 5. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

12.2 Act of God Defense.

- A. The Act of God defense constitutes a statutory affirmative defense (Texas Water Code Section 7.251) in an action brought in municipal or State court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.
- B. An industrial user who wishes to establish the Act of God affirmative defense shall demonstrate, through relevant evidence that:
 1. An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance occurred, and the sole cause of the event was an Act of God, war, strike, riot, or other catastrophe; and
 2. The industrial user has submitted the following information to the POTW and the City within 24 hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance (if this information is provided orally, a written submission must be provided within five days):
 - a. A description of the event, and the nature and cause of the event;
 - b. The time period of the event, including exact dates and times, or if still continuing, the anticipated time the event is expected to continue; and
 - c. Steps being taken or planned to reduce, eliminate and prevent recurrence of the event.
 3. Burden of proof. In any enforcement proceeding, the industrial user seeking to establish the act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot or other catastrophe.

12.3 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(A)(3) through B of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

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

12.4 Bypass

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

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

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

SECTION 13 - MISCELLANEOUS PROVISIONS

13.1 Review and Approval; Preliminary Treatment; Required Facilities

- A. The admission into the public sewers of any waters or wastes having:
- (1) A five-day biochemical oxygen demand greater than three hundred (300) parts per million (ppm) by weight, or
 - (2) Containing more than four hundred (400) parts per million by weight of total suspended solids, or
 - (3) Containing any quantity of substances having the characteristics described in Section 2,

- (4) Having an average daily flow greater than five per cent (5%) of the average daily sewage flow of the City, shall be subject to the review and approval of the Director. Where the Director has approved the admission of (1) or (2) above into the public sewer, that discharge may be subject to a surcharge as determined by the Director.
- B. After a review by the Director, if a determination is made that the discharge is of such unusual strength and/or character that increased treatment within the sewer treatment plant would be required accompanied by increased treatment costs to the POTW, the discharge shall be subject to a surcharge. In no case will a discharge be accepted that will prevent the POTW from meeting its permit limits. A surcharge is an additional charge by the POTW for the increased cost of handling discharge of unusual strength and character, and shall not serve as a variance to the requirements of this ordinance, nor shall it serve to bar the POTW from bringing a criminal action or civil action under Section 11 for violations of the provisions of this ordinance.
- C. Surcharges described in this Section shall be described in detail, in Section 13.2, Pretreatment Charges and Fees, in the City Ordinance.
- D. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Director and no construction of such facilities shall be commenced until said approvals are obtained in writing.

13.2 Pretreatment Charges and Fees

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

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

SECTION 14 – RESERVED

If any section or part of any section, paragraph, or clause of this ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this ordinance.

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



Brazos River Authority

Industrial Pretreatment Program Proposed Ordinance

City of Belton Code of Ordinances

Chapter 23 – Article III

Sewer Industrial Wastes Standards



Industrial Pretreatment Program (IPP)

What is it? Why does Belton need it?

- **Industrial Pretreatment** is the regulation, through federal, state, and local guidelines, of wastewater discharged from *permitted industries* within the City of Belton.
- **Permitted Industries** are those which have been identified as:
 - Discharging more than 25,000 gallons per day of wastewater;
 - Performing an industrial process identified as “categorical” by the EPA; or
 - Determined to pose a risk of pollutant pass-through or interference with the treatment processes at the plant.
- EPA & TCEQ mandate publicly owned treatment plants to have an IPP to protect the treatment process, which in turn protects the receiving waterbody.
- The City has an existing pretreatment ordinance/program. However, **EPA & TCEQ mandated cities to adopt a pretreatment “streamlining rule”** to update the City’s ordinance for revised standards. This “streamlining” requirement essentially makes all IPP programs consistent nationwide.



Who does this affect?

- **Industries**
 - All those within the sewer service basin and the City of Belton are subject to the Industrial Waste Standards: Chapter 23, Article III
 - The Industrial Pretreatment Program only regulates permitted industries.
 - An industrial waste survey is performed every three (3) years to identify new or existing industries which may require a permit.
- Belton currently has 1 permitted industry, American Spincast. Temple has 2 industries.
- American Spincast is a metal finisher business and has to pretreat their wastewater to remove metals and high organics before it goes to the City's collection system.
- What does a typical pretreatment system and permit include? May have to have a unit that reduces specific pollutants before sewer is discharged to the collection system; discharge sampling; reporting on process changes.



Summary of Ordinance Changes

- **Slug control & slug discharge requirements**
 - Slug: any discharge to the sewer system containing an unusually high or potentially harmful pollutant concentration.
- **Additional factors to determine Significant Non-Compliance (SNC)**
 - Errors in reporting, falsification, endangerment.
 - SNC for a permitted industry also now results in reporting to TCEQ and publication in a local newspaper detailing the non-compliance in addition to correction of violation(s).
- **Requirements for industries to develop and adhere to BMPs**
 - Best Management Practices (BMPs) specifically designed to reduce the potential and/or concentration of pollutants in wastewater discharge.
- **Specific sampling requirements**
 - Permitted industries are required to monitor pollutant levels in their wastewater periodically through collection and analysis of samples.
- **Templates and forms**
 - Documents were modified to mirror ones used at the TBWWTP and City of Temple.
- **No changes to maximum pollutant concentrations from the previously TCEQ approved ordinance.**



American Spincast

- **What does the revised ordinance change for American Spincast?**
 - There are no changes. American Spincast has been operating as if we have the new ordinance for the past few years.
 - Regardless, none of these “streamlining” changes would have changed their pretreatment process or reporting.
 - BRA has been working with American Spincast and even has reduced their water testing due to this new program, and identified pollutants that do not pertain to their business classification.



Timeline – We’ve come a long way!

- 2005**: The EPA revised parts 40 CFR § 403 called the “**Pretreatment Streamlining Rule.**” The TCEQ then mandated that all treatment plants with pretreatment programs modify their ordinance to incorporate these changes.
- 2009**: The modified ordinance was submitted in the 12 months following the plant’s permit renewal in June of 2009.
- 2016**: Following a series of draft submissions and revision requests to and from the TCEQ, a completed modification was submitted.
- 2019**: Numerous staffing changes at the TCEQ led to a delay and eventual loss of streamlining modification submissions statewide. This required all programs not previously approved to resubmit for approval.
- 2020**: On February 4, 2020, a final revision to the ordinance was re-submitted to TCEQ for review/approval. On August 31, 2020, TCEQ deemed the streamlining modification submission to be complete.
- Next Step**: Public hearing and City Council approval is required by TCEQ.



Recommendation

- **Hold a public hearing and approve the proposed Industrial Pretreatment Program revised ordinance.**



Staff Report – City Council Agenda Item

Agenda Item #6

Consider authorizing the City Manager, in conjunction with the Belton Economic Development Corporation, to execute a contract for the South IH-35 Waterline project, and any change orders associated with the contract, not to exceed the amount authorized under State law.

Originating Department

Public Works – Angellia Points, P.E., Director of Public Works/City Engineer
Belton Economic Development Corporation – Cynthia Hernandez, Executive Director

Summary Information

In May 2018, the BEDC contracted with Kasberg, Patrick & Associates to design and bid South IH-35 Waterline project. This project consists of a 12" waterline between Grove Road and the southern border/hydrant on the east side of IH-35 along Toll Bridge Road, north of the Lampasas River and south of Shanklin Road.

Currently, a 14" waterline is located on the west side of IH-35 with two bores under IH-35 to the east side of the interstate. This project connects the two bores to provide water service to the east side of IH-35, in South Belton. The design includes approximately 9,700 linear feet of 12" waterline, 16 fire hydrants, isolation valves, residential service taps, large diameter tees for future development water use, and all normal construction-related items regarding traffic control, stormwater erosion control, fence replacement, tree protections, driveway reconstructions, re-vegetation, etc. While KPA completed the design, City staff secured fourteen (14) easements by donation from eleven (11) property owners.

The project design was completed in September 2020 with KPA's OPCC estimated at \$1,255,175. The bid opening took place on September 30, 2020 and fifteen (15) bids were received for the project, as shown in the following table.

Bidder	Base Bid
McLean Construction, Killeen	\$878,787.50
Bell Contractors, Belton	\$884,310.55
Nelson Lewis, Marble Falls	\$935,070.00
Flanigan Construction, Belton	\$988,988.50
Black Rock, Mansfield	\$994,625.00
Construction Services, Austin	\$999,750.10
M+C Fonseca, Granite Shoals	\$1,046,750.00
CSP, Waco	\$1,078,478.00
Atlas, Granite Shoals	\$1,081,195.00

JBS Underground, Austin	\$1,131,015.00
B-Corp Utilities, Gatesville	\$1,156,669.28
TTG Utilities, Gatesville	\$1,187,535.50
Royal Vista, Liberty Hill	\$1,326,670.00
Lupe Rubio, Kingsland	\$1,340,362.04
Patin Construction, Taylor	\$1,355,820.00

Public Works Staff, the Executive Director of BEDC, and KPA evaluated the bids received. The low bidder was McLean Construction of Killeen, Texas. Upon review, KPA recommended proceeding with McLean Construction's bid. The BEDC Board reviewed the bids on October 6, 2020, and approved the bid award to McLean Construction. In line with BEDC's action, Public Works Staff recommends the low bidder, McLean Construction, to be awarded the construction contract for the IH-35 Waterline Project. McLean Construction has recently constructed the City's South Belton Sewer Phase I Project and the Old Waco Road Sewer Project, and both were done on time and of excellent quality.

The time allocated for construction is 180 working days, or about 9 months.

Fiscal Impact

The fiscal impact for this item is \$878,787.50 plus any unforeseen change orders. The funding for the project is allocated by the BEDC.

Amount: **\$878,787.50**

Budgeted: ☒ Yes ☐ No ☒ BEDC Capital Projects Fund

Recommendation

Authorize the City Manager to execute a contract with McLean Construction, for the construction of the South IH-35 Waterline Project, and any change orders associated with the contract, not to exceed the amount authorized under State law.

Attachments

Engineer's Letter of Recommendation
Bid Tabulation



KASBERG, PATRICK & ASSOCIATES, LP
CONSULTING ENGINEERS
Texas Firm F-510

Temple
19 North Main Street
Temple, Texas 76501
(254) 773-3731

RICK N. KASBERG, P.E.
R. DAVID PATRICK, P.E., CFM
THOMAS D. VALLE, P.E.
GINGER R. TOLBERT, P.E.
ALVIN R. "TRAE" SUTTON, III, P.E., CFM
JOHN A. SIMCIK, P.E., CFM

Georgetown
800 South Austin Avenue
Georgetown, Texas 78626
(512) 819-9478

October 1, 2020

Ms. Cynthia Hernandez
Executive Director
Belton Economic Development Corporation
2180 North Main Street-Suite C1
Belton, Texas 76513

Ms. Angellia Points, P.E.
City Engineer
City of Belton
P. O. Box 120
Belton, Texas 76513

Re: South IH-35 Waterline Improvements
Belton, Texas

Dear Ms. Hernandez and Ms. Points:

On September 30, 2020, the Belton Economic Development Corporation and City of Belton received competitive bids from fifteen contractors for the South IH-35 Waterline Improvements. This project consists of approximately 9,700 feet of 12" Water Line along the east side of IH-35, from Grove Road, south along Toll Bridge Road connecting to the Existing 14" Water Line on the west side of IH-35.

The attached Bid Tabulation shows McLean Construction, Inc. of Killeen, Texas as the low bidder for in the amount of \$878,787.50. The bids ranged from this low bid to a high bid of \$1,355,820.00. Our Final Opinion of Probable Construction Cost for the project was \$1,260,000. McLean Construction, Inc. has constructed numerous projects for the City, and also within private developments in Belton.

We recommend that a contract be awarded to McLean Construction, Inc. in the amount of \$878,787.50 for construction of the project.

Sincerely,

Ginger R. Tolbert, P.E.
GRT/

xc: 2018-146-40

BID TABULATION
CITY OF BELTON, TEXAS
SOUTH I-35 WATERLINE
September 30, 2020; 2:00 PM

				BIDDER INFORMATION									
				McLean Construction PO Box 11989 Killeen TX 76547		Bell Contractors Inc 3082 W Hwy 190 Belton TX 76513		Nelson Lewis Inc 450 FM 1431 East Marble Falls TX 78654		Bruce Flanigan Construction Inc 5114 Lampasas Lane Belton TX 76513		Blackrock Construction 1475 Heritage Parkway Ste 113 Mansfield TX 76063	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 21,624.00	\$ 21,624.00	\$ 39,198.50	\$ 39,198.50	\$ 45,000.00	\$ 45,000.00	\$ 22,881.00	\$ 22,881.00	\$ 48,000.00	\$ 48,000.00
2	9,700	LF	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	2.50	24,250.00	1.16	11,252.00	3.50	33,950.00	6.70	64,990.00	1.50	14,550.00
3	100%	LS	Submit Trench Safety Plan prepared & signed by PE, in Conformance with State Law & OSHA	958.00	958.00	770.00	770.00	2,500.00	2,500.00	1,658.00	1,658.00	10,000.00	10,000.00
4	9,700	LF	Implement & Follow Trench Safety Plan (Pipe)	0.50	4,850.00	1.10	10,670.00	0.10	970.00	0.50	4,850.00	0.25	2,425.00
5	2,000	SF	Implement & Follow Trench Safety Plan (Bore Pits)	0.50	1,000.00	0.28	560.00	0.25	500.00	0.30	600.00	0.25	500.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ & City of Belton	986.00	986.00	1,650.00	1,650.00	2,500.00	2,500.00	774.00	774.00	12,200.00	12,200.00
7	100%	LS	Prepare & Submitt a Control Plan prepared & signed by a P.E. for Vehicular Traffic	1,040.00	1,040.00	1,650.00	1,650.00	1,500.00	1,500.00	1,658.00	1,658.00	2,500.00	2,500.00
8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan	5,554.00	5,554.00	4,950.00	4,950.00	9,000.00	9,000.00	11,040.00	11,040.00	5,000.00	5,000.00
9	100%	LS	Provide Project Record Drawings (As Builts)	548.00	548.00	275.00	275.00	2,000.00	2,000.00	111.00	111.00	500.00	500.00
10	100%	LS	Provide Video of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	548.00	548.00	220.00	220.00	1,000.00	1,000.00	111.00	111.00	1,500.00	1,500.00
11	9,700	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	1.00	9,700.00	1.10	10,670.00	1.00	9,700.00	4.20	40,740.00	1.25	12,125.00
12	9,700	LF	Provide & Install 12-inch Diameter C900 PVC Water Line including Thrust Restraint	42.00	407,400.00	45.57	442,029.00	39.00	378,300.00	51.50	499,550.00	41.00	397,700.00
13	40	LF	Provide & Install 24-inch Diameter Steel Encasement by Open Cut	124.90	4,996.00	141.41	5,656.40	245.00	9,800.00	92.20	3,688.00	115.00	4,600.00
14	75	LF	Provide & Install 24-inch Diameter Steel Encasement by Bore	698.10	52,357.50	421.05	31,578.75	300.00	22,500.00	366.00	27,450.00	350.00	26,250.00
15	14	EA	Furnishand Installing 12-Inch Gate Valve	2,194.00	30,716.00	2,082.30	29,152.20	2,700.00	37,800.00	2,279.00	31,906.00	2,695.00	37,730.00
16	1	EA	Provide & Install 12" Tee	1,250.00	1,250.00	1,175.64	1,175.64	1,500.00	1,500.00	1,128.00	1,128.00	1,620.00	1,620.00
17	3	EA	Provide & Install 12" x 8" Tee	1,009.00	3,027.00	931.44	2,794.32	1,250.00	3,750.00	902.00	2,706.00	1,335.00	4,005.00
18	1	EA	Provide & Install 14" x 12" Ductile Iron Reducer	897.00	897.00	987.82	987.82	1,200.00	1,200.00	754.00	754.00	1,335.00	1,335.00
19	1	EA	Provide & Install 12" Plug for Future Waterline Connection	636.00	636.00	604.74	604.74	400.00	400.00	367.00	367.00	845.00	845.00
20	3	EA	Provide & Install 8" Plug for Future Waterline Connection	609.00	1,827.00	575.04	1,725.12	300.00	900.00	257.00	771.00	595.00	1,785.00
21	46	EA	Provide & Install Ductile Iron Fittings (90°, 45°, 22.5°, 11.25° Bends), 12-inch Diameter	814.00	37,444.00	733.99	33,763.54	950.00	43,700.00	748.00	34,408.00	1,065.00	48,990.00
22	16	EA	Furnishand Installing Standard Fire Hydrant Assembly	4,287.00	68,592.00	4,176.09	66,817.44	5,000.00	80,000.00	4,277.00	68,432.00	5,915.00	94,640.00
23	8	EA	Furnishand Installing New 2" Residential Water Service Connection Including the Meter Box as Shown in Detail on Sheet D-06	1,599.00	12,792.00	1,516.90	12,135.20	2,200.00	17,600.00	1,586.00	12,688.00	3,000.00	24,000.00
24	12	EA	Furnishand Installing New 1" Residential Water Service Connection Including the Meter Box as Shown in Detail on Sheet D-06	659.00	7,908.00	572.00	6,864.00	1,000.00	12,000.00	585.00	7,020.00	1,800.00	21,600.00
25	4	EA	Furnishand Installing Air/Vacuum Release Valve	5,457.00	21,828.00	6,708.30	26,833.20	9,000.00	36,000.00	7,609.00	30,436.00	9,950.00	39,800.00
26	1	EA	Connect to Existing 14" Water Line	1,463.00	1,463.00	2,887.24	2,887.24	2,000.00	2,000.00	2,080.00	2,080.00	2,900.00	2,900.00
27	1	EA	Connect to Existing 12" Water Line	1,901.00	1,901.00	2,755.24	2,755.24	2,400.00	2,400.00	1,870.00	1,870.00	2,000.00	2,000.00
28	3	EA	Cut & Cap Existing Service Line to be Abandoned in Place	552.00	1,656.00	385.00	1,155.00	1,200.00	3,600.00	279.00	837.00	500.00	1,500.00
29	110	LF	Remove & Replace Existing Barbed Wire Fence Where Shown in the Plans	6.10	671.00	12.10	1,331.00	15.00	1,650.00	15.40	1,694.00	15.00	1,650.00
30	25	LF	Remove & Replace Existing Pipe Fence Where Shown in the Plans	54.50	1,362.50	55.00	1,375.00	30.00	750.00	32.20	805.00	50.00	1,250.00
31	60	LF	Remove & Replace Existing Field Fence Where Shown in the Plans	9.10	546.00	14.30	858.00	10.00	600.00	18.10	1,086.00	20.00	1,200.00
32	190	LF	Remove & Replace Existing Pipe Fence With Field Fencing as Shown on Sheets PP-01, PP-02 & PP-03	57.10	10,849.00	25.42	4,829.80	30.00	5,700.00	21.10	4,009.00	15.00	2,850.00
33	60	LF	Remove & Replace Existing Pipe Fence with Barbed Wire Fencing as Shown on Sheet PP-04	55.00	3,300.00	19.07	1,144.20	20.00	1,200.00	25.50	1,530.00	15.00	900.00
34	100	LF	Remove & Replace Existing Pipe Fence With Wood Slats as Shown on Sheet PP-04	75.70	7,570.00	16.50	1,650.00	65.00	6,500.00	21.70	2,170.00	45.00	4,500.00
35	300	LF	Furnish, Install, Maintain & Remove Temporary Chain Link Fencing	24.20	7,260.00	12.10	3,630.00	20.00	6,000.00	12.70	3,810.00	12.00	3,600.00
36	2	EA	Furnish, Install, Maintain & Remove Temporary 16' Pipe Gates as Shown on Sheet PP-04	1,643.00	3,286.00	1,815.00	3,630.00	1,600.00	3,200.00	888.00	1,776.00	2,200.00	4,400.00
37	1	EA	Provide & Install 16' Gate on Henniger Property, Proposed Gate Shall Match Style of Existing Gates on the Property as Noted on Sheet PP-16	2,683.00	2,683.00	2,090.00	2,090.00	2,800.00	2,800.00	2,226.00	2,226.00	2,250.00	2,250.00
38	1	EA	Provide & Install Double Gate as Shown on Sheet PP-04	2,628.00	2,628.00	3,245.00	3,245.00	3,800.00	3,800.00	2,472.00	2,472.00	2,250.00	2,250.00
39	100%	LS	Demolish Pipe Fence & Concrete Columns as Shown on Sheets PP-03 & PP-04, all Materials to be Removed from the Site	552.00	552.00	4,070.00	4,070.00	2,000.00	2,000.00	670.00	670.00	2,000.00	2,000.00
40	150	LF	Provide & Install 6" x 6" Panel Fencing as Shown on Sheets PP-03 & PP-04 per Detail Sheet D-12	32.90	4,935.00	88.00	13,200.00	85.00	12,750.00	105.50	15,825.00	45.00	6,750.00
41	120	LF	Sawcut/Remove Existing, & Furnish & Install Asphalt Roadway Replacement	51.30	6,156.00	41.76	5,011.20	35.00	4,200.00	35.30	4,236.00	80.00	9,600.00
42	90	LF	Sawcut/Remove Existing, & Furnish & Install Concrete Driveway Replacement	59.00	5,310.00	65.39	5,885.10	45.00	4,050.00	45.70	4,113.00	110.00	9,900.00
43	60	LF	Remove & Replace Existing Gravel Driveway	29.20	1,752.00	10.03	601.80	15.00	900.00	24.30	1,458.00	30.00	1,800.00
44	3	EA	Install, Maintain & Remove Temporary Construction Entrances Where Shown on Sheets PP-04, PP-16 & PP-17	1,040.00	3,120.00	1,650.00	4,950.00	800.00	2,400.00	1,233.00	3,699.00	1,200.00	3,600.00
45	65	LF	Provide & Install 18-inch Diameter RCP under Temporary Construction Entrances as Shown on Sheets PP-04 & PP-16	50.70	3,295.50	46.08	2,995.20	60.00	3,900.00	40.70	2,645.50	85.00	5,525.00
46	5	EA	Furnish & Install 8' Tall Crepe Myrtles as Shown on Sheet PP-03	359.00	1,795.00	313.50	1,567.50	400.00	2,000.00	422.00	2,110.00	1,000.00	5,000.00
47	8	EA	Remove Existing Trees & Replace with 8' Tall Crepe Myrtles as Shown on Sheets PP-03 & PP-05	359.00	2,872.00	533.50	4,268.00	600.00	4,800.00	650.00	5,200.00	1,550.00	12,400.00
48	3	EA	Removal & Disposal of Existing Trees as Necessary as Shown on Sheet PP-04	921.00	2,763.00	220.00	660.00	400.00	1,200.00	887.00	2,661.00	1,000.00	3,000.00
49	100%	LS	FurnishAll Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	2,762.00	2,762.00	4,950.00	4,950.00	1,500.00	1,500.00	2,680.00	2,680.00	9,000.00	9,000.00
50	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651	2,365.00	2,365.00	5,742.00	5,742.00	2,000.00	2,000.00	500.00	500.00	5,000.00	5,000.00
51	1	EA	Furnish & Install Automatic Flush Assembly, Complete For	5,479.00	5,479.00	6,736.40	6,736.40	7,000.00	7,000.00	5,698.00	5,698.00	5,785.00	5,785.00
52	100%	LS	Furnish & Install Temporary Flush Assembly, Complete For	3,047.00	3,047.00	3,080.00	3,080.00	5,000.00	5,000.00	511.00	511.00	3,765.00	3,765.00
53	8,500	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	2.20	18,700.00	1.32	11,220.00	3.00	25,500.00	2.20	18,700.00	2.10	17,850.00
54	40	LF	Furnish, Install, Maintain & Remove Inlet Protection as required in the Stormwater Pollution Prevention Plan	16.40	656.00	22.00	880.00	10.00	400.00	11.60	464.00	125.00	5,000.00
55	180	LF	Furnish, Install, Maintain & Remove High Service Rock Berm as required in the Stormwater Pollution Prevention Plan	41.80	7,524.00	38.50	6,930.00	40.00	7,200.00	25.20	4,536.00	60.00	10,800.00
56	54,000	SY	Grass Establishment For Permanent Erosion Control, Including Water to Establish & Sustain Growth	0.70	37,800.00	0.50	27,000.00	1.00	54,000.00	0.30	16,200.00	0.60	32,400.00
TOTAL BASE BID (Items 1 - 56)					\$ 878,787.50		\$ 884,310.55		\$ 935,070.00		\$ 988,988.50		\$ 994,625.00

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES

BID TABULATION
CITY OF BELTON, TEXAS
SOUTH I-35 WATERLINE
September 30, 2020; 2:00 PM

2018-156-40

				BIDDER INFORMATION									
				QA Construction Services Inc 5811 Blue Bluff Road Austin TX 78724		M&C Fonseca Construction Co Inc 1901 Prairie Creek Rd Granite Shoals TX 78654		CSP Utilities LLC 2101 South 22nd Steet Waco TX 76706		Atlas Construction Corp 316 Sunset Drive Granite Shoals TX 75654		JBS Underground LLC 14202 Fort Smith Trail Austin TX 78734	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 47,489.90	\$ 47,489.90	\$ 47,500.00	\$ 47,500.00	\$ 52,380.00	\$ 52,380.00	\$ 50,000.00	\$ 50,000.00	\$ 42,000.00	\$ 42,000.00
2	9,700	LF	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	3.00	29,100.00	1.50	14,550.00	1.48	14,356.00	1.25	12,125.00	7.00	67,900.00
3	100%	LS	Submit Trench Safety Plan prepared & signed by PE, in Conformance with State Law & OSHA	1,200.00	1,200.00	2,500.00	2,500.00	550.00	550.00	1,500.00	1,500.00	1,025.00	1,025.00
4	9,700	LF	Implement & Follow Trench Safety Plan (Pipe)	1.00	9,700.00	1.00	9,700.00	1.15	11,155.00	1.25	12,125.00	1.05	10,185.00
5	2,000	SF	Implement & Follow Trench Safety Plan (Bore Pits)	2.00	4,000.00	1.50	3,000.00	2.36	4,720.00	1.00	2,000.00	2.50	5,000.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ & City of Belton	1,800.00	1,800.00	3,500.00	3,500.00	1,060.00	1,060.00	2,000.00	2,000.00	1,200.00	1,200.00
7	100%	LS	Prepare & Submitt a Control Plan prepared & signed by a P.E. for Vehicular Traffic	1,500.00	1,500.00	3,000.00	3,000.00	2,250.00	2,250.00	2,500.00	2,500.00	950.00	950.00
8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan	5,000.00	5,000.00	10,000.00	10,000.00	6,300.00	6,300.00	5,000.00	5,000.00	4,000.00	4,000.00
9	100%	LS	Provide Project Record Drawings (As Builts)	800.00	800.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	1,500.00	700.00	700.00
10	100%	LS	Provide Video of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	1,200.00	1,200.00	2,500.00	2,500.00	1,800.00	1,800.00	1,000.00	1,000.00	800.00	800.00
11	9,700	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	1.50	14,550.00	1.50	14,550.00	1.77	17,169.00	2.50	24,250.00	3.00	29,100.00
12	9,700	LF	Provide & Install 12-inch Diameter C900 PVC Water Line including Thrust Restraint	47.50	460,750.00	48.00	465,600.00	53.07	514,779.00	47.00	455,900.00	47.50	460,750.00
13	40	LF	Provide & Install 24-inch Diameter Steel Encasement by Open Cut	150.00	6,000.00	225.00	9,000.00	120.65	4,826.00	150.00	6,000.00	170.00	6,800.00
14	75	LF	Provide & Install 24-inch Diameter Steel Encasement by Bore	600.00	45,000.00	450.00	33,750.00	396.00	29,700.00	345.00	25,875.00	586.00	43,950.00
15	14	EA	Furnishand Installing 12-Inch Gate Valve	2,900.00	40,600.00	3,500.00	49,000.00	2,231.00	31,234.00	4,000.00	56,000.00	2,800.00	39,200.00
16	1	EA	Provide & Install 12" Tee	1,446.00	1,446.00	1,500.00	1,500.00	1,400.00	1,400.00	1,200.00	1,200.00	1,500.00	1,500.00
17	3	EA	Provide & Install 12" x 8" Tee	1,206.00	3,618.00	1,400.00	4,200.00	834.00	2,502.00	1,100.00	3,300.00	1,250.00	3,750.00
18	1	EA	Provide & Install 14" x 12" Ductile Iron Reducer	1,890.00	1,890.00	1,250.00	1,250.00	780.00	780.00	1,000.00	1,000.00	1,000.00	1,000.00
19	1	EA	Provide & Install 12" Plug for Future Waterline Connection	1,089.60	1,089.60	850.00	850.00	360.00	360.00	500.00	500.00	550.00	550.00
20	3	EA	Provide & Install 8" Plug for Future Waterline Connection	727.20	2,181.60	500.00	1,500.00	195.00	585.00	275.00	825.00	500.00	1,500.00
21	46	EA	Provide & Install Ductile Iron Fittings (90°, 45°, 22.5°, 11.25° Bends), 12-inch Diameter	675.00	31,050.00	650.00	29,900.00	631.00	29,026.00	1,000.00	46,000.00	1,100.00	50,600.00
22	16	EA	Furnishand Installing Standard Fire Hydrant Assembly	4,500.00	72,000.00	5,000.00	80,000.00	5,313.00	85,008.00	5,500.00	88,000.00	5,200.00	83,200.00
23	8	EA	Furnishand Installing New 2" Residential Water Service Connection Including the Meter Box as Shown in Detail on Sheet D-06	1,800.00	14,400.00	1,750.00	14,000.00	1,091.00	8,728.00	2,250.00	18,000.00	2,150.00	17,200.00
24	12	EA	Furnishand Installing New 1" Residential Water Service Connection Including the Meter Box as Shown in Detail on Sheet D-06	1,500.00	18,000.00	1,000.00	12,000.00	361.00	4,332.00	1,250.00	15,000.00	1,250.00	15,000.00
25	4	EA	Furnishand Installing Air/Vacuum Release Valve	6,500.00	26,000.00	6,500.00	26,000.00	28,233.00	112,932.00	6,250.00	25,000.00	9,500.00	38,000.00
26	1	EA	Connect to Existing 14" Water Line	5,500.00	5,500.00	3,500.00	3,500.00	2,950.00	2,950.00	3,500.00	3,500.00	850.00	850.00
27	1	EA	Connect to Existing 12" Water Line	4,500.00	4,500.00	3,000.00	3,000.00	1,800.00	1,800.00	3,000.00	3,000.00	700.00	700.00
28	3	EA	Cut & Cap Existing Service Line to be Abandoned in Place	400.00	1,200.00	1,250.00	3,750.00	295.00	885.00	750.00	2,250.00	400.00	1,200.00
29	110	LF	Remove & Replace Existing Barbed Wire Fence Where Shown in the Plans	5.00	550.00	15.00	1,650.00	30.00	3,300.00	25.00	2,750.00	13.50	1,485.00
30	25	LF	Remove & Replace Existing Pipe Fence Where Shown in the Plans	35.00	875.00	35.00	875.00	57.00	1,425.00	40.00	1,000.00	16.00	400.00
31	60	LF	Remove & Replace Existing Field Fence Where Shown in the Plans	12.00	720.00	15.00	900.00	30.00	1,800.00	55.00	3,300.00	12.00	720.00
32	190	LF	Remove & Replace Existing Pipe Fence With Field Fencing as Shown on Sheets PP-01, PP-02 & PP-03	12.00	2,280.00	20.00	3,800.00	59.00	11,210.00	50.00	9,500.00	18.00	3,420.00
33	60	LF	Remove & Replace Existing Pipe Fence with Barbed Wire Fencing as Shown on Sheet PP-04	11.00	660.00	20.00	1,200.00	59.00	3,540.00	45.00	2,700.00	24.00	1,440.00
34	100	LF	Remove & Replace Existing Pipe Fence With Wood Slats as Shown on Sheet PP-04	16.00	1,600.00	35.00	3,500.00	76.50	7,650.00	60.00	6,000.00	34.00	3,400.00
35	300	LF	Furnish, Install, Maintain & Remove Temporary Chain Link Fencing	6.00	1,800.00	15.00	4,500.00	24.00	7,200.00	30.00	9,000.00	3.50	1,050.00
36	2	EA	Furnish, Install, Maintain & Remove Temporary 16' Pipe Gates as Shown on Sheet PP-04	650.00	1,300.00	2,500.00	5,000.00	900.00	1,800.00	1,500.00	3,000.00	500.00	1,000.00
37	1	EA	Provide & Install 16' Gate on Henniger Property, Proposed Gate Shall Match Style of Existing Gates on the Property as Noted on Sheet PP-16	3,000.00	3,000.00	3,500.00	3,500.00	1,800.00	1,800.00	3,000.00	3,000.00	875.00	875.00
38	1	EA	Provide & Install Double Gate as Shown on Sheet PP-04	1,200.00	1,200.00	3,500.00	3,500.00	2,648.00	2,648.00	2,500.00	2,500.00	1,000.00	1,000.00
39	100%	LS	Demolish Pipe Fence & Concrete Columns as Shown on Sheets PP-03 & PP-04, all Materials to be Removed from the Site	2,800.00	2,800.00	3,000.00	3,000.00	5,885.00	5,885.00	5,000.00	5,000.00	1,400.00	1,400.00
40	150	LF	Provide & Install 6" x 6" Panel Fencing as Shown on Sheets PP-03 & PP-04 per Detail Sheet D-12	40.00	6,000.00	35.00	5,250.00	29.44	4,416.00	55.00	8,250.00	110.00	16,500.00
41	120	LF	Sawcut/Remove Existing, & Furnish & Install Asphalt Roadway Replacement	65.00	7,800.00	35.00	4,200.00	6.70	804.00	25.00	3,000.00	39.00	4,680.00
42	90	LF	Sawcut/Remove Existing, & Furnish & Install Concrete Driveway Replacement	65.00	5,850.00	70.00	6,300.00	7.80	702.00	130.00	11,700.00	36.00	3,240.00
43	60	LF	Remove & Replace Existing Gravel Driveway	40.00	2,400.00	30.00	1,800.00	11.75	705.00	25.00	1,500.00	18.00	1,080.00
44	3	EA	Install, Maintain & Remove Temporary Construction Entrances Where Shown on Sheets PP-04, PP-16 & PP-17	1,200.00	3,600.00	1,250.00	3,750.00	2,942.00	8,826.00	1,500.00	4,500.00	1,400.00	4,200.00
45	65	LF	Provide & Install 18-inch Diameter RCP under Temporary Construction Entrances as Shown on Sheets PP-04 & PP-16	50.00	3,250.00	45.00	2,925.00	68.00	4,420.00	75.00	4,875.00	60.00	3,900.00
46	5	EA	Furnish & Install 8' Tall Crepe Myrtles as Shown on Sheet PP-03	1,500.00	7,500.00	1,000.00	5,000.00	530.00	2,650.00	1,500.00	7,500.00	795.00	3,975.00
47	8	EA	Remove Existing Trees & Replace with 8' Tall Crepe Myrtles as Shown on Sheets PP-03 & PP-05	2,000.00	16,000.00	1,250.00	10,000.00	760.00	6,080.00	2,000.00	16,000.00	1,000.00	8,000.00
48	3	EA	Removal & Disposal of Existing Trees as Necessary as Shown on Sheet PP-04	1,500.00	4,500.00	250.00	750.00	765.00	2,295.00	1,500.00	4,500.00	1,900.00	5,700.00
49	100%	LS	FurnishAll Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	8,500.00	8,500.00	6,500.00	6,500.00	1,770.00	1,770.00	5,000.00	5,000.00	10,000.00	10,000.00
50	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651	1,500.00	1,500.00	3,500.00	3,500.00	1,450.00	1,450.00	5,000.00	5,000.00	6,200.00	6,200.00
51	1	EA	Furnish & Install Automatic Flush Assembly, Complete For	5,500.00	5,500.00	8,500.00	8,500.00	4,270.00	4,270.00	9,810.00	9,810.00	7,300.00	7,300.00
52	100%	LS	Furnish & Install Temporary Flush Assembly, Complete For	1,300.00	1,300.00	1,250.00	1,250.00	1,770.00	1,770.00	5,000.00	5,000.00	2,650.00	2,650.00
53	8,500	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	3.00	25,500.00	5.00	42,500.00	1.95	16,575.00	2.00	17,000.00	4.50	38,250.00
54	40	LF	Furnish, Install, Maintain & Remove Inlet Protection as required in the Stormwater Pollution Prevention Plan	85.00	3,400.00	20.00	800.00	8.50	340.00	14.00	560.00	4.00	160.00
55	180	LF	Furnish, Install, Maintain & Remove High Service Rock Berm as required in the Stormwater Pollution Prevention Plan	40.00	7,200.00	40.00	7,200.00	24.00	4,320.00	55.00	9,900.00	31.00	5,580.00
56	54,000	SY	Grass Establishment For Permanent Erosion Control, Including Water to Establish & Sustain Growth	0.40	21,600.00	1.00	54,000.00	0.44	23,760.00	1.00	54,000.00	1.20	64,800.00
TOTAL BASE BID (Items 1 - 56)					\$ 999,750.10		\$ 1,046,750.00		\$ 1,078,478.00		\$ 1,081,195.00		\$ 1,131,015.00

Did Bidder Acknowledge Addenda No. 1?	NO	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES

BID TABULATION
CITY OF BELTON, TEXAS
SOUTH I-35 WATERLINE
September 30, 2020; 2:00 PM

				BIDDER INFORMATION									
				B-Corp Utilities Inc 206 Carrol Dr Gatesville TX 76528		TTG Utilities LP PO Box 299 Gatesville TX 76528		Royal Vista Inc 350 County Rd 260 Liberty Hill TX 78642		Lupe Rubio Construction Co Inc PO Box 1838 Kingsland TX 78639		Patin Construction LLC 3800 W 2nd Street Taylor TX 76574	
Item No.	Estimated Quantity	Unit	Bid Data Description	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount	Unit Price	Extended Amount
1	100%	LS	Mobilization, Bonds & Insurance, not-to-exceed 5% of the Base Bid Amount	\$ 57,633.03	\$ 57,633.03	\$ 45,000.00	\$ 45,000.00	\$ 63,000.00	\$ 63,000.00	\$ 46,000.00	\$ 46,000.00	\$ 70,000.00	\$ 70,000.00
2	9,700	LF	Provide Labor, Equipment, Tools & Supervision to Complete Preparation of ROW	2.26	21,922.00	4.50	43,650.00	6.00	58,200.00	5.75	55,775.00	5.00	48,500.00
3	100%	LS	Submit Trench Safety Plan prepared & signed by PE, in Conformance with State Law & OSHA	760.50	760.50	1,000.00	1,000.00	2,000.00	2,000.00	2,300.00	2,300.00	3,500.00	3,500.00
4	9,700	LF	Implement & Follow Trench Safety Plan (Pipe)	1.00	9,700.00	1.30	12,610.00	3.00	29,100.00	1.15	11,155.00	2.00	19,400.00
5	2,000	SF	Implement & Follow Trench Safety Plan (Bore Pits)	5.40	10,800.00	0.65	1,300.00	3.00	6,000.00	3.45	6,900.00	2.00	4,000.00
6	100%	LS	Prepare Stormwater Pollution Prevention Plan, Including Submission to & Receiving Permits from TCEQ & City of Belton	1,755.00	1,755.00	6,650.00	6,650.00	6,000.00	6,000.00	4,600.00	4,600.00	2,800.00	2,800.00
7	100%	LS	Prepare & Submitt a Control Plan prepared & signed by a P.E. for Vehicular Traffic	2,632.50	2,632.50	3,000.00	3,000.00	5,000.00	5,000.00	4,600.00	4,600.00	3,000.00	3,000.00
8	100%	LS	Implement & Administer Barricade, Signing & Traffic Safety Plan	4,212.00	4,212.00	10,000.00	10,000.00	10,000.00	10,000.00	17,250.00	17,250.00	1,500.00	1,500.00
9	100%	LS	Provide Project Record Drawings (As Builts)	585.00	585.00	1,550.00	1,550.00	1,000.00	1,000.00	1,150.00	1,150.00	250.00	250.00
10	100%	LS	Provide Video of Right-of-Way Pre-Construction & Post Construction Site Conditions for the Total Project	561.60	561.60	2,325.00	2,325.00	3,000.00	3,000.00	4,600.00	4,600.00	250.00	250.00
11	9,700	LF	Provide Clean-up & Final Grading Along Final Pipeline Route	3.15	30,555.00	2.50	24,250.00	4.00	38,800.00	3.45	33,465.00	5.00	48,500.00
12	9,700	LF	Provide & Install 12-inch Diameter C900 PVC Water Line including Thrust Restraint	48.73	472,681.00	53.25	516,525.00	65.00	630,500.00	58.79	570,263.00	61.50	596,550.00
13	40	LF	Provide & Install 24-inch Diameter Steel Encasement by Open Cut	197.64	7,905.60	160.00	6,400.00	195.00	7,800.00	330.06	13,202.40	150.00	6,000.00
14	75	LF	Provide & Install 24-inch Diameter Steel Encasement by Bore	373.31	27,998.25	345.00	25,875.00	495.00	37,125.00	537.14	40,285.50	735.00	55,125.00
15	14	EA	Furnishand Installing 12-Inch Gate Valve	2,501.29	35,018.06	2,900.00	40,600.00	2,500.00	35,000.00	3,260.48	45,646.72	2,860.00	40,040.00
16	1	EA	Provide & Install 12" Tee	1,579.50	1,579.50	1,550.00	1,550.00	1,600.00	1,600.00	1,719.83	1,719.83	1,400.00	1,400.00
17	3	EA	Provide & Install 12" x 8" Tee	1,326.00	3,978.00	1,300.00	3,900.00	1,600.00	4,800.00	1,479.56	4,438.68	960.00	2,880.00
18	1	EA	Provide & Install 14" x 12" Ductile Iron Reducer	1,263.60	1,263.60	1,060.00	1,060.00	1,200.00	1,200.00	1,300.22	1,300.22	1,045.00	1,045.00
19	1	EA	Provide & Install 12" Plug for Future Waterline Connection	971.10	971.10	800.00	800.00	550.00	550.00	700.52	700.52	400.00	400.00
20	3	EA	Provide & Install 8" Plug for Future Waterline Connection	932.10	2,796.30	785.00	2,355.00	400.00	1,200.00	618.99	1,856.97	200.00	600.00
21	46	EA	Provide & Install Ductile Iron Fittings (90°, 45°, 22.5°, 11.25° Bends), 12-inch Diameter	1,146.60	52,743.60	1,000.00	46,000.00	920.00	42,320.00	1,147.88	52,802.48	800.00	36,800.00
22	16	EA	Furnishand Installing Standard Fire Hydrant Assembly	5,389.31	86,228.96	5,995.00	95,920.00	4,500.00	72,000.00	5,832.05	93,312.80	7,600.00	121,600.00
23	8	EA	Furnishand Installing New 2" Residential Water Service Connection Including the Meter Box as Shown in Detail on Sheet D-06	1,918.80	15,350.40	2,785.00	22,280.00	2,500.00	20,000.00	2,999.21	23,993.68	2,000.00	16,000.00
24	12	EA	Furnishand Installing New 1" Residential Water Service Connection Including the Meter Box as Shown in Detail on Sheet D-06	1,017.90	12,214.80	1,375.00	16,500.00	2,000.00	24,000.00	1,631.60	19,579.20	1,800.00	21,600.00
25	4	EA	Furnishand Installing Air/Vacuum Release Valve	8,116.88	32,467.52	7,475.00	29,900.00	9,200.00	36,800.00	10,110.01	40,440.04	8,900.00	35,600.00
26	1	EA	Connect to Existing 14" Water Line	1,462.50	1,462.50	3,750.00	3,750.00	1,600.00	1,600.00	9,200.00	9,200.00	4,500.00	4,500.00
27	1	EA	Connect to Existing 12" Water Line	2,047.50	2,047.50	3,600.00	3,600.00	1,600.00	1,600.00	6,382.42	6,382.42	4,500.00	4,500.00
28	3	EA	Cut & Cap Existing Service Line to be Abandoned in Place	271.44	814.32	600.00	1,800.00	500.00	1,500.00	460.00	1,380.00	3,000.00	9,000.00
29	110	LF	Remove & Replace Existing Barbed Wire Fence Where Shown in the Plans	10.90	1,199.00	15.25	1,677.50	15.00	1,650.00	11.50	1,265.00	18.00	1,980.00
30	25	LF	Remove & Replace Existing Pipe Fence Where Shown in the Plans	27.61	690.25	55.00	1,375.00	50.00	1,250.00	57.50	1,437.50	60.00	1,500.00
31	60	LF	Remove & Replace Existing Field Fence Where Shown in the Plans	17.55	1,053.00	14.50	870.00	30.00	1,800.00	23.00	1,380.00	27.00	1,620.00
32	190	LF	Remove & Replace Existing Pipe Fence With Field Fencing as Shown on Sheets PP-01, PP-02 & PP-03	11.70	2,223.00	18.00	3,420.00	40.00	7,600.00	46.00	8,740.00	12.50	2,375.00
33	60	LF	Remove & Replace Existing Pipe Fence with Barbed Wire Fencing as Shown on Sheet PP-04	16.97	1,018.20	18.00	1,080.00	40.00	2,400.00	69.00	4,140.00	30.00	1,800.00
34	100	LF	Remove & Replace Existing Pipe Fence With Wood Slats as Shown on Sheet PP-04	13.46	1,346.00	50.00	5,000.00	45.00	4,500.00	69.00	6,900.00	30.00	3,000.00
35	300	LF	Furnish, Install, Maintain & Remove Temporary Chain Link Fencing	25.00	7,500.00	10.00	3,000.00	15.00	4,500.00	17.25	5,175.00	4.20	1,260.00
36	2	EA	Furnish, Install, Maintain & Remove Temporary 16' Pipe Gates as Shown on Sheet PP-04	1,210.95	2,421.90	1,050.00	2,100.00	1,500.00	3,000.00	1,725.00	3,450.00	1,380.00	2,760.00
37	1	EA	Provide & Install 16' Gate on Henniger Property, Proposed Gate Shall Match Style of Existing Gates on the Property as Noted on Sheet PP-16	2,129.40	2,129.40	4,250.00	4,250.00	5,000.00	5,000.00	2,875.00	2,875.00	1,380.00	1,380.00
38	1	EA	Provide & Install Double Gate as Shown on Sheet PP-04	2,421.90	2,421.90	2,500.00	2,500.00	2,000.00	2,000.00	4,025.00	4,025.00	1,380.00	1,380.00
39	100%	LS	Demolish Pipe Fence & Concrete Columns as Shown on Sheets PP-03 & PP-04, all Materials to be Removed from the Site	2,316.60	2,316.60	2,350.00	2,350.00	4,000.00	4,000.00	4,600.00	4,600.00	2,500.00	2,500.00
40	150	LF	Provide & Install 6" x 6" Panel Fencing as Shown on Sheets PP-03 & PP-04 per Detail Sheet D-12	114.81	17,221.50	150.00	22,500.00	100.00	15,000.00	34.50	5,175.00	96.00	14,400.00
41	120	LF	Sawcut/Remove Existing, & Furnish & Install Asphalt Roadway Replacement	42.85	5,142.00	25.50	3,060.00	50.00	6,000.00	40.25	4,830.00	120.00	14,400.00
42	90	LF	Sawcut/Remove Existing, & Furnish & Install Concrete Driveway Replacement	45.37	4,083.30	42.50	3,825.00	70.00	6,300.00	138.00	12,420.00	35.00	3,150.00
43	60	LF	Remove & Replace Existing Gravel Driveway	31.01	1,860.60	17.50	1,050.00	25.00	1,500.00	8.05	483.00	25.00	1,500.00
44	3	EA	Install, Maintain & Remove Temporary Construction Entrances Where Shown on Sheets PP-04, PP-16 & PP-17	2,733.90	8,201.70	3,625.00	10,875.00	1,200.00	3,600.00	1,495.00	4,485.00	1,600.00	4,800.00
45	65	LF	Provide & Install 18-inch Diameter RCP under Temporary Construction Entrances as Shown on Sheets PP-04 & PP-16	34.20	2,223.00	75.00	4,875.00	65.00	4,225.00	53.71	3,491.15	65.00	4,225.00
46	5	EA	Furnish & Install 8' Tall Crepe Myrtles as Shown on Sheet PP-03	520.65	2,603.25	750.00	3,750.00	500.00	2,500.00	1,725.00	8,625.00	500.00	2,500.00
47	8	EA	Remove Existing Trees & Replace with 8' Tall Crepe Myrtles as Shown on Sheets PP-03 & PP-05	1,149.53	9,196.24	1,000.00	8,000.00	700.00	5,600.00	1,725.00	13,800.00	750.00	6,000.00
48	3	EA	Removal & Disposal of Existing Trees as Necessary as Shown on Sheet PP-04	838.50	2,515.50	275.00	825.00	200.00	600.00	460.00	1,380.00	500.00	1,500.00
49	100%	LS	FurnishAll Materials, Equipment, Tools & Labor Necessary for Pressure Testing Water Pipe, Including Any Necessary Repairs	8,482.50	8,482.50	16,375.00	16,375.00	6,000.00	6,000.00	2,875.00	2,875.00	3,500.00	3,500.00
50	100%	LS	Furnish & Install Sampling Stations for Microbiological Testing in accordance with AWWA C-651	4,095.00	4,095.00	4,925.00	4,925.00	10,000.00	10,000.00	9,613.45	9,613.45	3,500.00	3,500.00
51	1	EA	Furnish & Install Automatic Flush Assembly, Complete For	10,641.15	10,641.15	6,175.00	6,175.00	6,500.00	6,500.00	10,172.68	10,172.68	6,000.00	6,000.00
52	100%	LS	Furnish & Install Temporary Flush Assembly, Complete For	4,288.05	4,288.05	1,650.00	1,650.00	4,000.00	4,000.00	8,159.80	8,159.80	4,500.00	4,500.00
53	8,500	LF	Furnish, Install, Maintain & Remove Silt Fence as required in the Stormwater Pollution Prevention Plan	5.27	44,795.00	3.00	25,500.00	4.50	38,250.00	2.88	24,480.00	2.50	21,250.00
54	40	LF	Furnish, Install, Maintain & Remove Inlet Protection as required in the Stormwater Pollution Prevention Plan	29.25	1,170.00	10.00	400.00	30.00	1,200.00	460.00	18,400.00	10.00	400.00
55	180	LF	Furnish, Install, Maintain & Remove High Service Rock Berm as required in the Stormwater Pollution Prevention Plan	34.52	6,213.60	47.10	8,478.00	35.00	6,300.00	40.25	7,245.00	35.00	6,300.00
56	54,000	SY	Grass Establishment For Permanent Erosion Control, Including Water to Establish & Sustain Growth	1.87	100,980.00	1.25	67,500.00	0.55	29,700.00	0.86	46,440.00	1.50	81,000.00
TOTAL BASE BID (Items 1 - 56)				\$ 1,156,669.28		\$ 1,187,535.50		\$ 1,326,670.00		\$ 1,340,362.04		\$ 1,355,820.00	

Did Bidder Acknowledge Addenda No. 1?	YES	YES	YES	YES	YES
Did Bidder provide Bid Security?	YES	YES	YES	YES	YES

I hereby certify that this is a correct and true tabulation of all bids received

Ginger R. Tolbert
Ginger R. Tolbert, PE

Date 09/11/2020

Kasberg, Patrick & Associates, LP



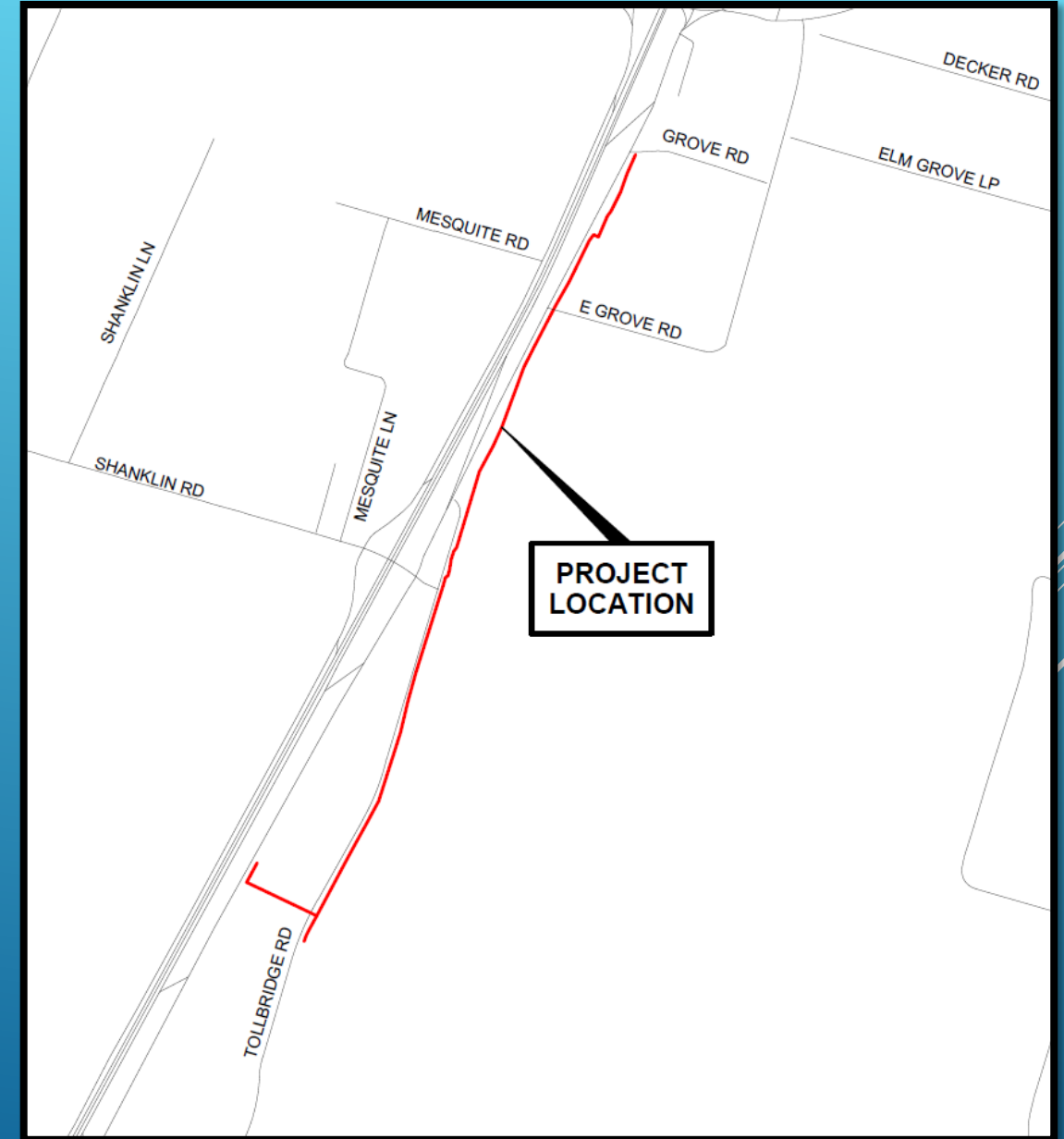
SOUTH IH-35 WATERLINE PROJECT

Construction Bid Award

October 13, 2020

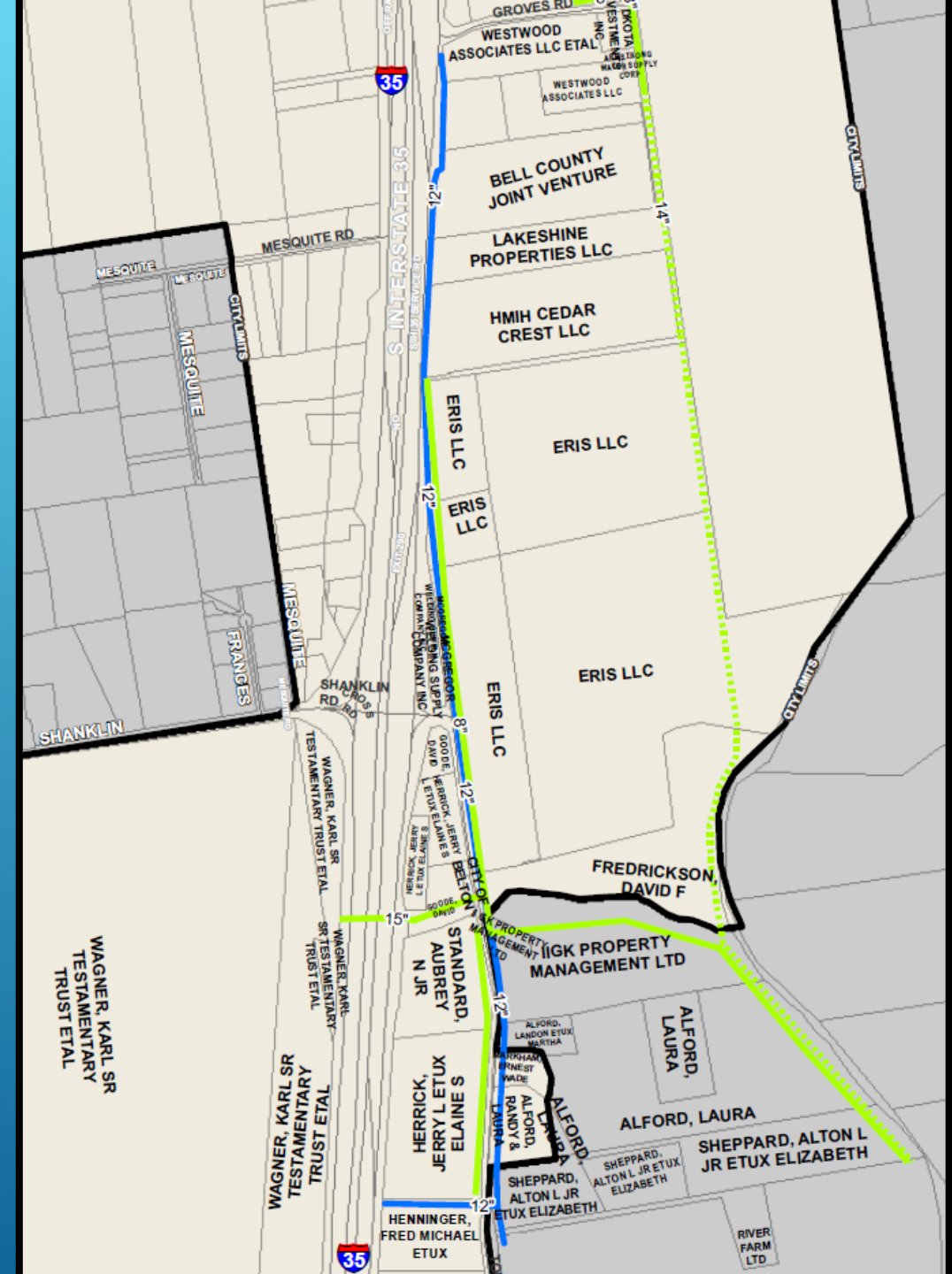
BACKGROUND

- ▶ May 2018 – BEDC contracted with KPA to design and bid the South IH-35 Waterline Project
- ▶ Waterline currently exists on west side of IH-35 with 2 bores under the interstate; this project provides service on the east side of IH-35
- ▶ 9,700 linear feet of 12" waterline, fire hydrants, residential service taps, large diameter tees for future development water use, etc.
- ▶ City Staff secured 14 easements by donation from 11 property owners
- ▶ September 2020 – Design completed
- ▶ September 30, 2020 – Bid opening

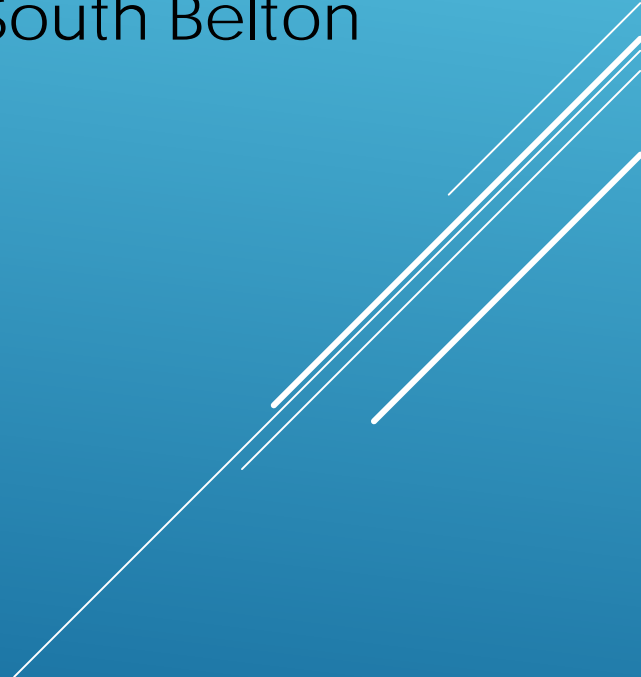


SOUTH BELTON UTILITIES

- ▶ South IH-35 Waterline project complements the City's plan for sewer service.
- ▶ South Belton Sewer Phase II design is complete and ready for bid.
- ▶ Awaiting 1 easement before the sewer project can bid.



BID SUMMARY

- ▶ The project was bid on September 30, 2020.
 - ▶ 15 bids were received. (Bids shown on next slide)
 - ▶ The engineer's OPCC was \$1,255,175.
 - ▶ Low bidder, McLean Construction, also constructed the South Belton Sewer Phase I and Old Waco Road Sewer Project.
 - ▶ Project is funded by the BEDC.
- 
- A series of three parallel white diagonal lines located in the bottom right corner of the slide, extending from the middle of the right edge towards the bottom left.

Bidder	Base Bid
McLean Construction, Killeen	\$878,787.50
Bell Contractors, Belton	\$884,310.55
Nelson Lewis, Marble Falls	\$935,070.00
Flanigan Construction, Belton	\$988,988.50
Black Rock, Mansfield	\$994,625.00
Construction Services, Austin	\$999,750.10
M+C Fonseca, Granite Shoals	\$1,046,750.00
CSP, Waco	\$1,078,478.00
Atlas, Granite Shoals	\$1,081,195.00
JBS Underground, Austin	\$1,131,015.00
B-Corp Utilities, Gatesville	\$1,156,669.28
TTG Utilities, Gatesville	\$1,187,535.50
Royal Vista, Liberty Hill	\$1,326,670.00
Lupe Rubio, Kingsland	\$1,340,362.04
Patin Construction, Taylor	\$1,355,820.00

SCHEDULE AND RECOMMENDATION

Schedule

- ▶ BEDC Board approved contract on Oct 6th
- ▶ City Council bid award recommendation Oct 13th
- ▶ Execute contracts & hold preconstruction meeting Oct 2020
- ▶ Construction estimated to begin Nov 2020
- ▶ Complete construction Summer 2021

Recommendation

- ▶ Authorize the City Manager to execute a contract with McLean Construction, for the construction of the South IH-35 Waterline Project, and any change orders associated with the contract, not to exceed the amount authorized under State law.

E 13TH AVE SIDEWALKS

Scope of Work Discussion

October 13, 2020

E 13TH AVE SIDEWALKS – SUMMARY

- ▶ Awarded TxDOT Transportation Alternatives Program (TAP) grant funding for E 13th Ave sidewalks in 2019
- ▶ KTMPO project scope was to install new sidewalks/SUP on the north side of E 13th Ave between Main and Old Waco Road
 - ▶ Challenges: ROW required from 36 property owners, strict timeline from TxDOT to meet terms of grant (bid in 2023)
- ▶ An alternative alignment was proposed to TxDOT that provides a pedestrian and bike path on E 13th and still meets intent and terms of the grant. Preliminary approval from TxDOT was received.

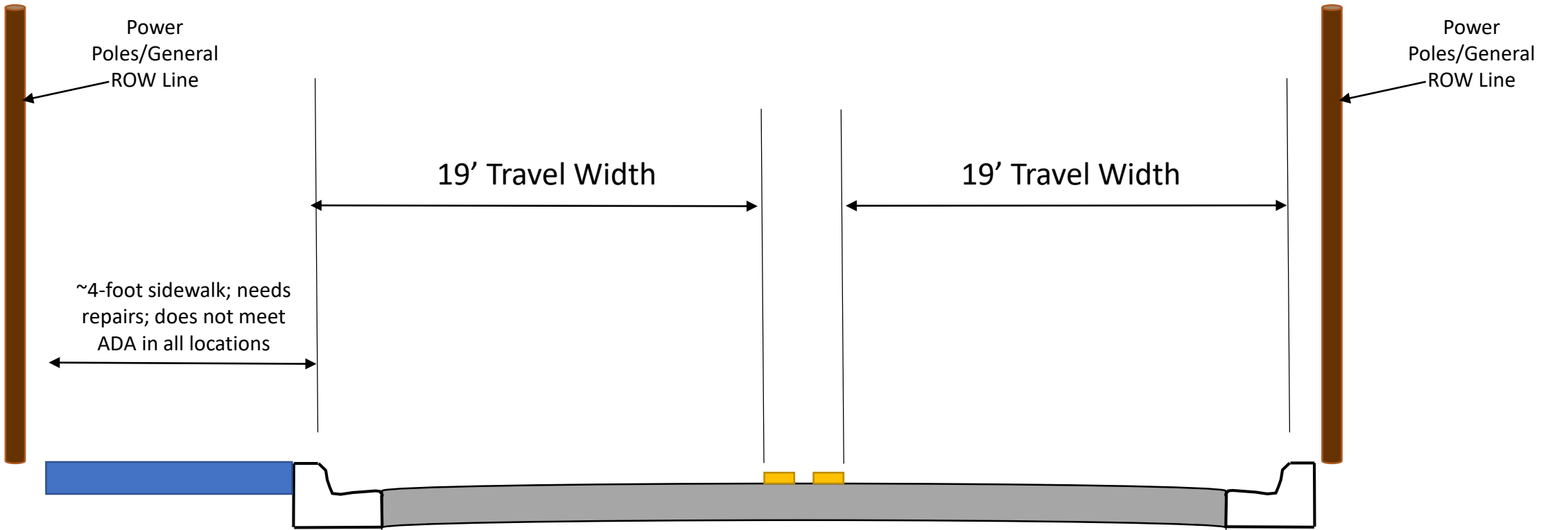
E 13TH AVE SIDEWALKS – SUMMARY CONT...

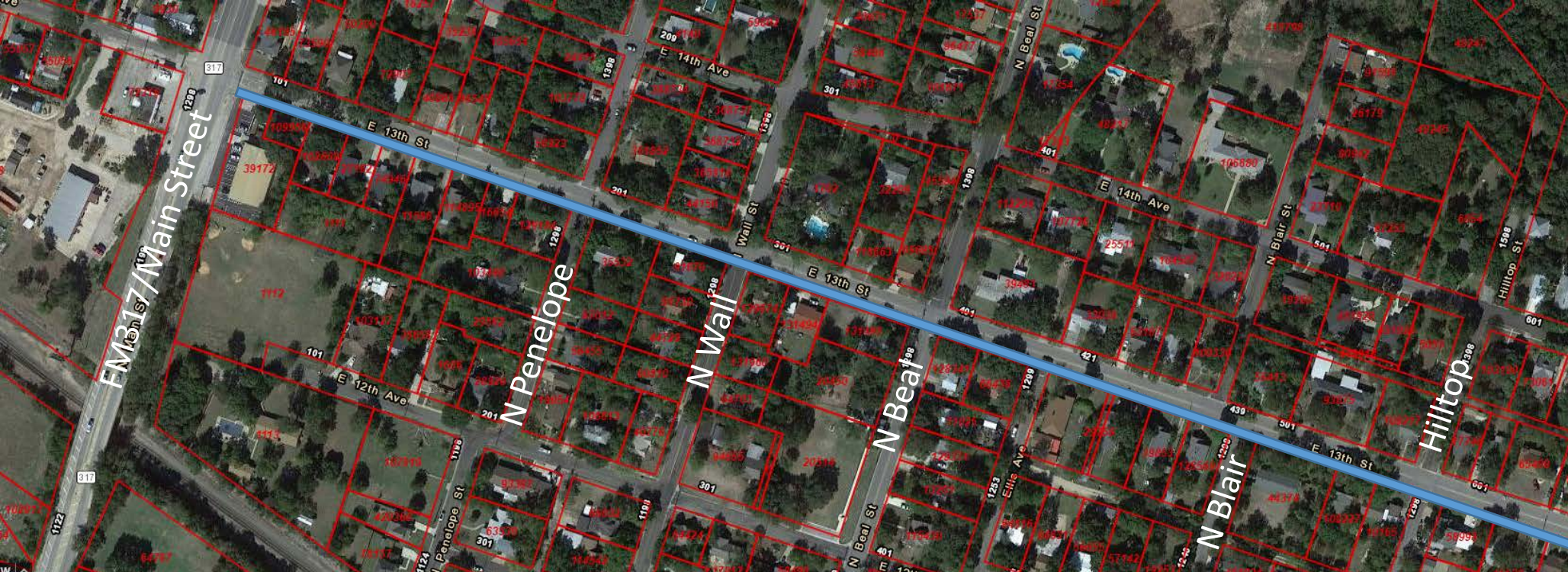
- ▶ Alternative approaches evaluated included:
 - ▶ Construct/move north curb line to the south to fit a sidewalk in existing ROW (costly)
 - ▶ Constructing a curb in the roadway to create a protected two-way bike lane and/or pedestrian path (costly; lots of openings for driveways; pedestrian path wouldn't meet ADA requirements with existing pavement)
 - ▶ Sidewalk on south side with on-street bike lane striping (one side and two sides)
- ▶ **Today's goal: define the scope of the project so KTMPO-STIP approval can be obtained, and design can begin.**

E 13th Ave
Existing Conditions

South Side

North Side





E 13th Ave
Existing Conditions



OPTIONS FOR E 13TH AVE

Grant Approved

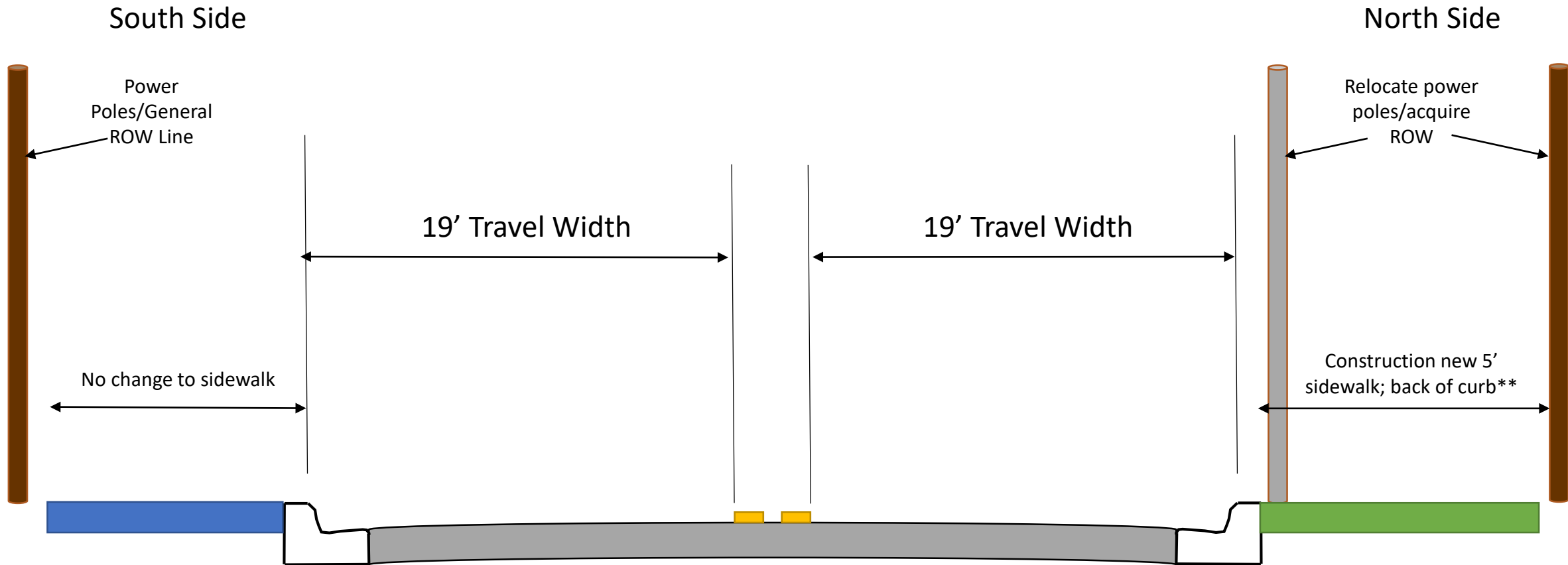
- ▶ Construct new 5' sidewalk on north side between Main and Woodall
- ▶ Construct 10' shared use path between Woodall and 817
- ▶ Challenges: ROW and grant timeline

Alternative A & B

- ▶ Reconstruct existing 4' sidewalk, as needed to meet ADA on south side
- ▶ Reconstruct all pedestrian ramps
- ▶ Stripe bike lane in existing roadway (one side or both?)
- ▶ 1 crossing at Park Lane
- ▶ Possible crossings at N Beal and Leon Streets

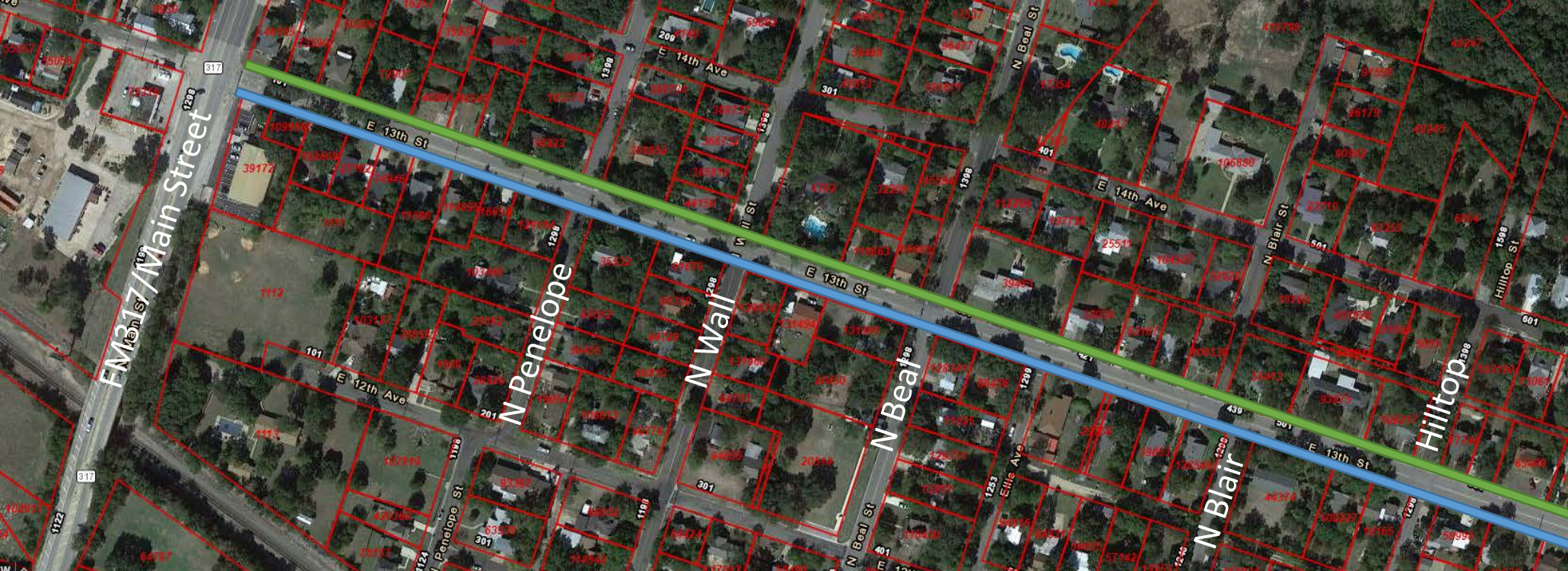
E 13th Ave – Grant Approved

ROW needed from approximately 36 properties on north side of E 13th Ave



**5' sidewalk from Main Street to Woodall, back of curb unless to avoid large trees, mailboxes (potentially), street signs, and other obstructions

10' Hike and Bike path from Woodall to FM817, back of curb unless to avoid street signs and maintain 2' clearance



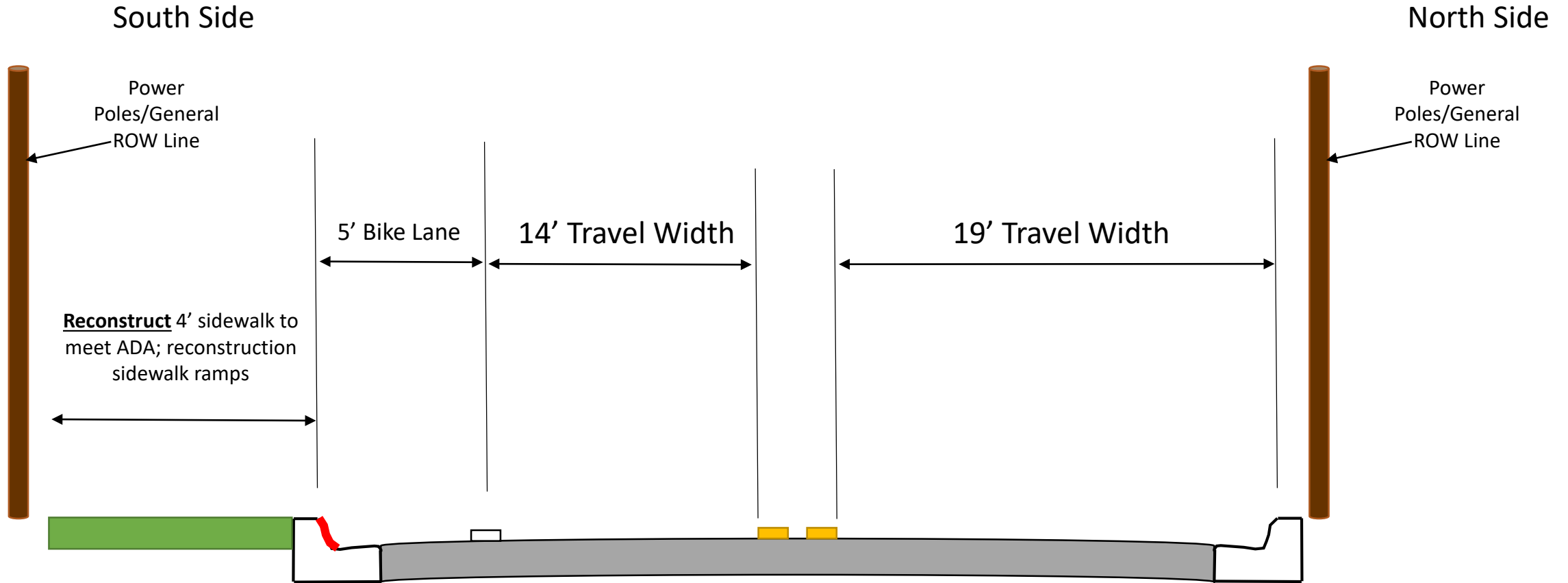
E 13th Ave
Grant Approved

5' sidewalk between
Main and Woodall;
10' trail from
Woodall to FM817

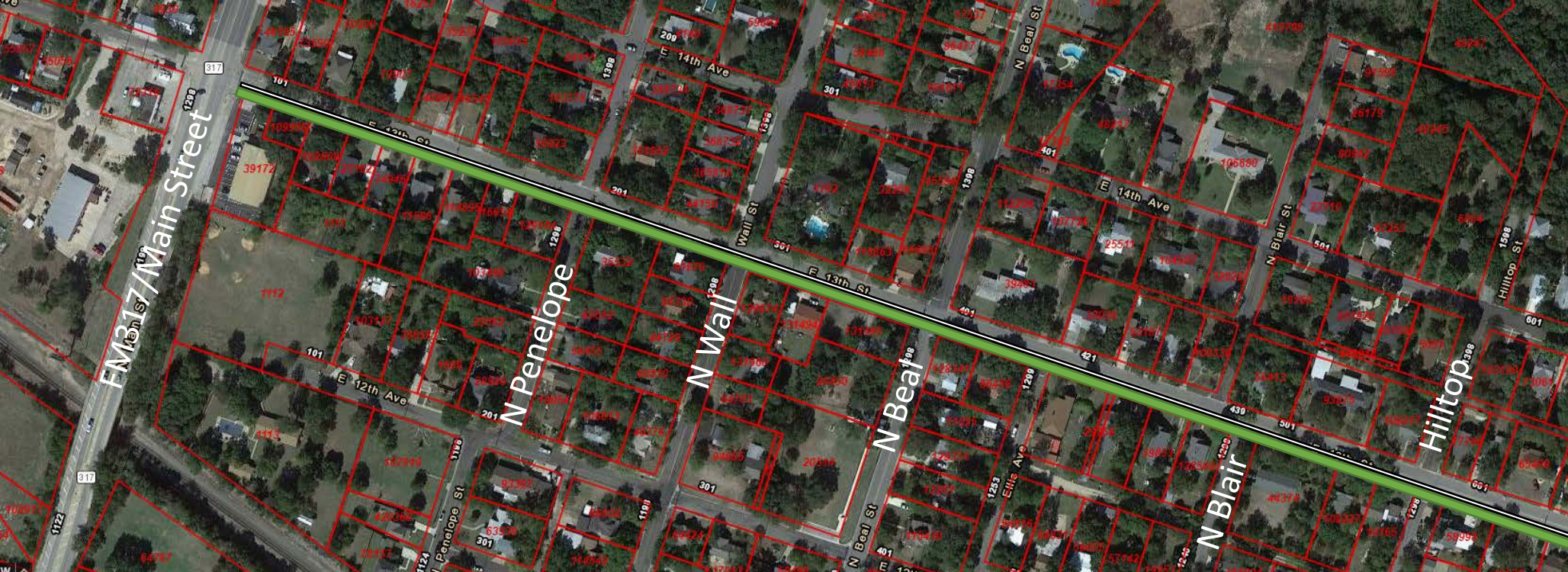


E 13th Ave – Alternative A (Approved by TxDOT)

ROW needed from approximately 1 property on south side of E 13th Ave

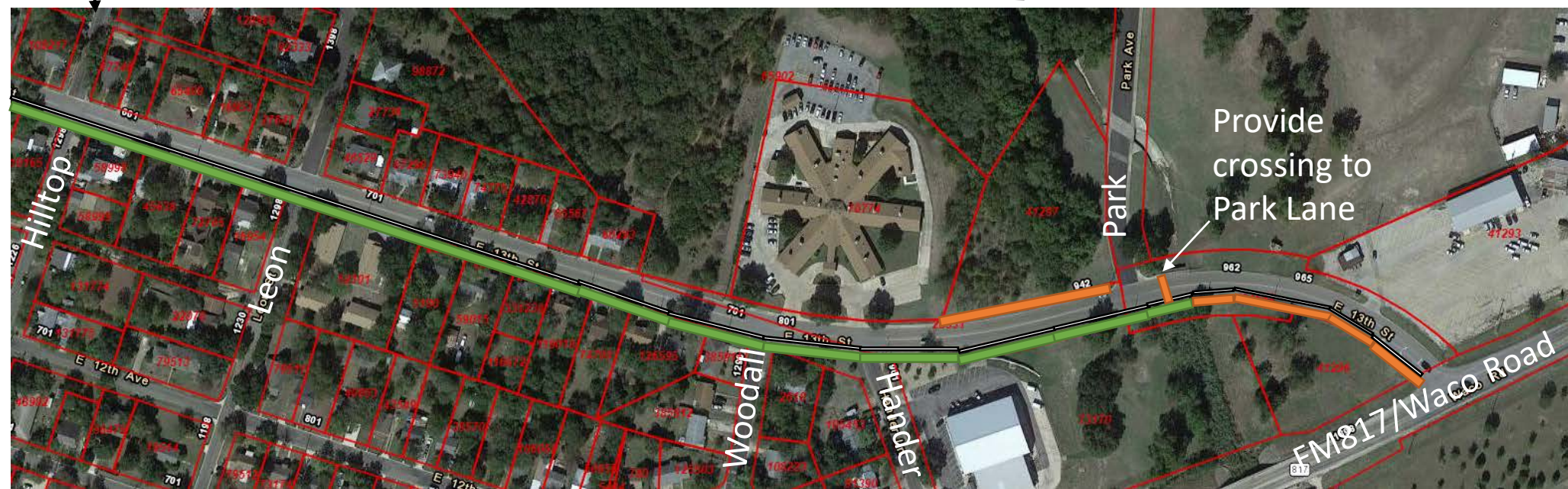


1. Existing sidewalk between Main and Park Lane to be reconstructed, as needed to meet ADA; reconstruct all pedestrian ramps, construct new 4' sidewalk between the drainage channel to FM817. Also, construct 4' sidewalk on north side of E 13th Ave between existing nursing home sidewalk and Park Lane within existing ROW.
2. Stripe 5' bike lane between Main and FM817; 5' is measured from face of curb.
3. Paint south side curb for no on-street parking.

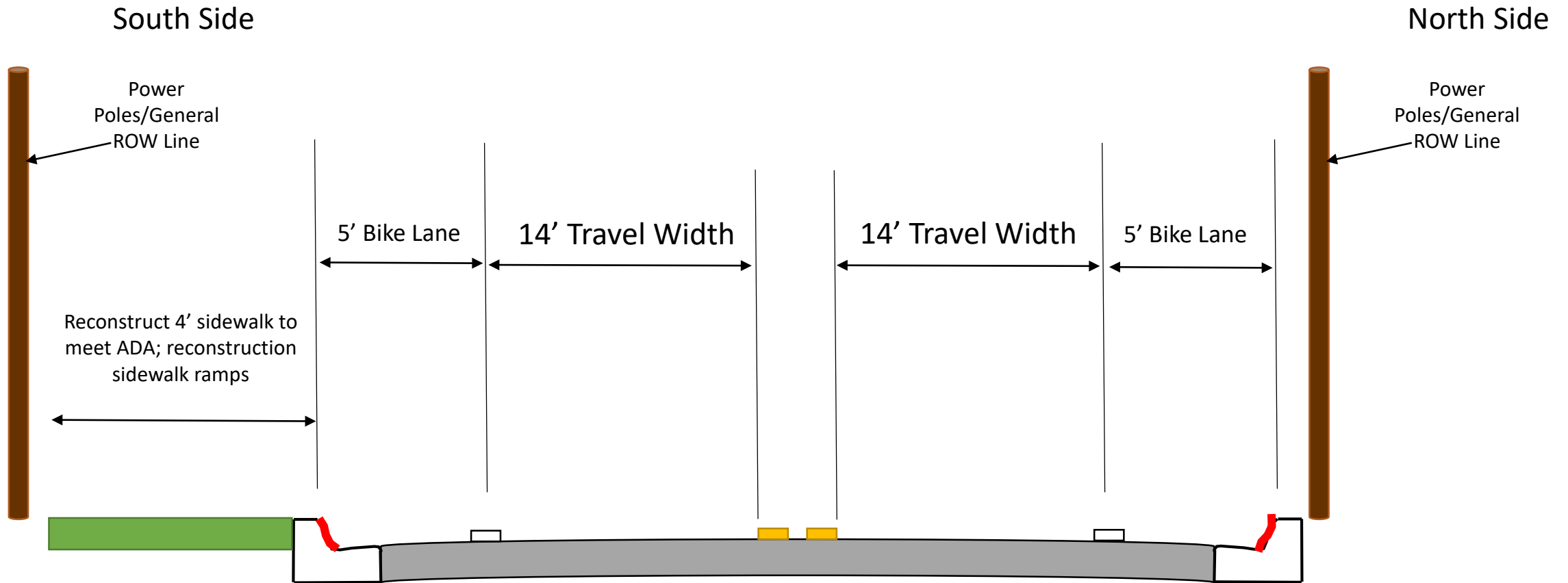


E 13th Ave – City
Preferred Alternative
(Approved by TxDOT)

Reconstruct existing,
as needed (green) &
install new where
missing (orange).
Bike lane in white.



E 13th Ave – Alternative B
Same as Alternative A + Striped Bike Lane on North Side



Red curb paint would be installed to indicate no on-street parking on either side of road.

Comparison

Evaluation Items	Grant Approved	Alternative A or B
Preliminary Cost Estimate for Construction Only	\$713,00	\$550,000
Number of Parcels Affected SF Estimated	36 property owners likely 30,150 SF	1 property owner likely 1,500 SF
Assumed Cost for ROW Acquisition	\$260,000	\$10,000
Realistically meet 2023 let date?	Likely no due to ROW acquisition, if done by donation agreements	Much more likely than Option A
Can City afford project? What is City's total project costs?	No \$780,000	More feasible than the grant-approved option \$335,000 (Funded over 3 years of fund balance)
Justification	Meets scope defined in the grant.	Still meets the intent of the grant by creating an ADA accessible path for pedestrians along E 13 th Ave. Adds a path for bicyclists, greater than the approved grant.

DISCUSSION ITEMS

- ▶ Is the project still desired by the Council?
- ▶ If so, is either Alternative A or B preferred?
 - ▶ Alt A – Sidewalk replacement, as needed, on south side + bike lane on south side of road
 - ▶ Alt B – Adds bike lane on north side of road
- ▶ Next Steps
 - ▶ KTMPO amendment to project scope
 - ▶ RFQ for engineering services after approval
 - ▶ Begin design