

## **RESOLUTION NO. 4062**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, REPEALING AND REPLACING RESOLUTION NO. 3964 ESTABLISHING FEES ASSOCIATED WITH THE CITY'S INDUSTRIAL PRETREATMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bryan, Texas ("City") is a home rule municipality which is duly incorporated and chartered under the constitution and laws of Texas; and

**WHEREAS**, the City operates an Industrial Pretreatment Program in accordance with state laws and regulations as well as City ordinances; and

**WHEREAS**, the City Council finds that the fees currently being charged for permits issued by the City under this ordinance do not reflect the costs incurred by the City in processing such permits and management of its Pretreatment Program, and further finds that the fees set forth herein more accurately reflect the cost to the taxpayers for these permits.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS THAT:**

#### **Section 1.**

Fees for operation and management of the City's Industrial Pretreatment Program shall be as follows:

A. PERMIT FEE

Permits issued under the City's Industrial Pretreatment Program shall be issued for a time period, not to exceed five years. The fee for new permits is \$500/permit and permit renewals \$250/permit.

B. COMPLIANCE MONITORING, INSPECTION, SURVEILLANCE, SAMPLE COLLECTION, AND RESPONSE TO ACCIDENTAL DISCHARGE FEES

Procedure fees associated with monitoring, inspection, surveillance, sample collection/analysis, and response to accidental discharges shall be based upon the actual cost of service plus overhead as determined by the City to include labor, equipment expense, professional services, and waste disposal. Equipment expenses will be modeled from rates outlined in rate resolutions for equipment maintained by the responsive department unless a resolution has not been adopted. A fair market fee will be assessed in the event an adopted rate does not exist for a piece of equipment. The fair market fee will be based on the most current Federal Emergency Management Agency (FEMA) Schedule of Equipment Rates.

C. APPEAL FEE

Appeals shall adhere to the procedures specified in the Bryan Code of Ordinances, Chapter 2, Administration, Division 9. Industrial Waste Hearing Board, Section 2-277. Fee for appeal is \$350.00 per appeal.

#### D. SURCHARGE CALCULATION

The volume of wastewater flow used in computing an industrial wastewater surcharge shall be based upon measured water consumption and/or measured industrial wastewater discharged to the City sewer.

**CITY SUPPLIED WATER:** The volume of flow used in computing industrial wastewater surcharges shall be based upon metered water consumption as shown in the records of meter readings maintained by the City. An adjustment to the measured water consumption may be allowed by the City for evaporation, product water exported from the Industrial User (IU) or other operational consumption through which water is not discharged to the City sewer.

An IU who provides evidence demonstrating that a portion of the total water consumed does not reach the City sewer may request an adjustment. Adjustments for flow shall be measured by a meter or other City-approved flow metering device. Installation, maintenance, and repairs of measuring devices and/or equipment shall be the responsibility of the IU. Such meters and devices shall be tested for accuracy when deemed necessary by the City. Any discovery of tampering, or an IU's failure to provide adequate maintenance, or repair, which alters measurement accuracy, shall result in denial of the requested adjustment.

**OTHER SUPPLIED WATER:** IUs who procure water from sources other than the City and discharge industrial wastewater to the City sewer shall install a water meter or meters of the type approved by the City at the IU's point of acceptance. Such meters shall be utilized in determining the measurement of industrial wastewater discharged to the City sewer for surcharge computation. An adjustment to the measured water consumption may be allowed by the City for evaporation, product water exported from the IU or other operational consumption through which water is not discharged to the City sewer.

An IU who provides evidence demonstrating that a portion of the total water consumed does not reach the City sewer may request an adjustment. Adjustments for flow shall be measured by a meter or other City-approved flow metering device. Installation, maintenance, and repairs of measuring devices and/or equipment shall be the responsibility of the IU. Such meters and devices shall be tested for accuracy when deemed necessary by the City. Any discovery of tampering, or an IU's failure to provide adequate maintenance, or repair, which alters measurement accuracy, shall result in denial of the requested adjustment.

Surcharge computations shall be based on the following:

$$CS = S_1 + S_2 + S_3 + S_4 + S_5 + S_6$$

$$S_1 = F \times 8.34 \times (CBOD_5 - 200 \text{ mg/L}) \times A \text{ for } CBOD_5 \text{ waste concentrations greater than } 200 \text{ mg/L}$$

$$S_2 = F \times 8.34 \times (TSS - 200 \text{ mg/L}) \times B \text{ for TSS waste concentration greater than } 200 \text{ mg/L}$$

$$S_3 = F \times 8.34 \times (1/2 (COD - 400 \text{ mg/L})) \times A \text{ for COD waste concentrations greater than } 400 \text{ mg/L}$$

$$S_4 = F \times 8.34 \times (NH_3 - 30 \text{ mg/L}) \times C \text{ for } NH_3 \text{ waste concentrations greater than } 30 \text{ mg/L}$$

$$S_5 = F \times 8.34 \times (Oil \& Grease - 100 \text{ mg/L}) \times D \text{ for Oil \& Grease waste concentrations greater than } 100 \text{ mg/L}$$

$$S_6 = V \times E$$

CS = Surcharge in dollars for the billing period

V = Average wastewater flow in millions of gallons during the billing period.

F = Total wastewater flow in millions of gallons during the billing period.

8.34 = Weight of water in pounds per gallon.

A = Unit charge in dollars per pound for CBOD<sub>5</sub> as established in Table 1.

B = Unit charge in dollars per pound for TSS as established in Table 1.

C = Unit charge in dollars per pound for NH<sub>3</sub> as established in Table 1.

D = Unit charge in dollars per pound for Oil & Grease as established in Table 1.

E = Unit charge in dollars per gallon for wastewater volume as established in Table 1.

CBOD<sub>5</sub> = Average five-day carbonaceous biochemical oxygen demand concentration in mg/L.

TSS = Average total suspended solids concentration in mg/L.

NH<sub>3</sub> = Average ammonia concentration in mg/L.

Oil & Grease = Average oil & grease concentration in mg/L.

COD = Average chemical oxygen demand concentration in mg/L.

200 = Normal CBOD<sub>5</sub> and TSS strength in mg/L; for calculation purposes COD concentrations are assumed to be double the CBOD<sub>5</sub> concentration.

<b>Table 1 – Surcharge Unit Fees</b>	
A (unit charge in dollars per pound of CBOD <sub>5</sub> )	\$0.50
B (unit charge in dollars per pound of TSS)	\$0.34
C (unit charge in dollars pound of NH <sub>3</sub> )	\$1.45
D (unit charge in dollars per pound of Oil & Grease)	\$0.34
E (unit charge in dollars per 1,000 gallons of wastewater flow)	*

\* = calculated by dividing program expense for management of the IPP by the total IU wastewater contribution for the monitoring period. The program expense is understood as \$80,000 per year.

E. NEW INDUSTRIAL USER SURCHARGE

Surcharge fees for a new IU's participating in the City's Industrial Pretreatment Program shall be calculated based on engineering estimates provided by the IU for the expected concentration of surchargeable pollutants and volume of wastewater discharged to the City sewer. Engineering estimates shall be provided on a monthly basis and reflect actual operating conditions. Engineering estimates shall be signed and sealed by a licensed engineer. The new IU fee will remain in effect until the City determines that sufficient data regarding the IU's loading and wastewater volume is available or a period of twelve months has elapsed since the IU's first date of operation, whichever is first.

At this time, the new IU surcharge will be recalculated using current data. The recalculated surcharge will be compared against the new IU surcharge. An adjustment will be made to the IU's surcharge fee. The adjustment will reflect the difference in fees between the new IU surcharge and recalculated surcharge in combination with the billing cycles charged using the new IU surcharge.

F. BILLING

CITY SUPPLIED WATER: Surcharge fees will be applied to the IU's BTU utility bill.

**Section 2.**

The adoption of this resolution rescinds all resolutions or parts thereof in conflict with this resolution.

**Section 3.**

This resolution shall be effective immediately upon its adoption.

**ADOPTED AND APPROVED** the 12<sup>th</sup> day of September, 2023, at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta  
Mary Lynne Stratta, City Secretary

Bobby Gutierrez  
Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper  
Thomas A. Leeper, City Attorney

