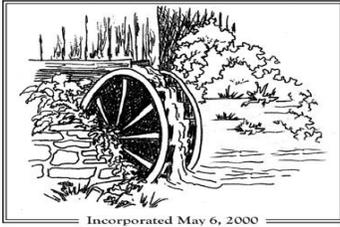


**REGULAR CITY  
COUNCIL MEETING  
PACKET**

**Thursday, June 6, 2019**

**6:00 p.m.**



# City of Wimberley

221 Stillwater, Wimberley, Texas 78676

**REGULAR CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**THURSDAY, JUNE 6, 2019 – 6:00 P.M.**

## **AGENDA**

1. **CALL TO ORDER** June 6, 2019 at 6:00 p.m.
2. **CALL OF ROLL** City Secretary
3. **INVOCATION**
4. **PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG**

5. **CITIZENS COMMUNICATIONS**

*The City Council welcomes comments from the general public on issues and items of concern, not on this agenda. Those wishing to speak must sign-in before the meeting begins and observe a three-minute time limit when addressing Council. Speakers will have one opportunity to speak during the time period. Speakers desiring to speak on an agenda item will be allowed to speak when the agenda item is called. Inquiries about matters not listed on the agenda will either be directed to staff or placed on a future agenda for Council consideration. Comments from speakers should not be directed towards any specific member of City Council or City staff. Comments should not be accusatory, derogatory or threatening in nature.*

6. **PRESENTATION**

Presentation regarding the 2019 Wimberley LGBTQ Pride March set for September 21, 2019.  
(David Martin)

7. **PRESENTATIONS AND POSSIBLE ACTION**

- A. Presentation and consider possible action regarding a letter to the City Council from the Parks and Recreation Board. (Board Member Mike Stevens)
- B. Presentation and consider possible action regarding the status of the City of Wimberley's Hazard Mitigation Grant Program (HMGP) projects. (City of Wimberley)
- C. Presentation and consider possible action regarding code compliance in the City of Wimberley. (City Administrator Shawn Cox)

**8. EXECUTIVE SESSION**

*In accordance with Texas Government Code, Chapter 551, Subchapter D, the City Council may convene in a closed session. After the Executive Session, discussion on any of the following items, any final action or vote taken will be in public.*

Executive Session pursuant to Texas Government Code, Section 551.071 (Consultation with Attorney) regarding Cause No. 19-1203; Steve Thurber vs. The City of Wimberley.

**9. OPEN SESSION**

Discuss and consider possible action resulting from Executive Session.

**10. CONSENT AGENDA.**

- A. Approval of minutes from the Regular City Council Meeting held May 16, 2019.
- B. Approval of minutes from the Special City Council Meeting held May 21, 2019.
- C. Approval of minutes from the Special City Council Meeting held May 29, 2019.
- D. Approval of Place Four Council Member Gary Barchfeld's appointment of Michael Bower to the Transportation Advisory Board.
- E. Approval of Place Four Council Member Gary Barchfeld's appointment of Natalie Meeks to the Comprehensive Plan Review Team.

**11. CITY ADMINISTRATOR REPORT**

Update regarding the status of the Central Wimberley Wastewater Project and the City's Blackboard Notification System *(City Administrator Shawn Cox)*

**12. DISCUSSION AND POSSIBLE ACTION**

- A. Discuss and consider possible action to approve the second and final reading of Ordinance No. 2019-12, amending Chapter 12 Utilities, Article 12.02 Water and Sewers, Division 3 Sewer Connections and Extensions, Section 12.02.072 Connection to Sewer System Required by adding provisions authorizing interim pump and haul service for existing and new businesses; providing an effective date; providing for severability; providing for a penalty not to exceed two thousand dollars. *(City Administrator Shawn Cox)*
- B. Discuss and consider possible action to approve Ordinance No. 2019-16, amending Article 2.04 Boards, Commissions and Committees of the Code of Ordinances by establishing Section 2.04.005, Downtown District Committee and providing for the duties, appointment and removal of committee members. *(City Administrator Shawn Cox)*
- C. Discuss and consider possible action to accept a donation check in the amount of \$750 from the Friends of Blue Hole to support the 2019 Blue Hole Nature Camp Scholarship Program. *(Parks Director Rebecca Manning)*

- D. Discuss and consider possible action to evaluate the acquisition of real property for the purpose of expanding the City's park system. *(Parks Director Rebecca Manning & Programs and Operations Manager Richard Shaver)*
- E. Discuss and consider possible action to approve Hays County's bid in the amount of \$50,523 for drainage work at the intersection of Little Ranches and Flite Acres. *(Public Works Superintendent John Provost)*
- F. Discuss and consider possible action to approve Resolution No. 08-2019, determining the time and date for Regular City Council meetings and providing for an effective date. *(City Administrator Shawn Cox)*
- G. Discuss and consider possible action on Resolution No. 09-2019, repealing Resolution No. 24-2018 and appointing the City Administrator as the primary contact with regards to the Central Wimberley Wastewater Project. *(Place One Council Member Rebecca Minnick)*
- H. Discuss and consider possible action regarding a review of City Financials, including legal expenditures, fund balances and outstanding invoices to be paid by the Texas Water Development Board. *(Place One Council Member Rebecca Minnick)*
- I. Discuss and consider possible action to appoint two members of City Council to a Wimberley ISD committee. *(City Administrator Shawn Cox)*
- J. Discuss and consider possible action to appoint two members of City Council to a joint committee with the City of Woodcreek regarding updates to the Water Quality Ordinance. *(City Administrator Shawn Cox)*
- K. Discuss and consider possible action to schedule a Central Wimberley Wastewater Project Workshop. *(City Administrator Shawn Cox)*
- L. Discuss and consider possible action to schedule a City Council Governance and Goal Setting Workshop. *(City Administrator Shawn Cox)*
- M. Discuss and consider possible action regarding the renewal of the City of Wimberley's Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013321001. *(City Administrator Shawn Cox)*
- N. Discuss and consider possible action regarding the City's fees for issuing residential permits. *(City Administrator Shawn Cox)*

### **13. CITY COUNCIL REPORTS**

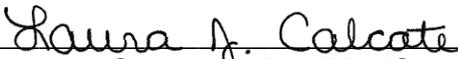
- A. Announcements
- B. Future agenda items

**14. ADJOURNMENT**

The City Council may retire into Executive Session at any time between the meeting’s opening and adjournment for the purpose of discussing any matters listed on the agenda as authorized by the Texas Government Code including, but not limited to, homeland security pursuant to Chapter 418.183 of the Texas Government Code; consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion about real estate acquisition pursuant to Chapter 551.072 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberations about gifts and donations pursuant to Chapter 551.076 of the Texas Government Code; discussion of economic development pursuant to Chapter 551.087 of the Texas Government Code; action, if any, will be taken in open session.

**CERTIFICATION**

I hereby certify the above Notice of Meeting was posted on the bulletin board at Wimberley City Hall, a place convenient and readily accessible to the general public at all times, and to the City’s website, [www.cityofwimberley.com](http://www.cityofwimberley.com), in compliance with Chapter 551, Texas Government Code, on Monday, June 3, 2019, by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

  
\_\_\_\_\_  
Laura J. Calcote, MPA, TRMC  
City Secretary

The City of Wimberley is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please contact City Secretary Laura Calcote at (512) 847-0025 two business days in advance of the meeting for appropriate arrangements.



**From:** [David Martin](#)  
**To:** [Mayor](#); [Place1](#); [Place2](#); [Place3](#); [Place4](#); [Place5](#)  
**Cc:** [Laura Calcote](#); [Shawn Cox](#)  
**Subject:** Wimberley LGBTQ Pride March - Council Agenda, June 6th, 2019  
**Date:** Tuesday, May 28, 2019 9:56:34 AM  
**Attachments:** [marked route.png](#)

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Dear Mayor Jagers, Council Members Minnick, Fore, Byrne, Barchfeld, and Bowman,

I am writing to you as a representative of the 2019 Wimberley LGBTQ Pride March committee. We have requested that the City Administrator place an item for this upcoming event on the Council Agenda for the meeting scheduled for June 6<sup>th</sup>, at 6pm.

The Wimberley Pride committee began meeting in 2018 to plan the very first LGBTQ Pride March in Wimberley. Since then, we have met with City Administrators, the local Constables office, and a number of business owners in and around the Wimberley Square to discuss our proposed plans for the Pride March on the evening of September 21<sup>st</sup>, 2019. We have been delighted by the reception to the idea of Wimberley's first Pride March! I have attached a copy of the proposed route for the march that we have developed with the input and advice of the local constable's office and city administrator. This is also the route that we have been using in our on-going discussions with local business owners.

There are many aims for this event. Notably, the date chosen falls on World Peace Day and it is with this spirit firmly in mind that we have been planning this event. First and foremost, the event celebrates the LGBTQ community and its allies, and specifically those in the Wimberley area. The diversity of this town is to be celebrated and lauded and, we believe, held up as something to be proud of in a time where divisiveness and rancor are often the default options taken by many. This event provides an opportunity for Wimberley to join other municipalities in showing support for its LGBTQ community and also to the parents, families, and friends of its many LGBTQ citizens.

Second, the Pride event provides an opportunity for people far and wide to discover and visit new and existing aspects of Wimberley. With an event taking place in the early evening people will have the opportunity to spend the day here exploring our rich heritage, culture, and environment, to enjoy the evening in one of Wimberley's many dining establishments, or perhaps even stay for a full weekend in one of our splendid accommodations. We believe that this event brings many opportunities for the business and personal communities to stand together to demonstrate the spirit of "Wimberley Strong".

We also recognize that this is a community event. Accordingly, we will continue to work with local business and the administration to understand and evolve the planning as the event approaches. That also applies to working with you, Wimberley's elected council members. We would love to have the opportunity to meet with you and answer any questions you may have, either before the upcoming council meeting, at the meeting itself, or indeed afterwards.

*Please vote "Aye" to show your clear support for this event and route.*

Having a unanimous affirmative vote for this event at the council meeting would be a tremendous show of support to both the LGBTQ community of Wimberley, the Pride Committee, and the citizens of Wimberley who believe that inclusive community events provide a strong fabric for our community to move forward together.

If you have any questions, please do not hesitate to call me or to respond to this email.

Sincerely,

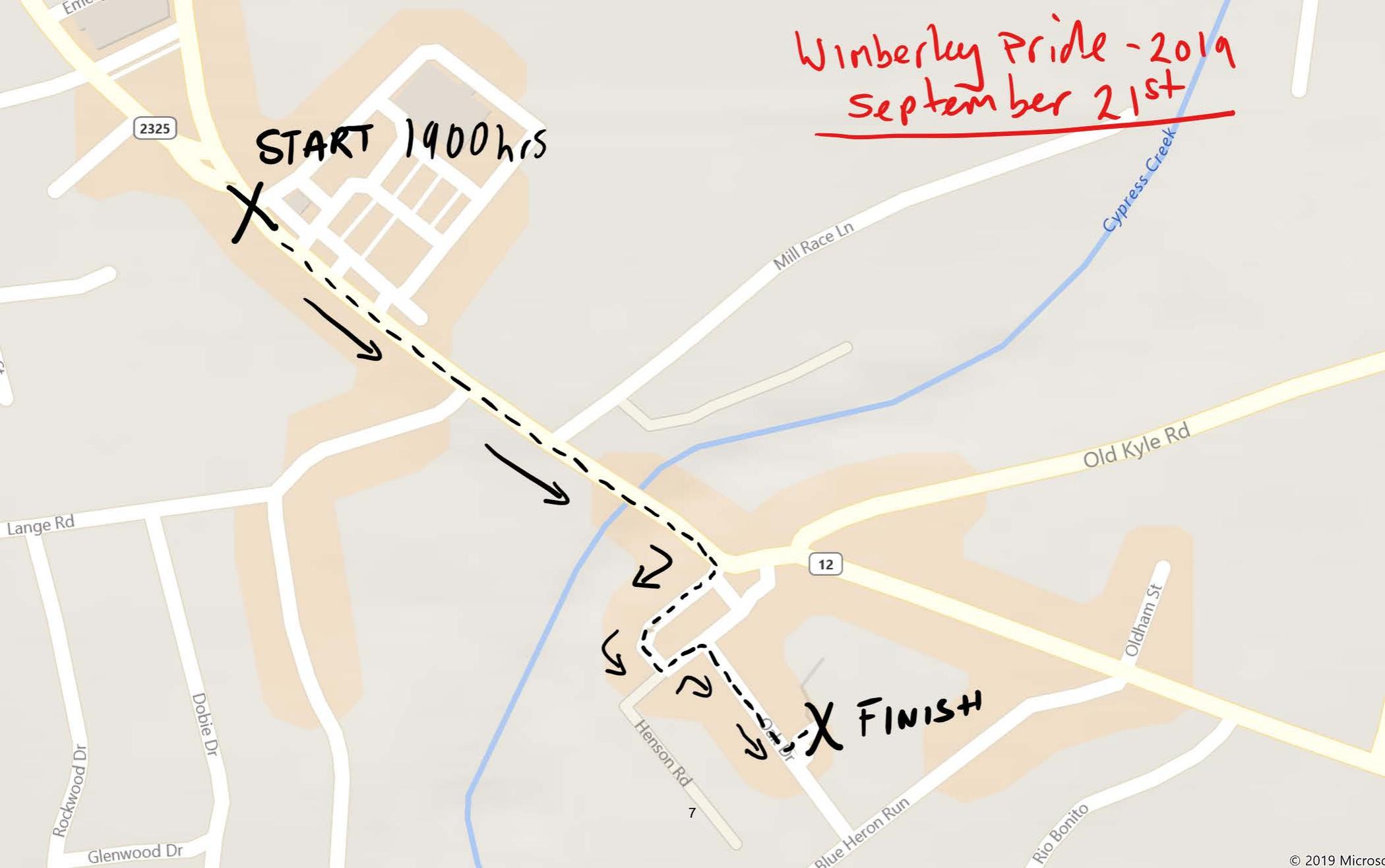
David N Martin  
dnmartin98@live.com  
Wimberley Pride Planning Committee

Sent from [Mail](#) for Windows 10

Winberly Pride - 2019  
September 21st

START 1900hrs

FINISH



To: Parks and Recreation Board

From: Mike Stevens

Re: Wastewater Master Plan as it relates to Blue Hole Regional Park

This statement is being presented not to create further disunity or sow seeds of discord in the community but rather to provide a platform for sensible and thoughtful discussion regarding the sewer system as it relates to the Blue Hole Regional Park. As a community, we have been working on this matter for way too long, and rather than reflect on what has taken place, it is time we focus on what lies ahead. We should strive to once again become a community that works together to solve problems, considering the interests of all and seeking compromises that might allow us to complete the sewer system in a way that could meet long term beneficial needs without having a negative impact on the Park or our waterways. I am not presenting this as an owner of business property in the downtown area, or as a taxpayer, or as a supporter of a city owned sewer system, or as a supporter of Aqua Texas. I make this statement as a Parks Board member with the primary purpose of bringing to the forefront the need for a wastewater master plan that would take into consideration the impact of a wastewater treatment plant on the Park.

First, it is time for the Parks Board, Parks Director and staff to become an active participant in the discussions related to the development of any sewer system that would impact the Park. It is important that any discussion regardless of what takes place going forward should include the needs of the Park as well as the necessity to protect the integrity of the Park. What is the purpose of the Parks Board? Is it not to give advice and direction regarding the Park with the following purposes in mind:

1. Overseeing and implementing the master plan for the Park;
2. Enhancing the Park through activities, programs and meeting the needs of the Park;
3. Sustaining the Park by identifying its needs and implementing innovative ways to improve the Park; and
4. Protecting the integrity of the Park.

Therefore, as the City moves forward with determining how best to proceed with the sewer system, it is important to take into consideration the following matters as they specifically relate to the Park as well as how present and future decisions could impact the Park.

1. There is a clear need for water in the Park. But what are the present and future water needs of the Park? In particular, how much water is needed to water the soccer fields and other areas within the Park?
2. We presently have the soccer fields available for irrigation of treated effluent. But what land areas within the Park will be prepared for future irrigation as the treatment plant reaches 30,000 gallons per day, 50,000 gallons per day, and eventually full capacity of 75,000 gallons per day? What is the cost of preparing these irrigation areas for irrigation of treated effluent? What will be the impact on the Park as the treatment plant hits levels that exceed the existing land available for irrigation?
3. Where do the funds come from to prepare such lands? How does this fit into the master plan for the Park especially given the need to set aside and prepare approximately 25 to 29 additional acres of park land for irrigation?

4. What happens when the treatment plant reaches 60,000 gallons per day and plans must be made to meet the future needs for treatment of sewage that exceed 75,000 gallons per day? The cap of 75,000 gallons per day restricts future wastewater treatment expansion within the Park and prevents the ability to meet future sewer needs without other plans being implemented. Have other plans been discussed? Do we have plans in place to meet the wastewater demands when we reach full capacity? The effluent per day when the treatment plant comes on board is expected to be about 30,000 gallons per day and with anticipated growth, general plans need to be in place now to avoid any overburdening of the treatment plant which could meet full capacity of 75,000 gallons per day within 5 to 10 years. Certainly, the threshold of 60,000 gallons per day will be met within a shorter period of time.
5. Will Park funds be used to prepare land for irrigation of treated effluent and maintaining the treatment plant? Will there be an undue burden placed on the Park as funds are used to meet the needs of the treatment plant?
6. How do we ensure that there is NO discharge of treated effluent into our waterways, something that could be devastating to Wimberley and to the Park?
7. Is the size of the treatment plant and storage tank something we want as the identifying footprint of the Park given its proximity to RR 3237?
8. To what extent will the treatment plant cause an odor that permeates through the Park and walking trails? Will the trenches being dug to place irrigation lines from the storage tank to the soccer fields cause irreparable harm to the Park knowing that ditches will be dug with a rock saw through sensitive areas of the Park.
9. Proper planning and careful consideration is critical to protecting the integrity of the Park. A Master Plan for Wastewater was completed in 2004 and is no longer useful because it calls for a potential increase of the treatment plant to 300,000 gallons per day. Consequently, to protect the park and ensure that the Park is not overburdened with excessive irrigation and, extensive park land being set aside for wastewater irrigation, It is time to prepare a Wastewater Master Plan taking into full consideration the present and future impact on the Park, which master plan should include the following:
  - (i) identification of land to be used for future irrigation;
  - (ii) cost for preparation of the land to be used for irrigation;
  - (iii) consider how the wastewater treatment plant and land set aside for irrigation effectively fit into the Park Master Plan and identify any future pitfalls that could negatively impact the Park from operating the treatment plant in the Park and setting aside land for irrigation;
  - (iv) preparation of a plan that would not include the discharge of treated effluent into our waterways, and
  - (v) development of long -range plans for handling future wastewater when the treatment plant reaches full capacity of 75,000 gallons per day;

10. Finally, we have had enough of committees and public hearings. It is time to move forward in a way that will find the best option available to protect the integrity of the Park and not financially overburden or deprive the Park of needed funds. Should we not take a more regional approach that would include a joint effort by both the City of Woodcreek and City of Wimberley to accomplish a more regionalized approach to dealing with wastewater and water needs. There are respected individuals in the community who have much experience in wastewater treatment plants and have expressed interest in working with the City to open the dialogue and consider alternative options as the City moves forward. Two that come to mind are Lee Conatser and Wendell Payton. Mr. Payton's company did bid on the original plans. He would work with the City and forego any future bid of any subsequent project to help in whatever way possible. There are others who would be willing to give direction. But until the City becomes open and objective in finding environmentally sound, economically feasible and consider meeting long-range regional wastewater needs, we will likely continue this great divide and the unintended consequences could be devastating for the Park. It is time to find the right answers through independent thinking by city council members who hopefully have the foresight to see beyond the 75,000 gallon treatment plant and provide for a long range plan that would meet our wastewater needs for years to come, provide water in the park, limit the impact that a wastewater treatment plant would have on the Park, and offer a more responsible plan that combines several features that would benefit many and protect against any discharge into our waterways.



**AGENDA ITEM:** Code Compliance Presentation  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

**ITEM DESCRIPTION/SUMMARY**

The City Administrator will provide a summary of how Code Compliance is administered in the City.

**REQUESTED ACTION**

- Motion
- Discussion
- Ordinance
- Resolution
- Other

**FINANCIAL**

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

**STAFF RECOMMENDATION**

**ATTACHMENTS:**



**AGENDA ITEM:** Consent Agenda  
**SUBMITTED BY:** Laura Calcote, City Secretary  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

- A. Approval of minutes from the Regular City Council Meeting held May 16, 2019.
- B. Approval of minutes from the Special City Council Meeting held May 21, 2019.
- C. Approval of minutes from the Special City Council Meeting held May 29, 2019.
- D. Approval of Place Four Council Member Gary Barchfeld’s appointment of Michael Bower to the Transportation Advisory Board.
- E. Approval of Place Four Council Member Gary Barchfeld’s appointment of Natalie Meeks to the Comprehensive Plan Review Team.

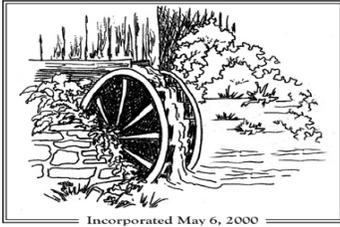
### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

### STAFF RECOMMENDATION



# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

**REGULAR CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**THURSDAY, MAY 16, 2019 – 5:30 P.M.**

## MINUTES

### CALL TO ORDER

Mayor Susan Jagggers called the meeting to order at 5:30 p.m.

### CALL OF ROLL

Council Members Present:

Susan Jagggers	Mayor
Rebecca Minnick	Place One
Craig Fore	Place Two
Christine Byrne	Place Three
Gary Barchfeld	Place Four
Bo Bowman	Place Five

City Staff Present:

Shawn Cox	City Administrator
Laura Calcote	City Secretary
Charlie Zech	City Attorney
Rebecca Manning	Parks Director
Terri Provost	Wimberley Community Center Director
John Provost	Public Works Superintendent
Sandy Floyd	Planning & Development Coordinator/GIS Analyst

### INVOCATION

Council Member Gary Barchfeld gave the invocation.

### PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Susan Jagggers led the pledges to the United States and Texas flags.

### CITIZENS COMMUNICATIONS

There were four citizen's comments. They were as follows:

1. Steve Thurber thanked the election candidates who ran for City Council during the 2019 General Election and congratulated the three new Council members.
2. Phil Collins addressed Council regarding the ongoing litigation expenses and utilized resources for the Risoli v. Wimberley Board of Adjustment case. Mr. Collins recommended the City immediately end all legal expenditures associated with the case and focus on more important issues facing the City.

3. Donna Gary and several children invited to City Council and the audience to the Imagine the Wimberley Valley event on Sunday, May 19, 2019, from 2:00 p.m. to 5:00 p.m. at the Wimberley Community Center.

4. Lila McCall spoke regarding the City's ongoing problems, including several lawsuits, which reflected poor leadership for the City's form of government. Ms. McCall noted the turnover occurring on City Council each May, and the lack of continuity the variation in Council members was creating.

**PRESENTATIONS AND POSSIBLE ACTION**

A. Presentation and consider possible action regarding the draft Cypress Creek Nature Trail and Preserve Master Plan. (*Wimberley Valley Watershed Association Executive Director David Baker*)

Wimberley Valley Watershed Association Executive Director David Baker presented Council a memo regarding the status of the draft Cypress Creek Nature Preserve Master Plan. Mr. Baker noted additional time was needed to complete the draft, due to the expanding scope of the Plan, the high public engagement process and stakeholder involvement. He requested an additional 30 to 45 days to bring a draft Master Plan to City Council.

**Motion to allow an additional 60 days to complete the draft Cypress Creek Nature Trail and Preserve Master Plan to present to the Parks and Recreation Board and then to City Council was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).**

***Motion to move Item 6.B. – GLO Projects to after Executive Session was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (5-0).***

B. Presentation and consider possible action regarding the City of Wimberley's guidelines for General Land Office (GLO) projects. (*City of Wimberley*)

**EXECUTIVE SESSION**

City Council adjourned into Executive Session at 5:52 p.m., in accordance with Texas Government Code, Chapter 551, Subchapter D, for the following purposes:

A. Section 551.071 for Consultation with Attorney to receive legal advice regarding litigation in Cause No. 16-2419; Risoli v. City of Wimberley and Wimberley Board of Adjustment; 207<sup>th</sup> District Court, Hays County, Texas.

B. Section 551.071 for Consultation with Attorney to receive legal advice regarding litigation in Cause No. 13-0895-C; Creekhaven, LLC, and William D. Appleman v. City of Wimberley Board of Adjustment.

C. Section 551.071 for Consultation with Attorney to receive legal advice regarding litigation in Cause No. 19-0279-C; Madrone Office Park & Storage, LLC v. City of Wimberley Board of Adjustment.

D. Section 551.071 for Consultation with Attorney to receive legal advice regarding an Aqua Texas contract.

## **OPEN SESSION**

Regular Session reconvened at 6:07 p.m.

Council Member Craig Fore left the meeting at 6:07 p.m.

City Attorney Charlie Zech informed Council the three ongoing lawsuits are against the City of Wimberley Board of Adjustment (BOA) and advised that City Council does not have the authority to settle without BOA, since the Board is a quasi-judicial body. Mr. Zech noted the Madrone Office Park & Storage case would be abated, if the plaintiff was able to obtain a Wimberley Planned Development District for the property.

Dwayne Patlyek was allowed to speak after Open Session. Mr. Patlyek stated City ordinances were not being enforced by City staff and noted several issues, including groundwater pollution by rainwater runoff, non-livable mobile homes, and variances being improperly granted. He contended City Council was responsible for action to address these issues.

## **CONSENT AGENDA**

City Secretary Laura Calcote advised Item D was cancelled due to a lack of a quorum for the Special City Council Meeting on May 14, 2019 at 2:15 p.m.

**Motion to approve the Consent Agenda, excluding Item D, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (4-0).**

- A. Approval of minutes from the Regular City Council Meeting held May 2, 2019.
- B. Approval of minutes from the Special City Council Meeting held May 8, 2019.
- C. Approval of minutes from the Special City Council Meeting held May 14, 2019 at 2:00 p.m.
- D. Approval of minutes from the Special City Council Meeting held May 14, 2019 at 2:15 p.m.
- E. Approval of the March 2019 Financial Statements of the City of Wimberley.
- F. Approval of Place One Council Member Rebecca Minnick's appointment of Teresa Shell to the Planning and Zoning Commission.
- G. Approval of Place Three Council Member Christine Byrne's reappointment of Peter Lingamfelter to the Planning and Zoning Commission.
- H. Approval of Austin Weeks as the consensus member to the Planning and Zoning Commission.

Presentation and consider possible action regarding the City of Wimberley's guidelines for General Land Office (GLO) projects. (*City of Wimberley*)

Judy Langford, of Langford Community Management Services, Inc., addressed Council regarding the Texas General Land Office Community Development Block Grant – Disaster Recovery (CDBG-DR) Housing Guidelines for the 2015 Flood Events. The guidelines had been posted on the City's website since January 2019 for public comment. The grant was to aid low to moderate households in the City of Wimberley. There was discussion among Council and Ms. Langford regarding the expiration of the funds and the application process.

**Motion to postpone this item until the June 6<sup>th</sup> City Council Meeting was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).**

**CITY ADMINISTRATOR REPORT**

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project, including lift station submittals, chip sealing of Blue Herron and Oak Drive and Texas Water Development Board approval status for the change in scope. Mr. Cox also addressed code compliance within the City pertaining to septic systems, mobile/manufactured homes, fencing and gutters. Additionally, Mr. Cox noted sales tax was higher than last year at the same time and provided an update on the impact of recent weather events on City roads and bridges. The Blackboard system would be utilized to notify residents in the event of a weather emergency.

**DISCUSSION AND POSSIBLE ACTION**

***Motion to Move Item No. 11.J. – Comprehensive Plan Review Committee to 11.A. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).***

A. Discuss and consider possible action to approve the change in scope to the Comprehensive Plan Review Committee. *(Committee Chair Phil Collins)*

Comprehensive Plan Review Committee Chair Phil Collins presented the proposed change in scope and support for the Committee’s mission. Mr. Collins provided a general timeline for review of the Comprehensive Plan. There was discussion among Council members and Mr. Collins regarding the gathering of information and the yearly review of the Plan. City Council’s responsibility would be to approve the revised Comprehensive Plan.

**Motion to approve the change in scope to the Comprehensive Plan Review Committee was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).**

B. Discuss and consider possible action to approve the first reading of Ordinance No. 2019-12, amending Chapter 12 Utilities, Article 12.02 Water and Sewers, Division 3 Sewer Connections and Extensions, Section 12.02.072 Connection to Sewer System Required by adding provisions authorizing interim pump and haul service for existing and new businesses; providing an effective date; providing for severability; providing for a penalty not to exceed two thousand dollars. *(City Administrator Shawn Cox)*

**Motion to approve the first reading of Ordinance No. 2019-12, amending Chapter 12 Utilities, Article 12.02 Water and Sewers, Division 3 Sewer Connections and Extensions, Section 12.02.072 Connection to Sewer System Required by adding provisions authorizing interim pump and haul service for existing and new businesses; providing an effective date; providing for severability; providing for a penalty not to exceed two thousand dollars was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).**

C. Discuss and consider possible action regarding the addition of a \$200 refundable deposit to all seasonal Field Usage Agreements at Blue Hole Regional Park. *(Parks Director Rebecca Manning)*

**Motion to add a \$200 refundable deposit to all seasonal Field Usage Agreements at Blue Hole Regional Park was made by Council Member Christine Byrne. Motion was**

**seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).**

- D. Discuss and consider possible action to approve \$2,500 to replace an inoperative grinder pump at the Blue Hole Regional Park playscape restroom facility. (*Parks Director Rebecca Manning*)  
**Motion to approve \$2,500 to replace an inoperative grinder pump at the Blue Hole Regional Park playscape restroom facility was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).**
- E. Discuss and consider possible action to relocate the existing Pedernales Electric Cooperative easement along Preston Road. (*City of Wimberley*)  
Items E and F were heard together, since they both pertained to Preston Road. Pedernales Electric Cooperative (PEC) Vice President of Engineering, Brian Gedrich, addressed Council regarding PEC's offer to purchase an electric utility easement along Preston Road. The value for the easement would be \$29,386.87, plus an incentive of 35%, for a total of \$39,685.77. The easement value was offered to help expedite the easement acquisition process for the Project.  
**Motion to authorize the relocation of the existing Pedernales Electric Cooperative easement along Preston Road, in the amount of \$39,685.77, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (4-0).**
- F. Discuss and consider possible action for the vacation, abandonment and conveyance of Preston Road, Wimberley, Hays County, Texas. (*City of Wimberley*)  
Cristen Carey Daniel addressed Council. The Carey's and associated families lost family members in the 2015 Memorial Day Flood in Wimberley. The Carey family was now seeking to rebuild on the property but needed additional land to do so for a more elevated location out of the flood zone.  
There was discussion among Council members regarding the City's ownership of Preston Road, and the conveyance of public property to private.  
**Motion to approve the vacation, abandonment and conveyance of Preston Road, Wimberley, Hays County, Texas was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).**
- G. Discuss and consider possible action to amend the City of Wimberley Governance Policy and Rules of Procedure regarding City Council meetings and speakers. (*Place Five Council Member Bo Bowman*)  
Council Member Bo Bowman presented an amendment to Section 5.1 of the Governance Policy and Rules of Procedure for Regular City Council meetings to begin at 6:00 p.m., to strike Section 5.2 regarding Special City Council meeting dates and times and to strike the first sentence of the citizen communications language on City Council agendas to be replaced with previous language.  
**Motion to amend the City of Wimberley Governance Policy and Rules of Procedure regarding Sections 5.1 and 5.2 and citizen communication language on City Council agendas was made by Council Member Bo Bowman. Motion was seconded by Council Member Rebecca Minnick. Motion carried unanimously (4-0).**

H. Discuss and consider possible action to schedule a workshop pertaining to the Rules of Decorum and meeting procedures. *(Place One Council Member Rebecca Minnick)* Council Member Rebecca Minnick contended a workshop regarding parliamentary procedure and rules of decorum for City Council meetings would be beneficial to the body in order to conduct more productive and business-like meetings. No date and time were set for the workshop.

**Motion to schedule a future workshop pertaining to the Rules of Decorum and meeting procedures was made Council Member Rebecca Minnick. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).**

I. Discuss and consider possible action regarding the development of an ordinance to form a Downtown District Improvement Task Force. *(Place One Council Member Rebecca Minnick)* Council Member Rebecca Minnick stated the Wimberley Downtown District suffers from insufficient infrastructure, such as sidewalks, street lighting, adequate signage and traffic congestion. Council Member Minnick noted establishing a task force composed of key constituents and local representatives from interested entities and parties could aid in identifying the infrastructure needs in the downtown area.

**Motion to direct the City Administrator to develop an ordinance to form a Downtown District Improvement Task Force was made by Council Member Rebecca Minnick. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).**

J. Discuss and consider possible action to schedule a workshop regarding the Central Wimberley Wastewater Project. *(Place Three Council Member Christine Byrne)*

**Motion to direct the City Administrator to schedule a town hall meeting to discuss the status of the Central Wimberley Wastewater Project was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).**

### **CITY COUNCIL REPORTS**

A. Announcements – Public Works Superintendent John Provost reminded Council and the audience about the Blues and BBQ Cook Off on Saturday, May 18, 2019, from 11:00 a.m. until 7:00 p.m.

B. Future agenda items – A Special City Council Meeting had been requested by three members of Council for Tuesday, May 21, 2019, at 5:00 p.m.

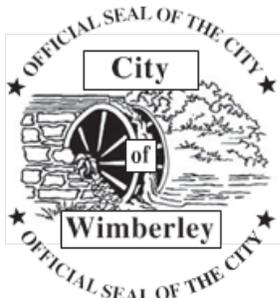
### **ADJOURNMENT**

Mayor Susan Jagers adjourned the meeting at 7:54 p.m., without objection.

### **RECORDED BY:**

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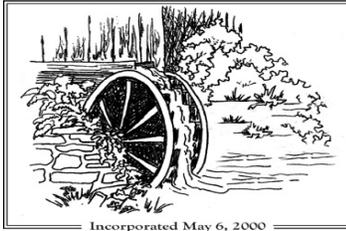
Laura J. Calcote, City Secretary



**APPROVED BY:**

---

Susan Jagers, Mayor



# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

**SPECIAL CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**TUESDAY, MAY 21, 2019 – 5:00 P.M.**

**MINUTES**

**CALL TO ORDER**

Mayor Pro Tem Gary Barchfeld called the meeting to order at 5:02 p.m.

**CALL OF ROLL**

Council Members Present: Rebecca Minnick Place One  
Christine Byrne Place Three  
Gary Barchfeld Place Four  
Bo Bowman Place Five

Council Members Absent: Susan Jagers Mayor  
Craig Fore Place Two

City Staff Present: Shawn Cox City Administrator  
Laura Calcote City Secretary

**DISCUSSION AND POSSIBLE ACTION**

***Motion to move Item No. 3.D. – GLO Projects to Item No. 3.A. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).***

A. Discuss and consider possible action regarding the City of Wimberley’s guidelines for General Land Office (GLO) projects.

**Motion to approve the City of Wimberley’s Community Development Block Grant – Disaster Recovery (CDBG-DR) Housing Guidelines for General Land Office projects was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).**

B. Discuss and consider possible action to elect a Mayor Pro Tem.

**Motion to nominate and elect Rebecca Minnick as Mayor Pro Tem was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried as follows (3-1):**

Rebecca Minnick Aye  
Christine Byrne Aye  
Bo Bowman Aye

Gary Barchfeld      Nay

- C. Discuss and consider possible action to remove the previous Mayor Pro Tem as signatory to the City of Wimberley bank accounts, effective immediately.  
**Motion to remove the previous Mayor Pro Tem Gary Barchfeld as signatory to the City of Wimberley bank accounts, effective immediately, was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).**
  
- D. Discuss and consider possible action to add the new Mayor Pro Tem as signatory to the City of Wimberley bank accounts, effective immediately.  
**Motion to add the new Mayor Pro Tem Rebecca Minnick as signatory to the City of Wimberley bank accounts, effective immediately, was made by Council Member Christine Byrne. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (4-0).**

**ADJOURNMENT**

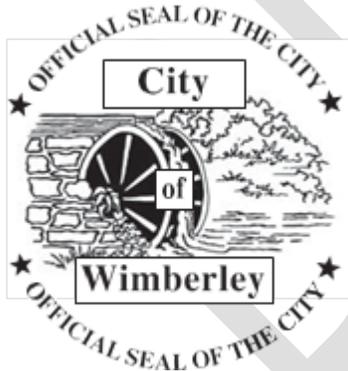
**Motion to adjourn the meeting at 5:10 p.m. was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Christine Byrne. Motion carried unanimously (4-0).**

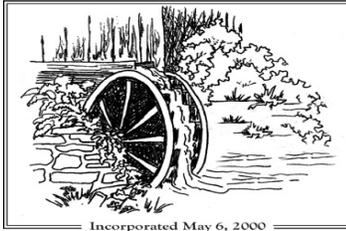
**RECORDED BY:**

\_\_\_\_\_  
Laura J. Calcote, City Secretary

**APPROVED BY:**

\_\_\_\_\_  
Susan Jagers, Mayor





# City of Wimberley

221 Stillwater Drive, Wimberley, Texas 78676

**SPECIAL CITY COUNCIL MEETING**  
**WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS**  
**221 STILLWATER, WIMBERLEY, TEXAS 78676**  
**WEDNESDAY, MAY 29, 2019 – 6:00 P.M.**

**MINUTES**

**CALL TO ORDER**

Mayor Susan Jaggars called the meeting to order at 6:00 p.m.

**CALL OF ROLL**

Council Members Present:	Susan Jaggars	Mayor
	Rebecca Minnick	Place One
	Craig Fore	Place Two
	Christine Byrne	Place Three
	Gary Barchfeld	Place Four
	Bo Bowman	Place Five

City Staff Present:	Shawn Cox	City Administrator
	Laura Calcote	City Secretary
	Charlie Zech	City Attorney

***Motion to move Executive Session before Discussion and Possible Action was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).***

**EXECUTIVE SESSION**

City Council adjourned into Executive Session at 6:01 p.m. pursuant to Section 551.071 of the Texas Government Code Consultation with Attorney regarding Case No. 19-1203; Steve Thurber vs. The City of Wimberley.  
Regular Session reconvened at 6:20 p.m.

**DISCUSSION AND POSSIBLE ACTION**

Discuss and consider possible action to engage Fletcher, Farley, Shipman & Salinas, LLP for representation in the Steve Thurber vs. The City of Wimberley lawsuit.  
**Motion to engage Fletcher, Farley, Shipman & Salinas, LLP for representation in the Steve Thurber vs. the City of Wimberley lawsuit was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (5-0).**

**ADJOURNMENT**

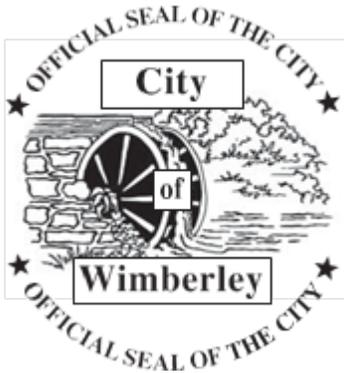
Motion to adjourn the meeting at 6:21 p.m. was made by Council Member Craig Fore. Motion was seconded by Council Member Bo Bowman. Motion carried unanimously (5-0).

**RECORDED BY:**

\_\_\_\_\_  
Laura J. Calcote, City Secretary

**APPROVED BY:**

\_\_\_\_\_  
Susan Jagers, Mayor



DRAFT



**AGENDA ITEM:** City Administrator's Report  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City Administrator will provide an update to Council on the progress of the Central Wimberley Wastewater Project, including construction progress, expenditures to date, and other updates related to the project. Additionally, updates will be provided on road projects and utilization of the City's Blackboard Notification System.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

### STAFF RECOMMENDATION



**AGENDA ITEM:** Pump & Haul Ordinance  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

On December 7, 2017, the City adopted Ordinance No. 2017-025, which allowed existing and new business in the City to “pump, haul, and properly dispose of wastewater effluent prior to the installation of a sanitary sewer system”. The original ordinance is set to expire on June 7, 2019.

Currently there are 2 properties utilizing pump & haul. There are additional properties that have begun to look into it.

For consideration is the adoption of Ordinance No. 2019-12, which would amend Sec. 12.02.072 – Connection to Sewer System Required, by adding provisions which authorize interim pump and hauls service for existing and new business. This is the second reading and final of Ordinance No. 2019-12. The Ordinance was read for the first time on May 16, 2019 and passed unanimously (4-0).

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

### STAFF RECOMMENDATION

The City Administrator recommends adoption of Ordinance No. 2019-12.

**ATTACHMENTS:**

- Ordinance No. 2017-025
- Ordinance No. 2019-12

**ORDINANCE NO. 2019-12**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING CHAPTER 12 UTILITIES, ARTICLE 12.02 WATER AND SEWERS, DIVISION 3 SEWER CONNECTIONS AND EXTENSIONS, SECTION 12.02.072 CONNECTION TO SEWER SYSTEM REQUIRED BY ADDING PROVISIONS AUTHORIZING INTERIM PUMP AND HAUL SERVICE FOR EXISTING AND NEW BUSINESSES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS**

**WHEREAS**, the City Council of the City of Wimberley (“City Council”) seeks to promote health, safety and general welfare of the citizens of the City of Wimberley (“City”); and

**WHEREAS**, the City Council seeks to ensure that sewer utility service is adequate and efficient for the citizens of the City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out power granted by law to the City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the Council considers proper for the government, interest, welfare or good order of the City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 402.001, the City is authorized to purchase, construct and operate utility systems, including sewer systems; and

**WHEREAS**, the City desires to promote development while ensuring the proper disposal of wastewater effluent and sewer on a temporary basis; and

**WHEREAS**, the City previously adopted Ordinance No. 2017-025 allowing existing and new businesses that elect to pump, haul and properly dispose of wastewater effluent and sewage produced at the business on a temporary, interim basis while awaiting hookup to a sanitary sewer system will expire on June 7, 2019; and

**WHEREAS**, the City hereby finds that it is in the best interest of the City and residents to adopt and codify regulations related to interim pump and haul service.

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

Section 1. That Chapter 12 Utilities, Article 12.02 Water and Sewers, Division 3 Sewer Connections and Extensions, Section 12.02.072 Connection to Sewer System Required is hereby amended by adding provisions authorizing interim pump and haul service for existing and new businesses as set forth in the attached Exhibit A.

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America and any person who violates any provision of this Ordinance for which no other penalty is provided shall, upon conviction, be subject to penalties as set forth in Section 1.01.009 of the City Code.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED AND APPROVED First Reading this 16<sup>th</sup> day of May 2019, by a vote of 4 (Ayes), 0 (Nays), and 0 (Abstentions)

PASSED AND APPROVED Second Reading this \_\_\_\_ day of June 2019, by a vote of \_\_ (Ayes), \_\_\_\_ (Nays), and \_\_ (Abstentions)

\_\_\_\_\_  
Susan Jagers, Mayor

ATTEST:

\_\_\_\_\_  
Laura Calcote, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



## EXHIBIT A

**Chapter 12 Utilities, Article 12.02 Water and Sewers, Division 3 Sewer Connections and Extensions, Section 12.02.072 Connection to Sewer System Required is hereby amended by adding provisions authorizing interim pump and haul service for existing and new businesses as set forth in bold underscore as follows:**

### **Sec. 12.02.072 Connection to sewer system required**

(a) Jurisdiction. This section applies to all properties within the city limits and extraterritorial jurisdiction of the city.

(b) Connection required. All property owners are required to connect their buildings or structures located on the property to the city's sewer system in accordance with the following provisions:

(1) Existing on-site sanitary sewer systems.

(A) Within forty-five (45) days of notice from the city of the availability of the city's sewer system to the public, all property owners that own buildings or properties connected to an on-site sanitary sewer system shall connect to the city's sewer system and shall immediately cease using the on-site sanitary sewer system upon such connection. Such connections shall be made subject to the applicable charges provided by current city requirements.

(B) If the building or property is not connected to the city's sewer system within the time prescribed or operation of the on-site sanitary sewer system is not discontinued, it shall be a violation of this chapter and subject the property owner to the penalties under [section 12.02.065](#) of this code. In addition to the penalties under [section 12.02.065](#), the city administrator may provide written notice to the person owning or having possession or control of the property required to be connected to the city's sewer system. Such notice shall also state that, upon failure of the property owner or occupant to connect to the city's sewer system within thirty (30) days from the date of the notice, the city will connect the property to the city's sewer system, and will charge the cost and expense incurred by the city to connect the property to the city's sewer system to the owner of such property, and that the city may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the city, or may undertake other measures within the city's authority to recover the costs. The notice provided for in this section shall be in writing and either served personally or sent by letter addressed to the owner of such property at the address of the property, or at the address as identified by the appraisal district.

(2) New connections. The owner of every new building intended for human habitation or occupancy applying for a certificate of occupancy on property within one hundred fifty (150) feet of the city's existing or proposed sewer system or facilities, shall be connected to the city's sewer system in accordance with the city's sewer service and extension ordinances. A separate connection for each house or building on the property requiring service shall be required. All new subdivisions within one hundred fifty (150) feet of the city's existing or proposed sewer system or facilities shall be connected to the city's sewer system in accordance with the city's sewer service

and extension ordinances. If a building or property is to be served by the city's sewer system, the wastewater lines to serve each building or property must be installed before the certificate of occupancy may be issued and the building or property is occupied. Any property owner having installed a new septic system on property within one hundred fifty (150) feet of the city's existing or proposed sewer system or facilities since January 1, 2013 up until the ordinance from which this subsection derives is passed, will be given eight (8) years, since the issuance of their septic permit, to connect to the city's sewer system.

**(c) Exception. Owners of new or existing commercial establishments that are not located within one hundred fifty (150) feet of the city's existing or proposed sewer system or facilities at the time they apply for a building permit or certificate of occupancy may file a request with the City to use interim pump and haul service until such time the city's existing or proposed sewer system or facilities are available within one hundred fifty (150) feet in accordance with the following provisions:**

**(1) Requests must be filed with and approved by the City Sanitarian and City Administrator.**

**(2) In consideration for the City authorizing the issuance of building permits and certificates of occupancy as provided herein, the property owner, at its sole cost and expense, shall cause wastewater from the property to be pumped and hauled and disposed of in a manner that is compliant with applicable local, state, and federal regulations, and that does not result in any spills, leaks, or detriment to the public health, safety or welfare.**

**(3) The property owner shall at all times maintain all facilities related to the pump and haul service in good repair and working condition and all wastewater effluent in compliance with applicable law.**

**(4) The property owner shall contract with a reputable company that holds all licenses required by the state.**

**(5) The pump and haul shall continue until such time that the city's existing or proposed sewer system or facilities are available within one hundred fifty (150) feet of the subject property.**

**(6) When the city's existing or proposed sewer system or facilities are available within one hundred fifty (150) feet of a property that is using pump and haul services, the city administrator or designee shall provide written notice to the person owning or having possession or control of the property required to be connected to the city's sewer system that, upon failure of the property owner or occupant to connect to the city's sewer system within thirty (30) days from the date of the notice, the city will connect the property to the city's sewer system, and will charge the cost and expense incurred by the city to connect the property to the city's sewer system to the owner of such property, and that the city may place a lien on such property for those costs and expenses, may institute suit against the owner to collect the costs incurred by the city, or may undertake other measures within the city's authority to recover the costs.**

(7) The notice provided for in this section shall be in writing and either served personally or sent by letter addressed to the owner of such property at the address of the property, or at the address as identified by the appraisal district.

**ORDINANCE NO. 2017-025**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, ALLOWING EXISTING AND NEW BUSINESSES TO PUMP, HAUL AND PROPERLY DISPOSE OF WASTEWATER EFFLUENT PRIOR TO THE INSTALLATION OF A SANITARY SEWER SYSTEM.**

**WHEREAS**, the City Council of the City of Wimberley (“City Council”) seeks to promote health, safety and general welfare of the citizens of the City of Wimberley (“City”); and

**WHEREAS**, the City Council seeks to ensure that sewer utility service is adequate and efficient for the citizens of the City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City Council is authorized to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out power granted by law to the City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.012, the City Council is authorized to adopt an ordinance, not inconsistent with state law, that the Council considers proper for the government, interest, welfare or good order of the City; and

**WHEREAS**, pursuant to Texas Local Government Code Section 402.001, the City is authorized to purchase, construct and operate utility systems, including sewer systems; and

**WHEREAS**, the City desires to promote development while ensuring the proper disposal of wastewater affluent and sewer on a temporary basis.

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

Existing and new businesses that elect to pump, haul and properly dispose of wastewater effluent and sewage produced at the business on a temporary, interim basis while awaiting hookup to a sanitary sewer system would be eligible for a variance from the requirements delineated in this ordinance for on-site sewage facilities. This ordinance shall expire 18 months from the date of passage.

PASSED AND APPROVED this 7<sup>th</sup> day of December, 2017, by a vote of 5 (Ayes), 0 (Nays), and 0 (Abstentions)



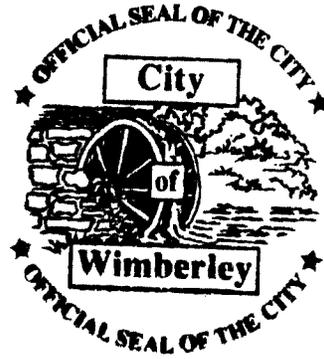
\_\_\_\_\_  
Herschel P. “Mac” McCullough, Mayor

ATTEST:

Laura Calcote  
Laura Calcote, City Secretary

APPROVED AS TO FORM:

GBY  
City Attorney  
Diply





**AGENDA ITEM:** Downtown Committee  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

**ITEM DESCRIPTION/SUMMARY**

At the May 16, 2019 Council Meeting, the City Council directed that an ordinance establishing a Downtown Committee be created.

For consideration is Ordinance No. 2019-16, which if adopted would add the Downtown District Committee to Section 2.04 of the City’s Code of Ordinances. The Committee, purpose will be to

Stimulate downtown economic development in Wimberley, Texas by encouraging cooperation and building leadership in the business community; creating a positive image for downtown by promoting the downtown as an exciting place to live, shop, work and invest; and guide and assist in improving the downtown appearance, mobility, safety, comfort, and environmental protection,

Additionally, the Committee will be comprised of seven (7) consensus members, appointed by the City Council. The primary duties of the Committee will be to look at ways to improve the downtown area. These areas would include mobility, signage, and facilities. Additionally, the Committee will work with the City towards the development of a downtown master plan. The Committee can, if necessary, create sub-committees which can aide in addressing specific topics of interest.

**REQUESTED ACTION**

- Motion
- Discussion
- Ordinance
- Resolution
- Other

**FINANCIAL**

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

**STAFF RECOMMENDATION**

**ATTACHMENTS:**

- Ordinance No. 2019-16

**ORDINANCE NO. 2019-16**

**AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS, AMENDING ARTICLE 2.04 BOARDS, COMMISSIONS AND COMMITTEES OF THE CODE OF ORDINANCES BY ESTABLISHING SECTION 2.04.005, DOWNTOWN DISTRICT COMMITTEE AND PROVIDING FOR THE DUTIES, APPOINTMENT AND REMOVAL OF COMMITTEE MEMBERS.**

**WHEREAS**, the City Council of the City of Wimberley seeks to revitalize its downtown area; and

**WHEREAS**, the City Councils understands the importance of downtown Wimberley and its impact on the City’s economy and that of the entire Wimberley Valley; and

**WHEREAS**, the City Council finds it necessary to seek input from specific areas of expertise in the improvement and development of the City’s downtown area; and

**WHEREAS**, the City Council finds and determines that the creation of committee to for purposes evaluating and recommending to City Council strategies to stimulate downtown economic development in Wimberley, Texas by encouraging cooperation and building leadership in the business community; creating a positive image for downtown by promoting the downtown as an exciting place to live, shop, work and invest; and guide and assist in improving the downtown appearance, mobility, safety, comfort, and environmental protection.

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

**SECTION I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II. DOWNTOWN DISTRICT COMMITTEE**

The City of Wimberley Code of Ordinances Chapter 2, Article 2.04 is hereby amended by adding Section 2.04.005 Downtown District Committee as follows with a strike through being a deletion from the Code and an underline being an addition to the Code:

- A. **Purpose.** The purposes for which this Committee is organized are to stimulate downtown economic development in Wimberley, Texas by encouraging cooperation and building leadership in the business community; creating a positive image for downtown by promoting the downtown as an exciting place to live, shop, work and invest; and guide and assist in improving the downtown appearance, mobility, safety, comfort, and environmental protection.
- B. **Duties.** The board shall hold public meetings, conduct work sessions, and make recommendations to the city council regarding improvements to the downtown area,

including but not limited to mobility, signage, facilities, and the development of a downtown master plan.

- C. **Composition.** A member of the committee shall have a known and demonstrated interest, knowledge or expertise relevant to the development and revitalization of Downtown. The Committee shall have seven members, comprised of the following:
- a. Three downtown property or business owners
  - b. Two Residents of the City of Wimberley
  - c. One Wimberley valley Chamber Representative
  - d. One Merchants Association Member
- D. **Appointment of members; vacancies.** The members of the Committee shall be appointed by consensus and, shall serve at the pleasure of the City Council. The primary consideration in appointing Committee members shall be to provide the Committee with the needed technical, professional, financial, business, or administrative expertise.
- E. **Terms of members.** The term of each Committee member shall be two years from the date of appointment.
- F. **Removal of members.** Committee members serve at the pleasure of city council. The city council may by majority vote remove a Committee member at any time. Any Committee member who misses three (3) consecutive meetings, or one-third (1/3) of all regular meetings within a 12-month time period shall be deemed to have automatically vacated his or her position on the Committee. This section shall not apply to a Committee member who applied for and received an excused absence from the Committee chairperson prior to the meeting(s) at issue. Any Committee member who no longer satisfies the requirements as provided above in subsection (c), is deemed to have automatically vacated his or her position on the Committee.
- G. **Officers.** From among its members the Committee shall elect its officers, those being the chairperson, vice-chairperson, and secretary. Officers shall be elected for a one (1) year term. The Committee chairperson shall preside over all meetings and may vote. If the chairperson fails or refuses to act, the vice-chairperson shall perform the duties of the chairperson. If the chairperson and vice-chairperson are absent or refuse to act, any Committee member may be appointed by the Committee to preside over the meeting.
- H. **Meetings.** The Committee shall conduct regular monthly meetings at city hall. Special meetings may be called by the Committee chairperson or upon application of three (3) Committee members. A quorum shall be comprised of four (4) Committee members. The Committee may determine the rules of its proceedings.
- I. **Open meetings.** The Committee shall comply with the provisions of chapter 551, Texas Government Code, commonly referred to as the Open Meetings Act, including posting

notices and agendas so as to adequately inform the public of the time, location and substance of business to be undertaken. Meetings closed to the public or executive sessions are normally not appropriate for Committees, commissions and committees and will not be conducted without the advice and consent of the city attorney. All Committees, commissions and committees must keep at least summary records of their proceedings and these records will be accessible to the public.

- J. **Sub-Committees.** The Committee may create special committees with limited purposes or goals to perform specific functions and activities specified by the Committee. At the beginning of each calendar year the Committee shall determine if any Special Committees then in existence need to continue the work assigned to them. No Special Committee shall be comprised of more than two members of the Downtown Committee. Special Committee may recruit members from interested parties who have a known and demonstrated interest, knowledge or expertise relevant to the Special Committee’s function.

### **SECTION III. SAVINGS**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

### **SECTION IV. SEVERABILITY**

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

### **SECTION V. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage.

### **SECTION VI. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was 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, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this \_\_\_ day of \_\_\_\_\_, 2019.

CITY OF WIMBERLEY

\_\_\_\_\_  
Susan Jagers, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Calcote, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



**AGENDA ITEM:** Blue Hole Nature Camp Scholarship Program  
**SUBMITTED BY:** Rebecca Manning, Parks Director  
**DATE SUBMITTED:** 5/29/19  
**MEETING DATE:** 6/6/19

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Friends of Blue Hole received a grant from Wimberley Community Civic Club for the amount of \$750.00 to support the Blue Hole Nature Camp Scholarship Program. This grant money will fund 5 campers to attend a full week of Nature Camp for free. Friends of Blue Hole is donating the funds received from the WCCC to the City. City Council will need to vote to accept the check from Friends of Blue Hole.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

### STAFF RECOMMENDATION

Staff recommends to approve this item.



**AGENDA ITEM:** Acquisition of Real Property  
**SUBMITTED BY:** Richard Shaver, Programs and Operations Manager & Rebecca Manning, Parks Director  
**DATE SUBMITTED:** May 29, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Seeking Council approval to support staff to inquire about a possible acquisition of 287.74-acres of parkland to the City of Wimberley Parks Department. No City funds will be utilized at this time. 0 FM 2325, Wimberley, TX 78676 — Hays County is for sale for \$9,500,000.00. The property is under the Revocable Living Trust of Martha Kirschhoff. The property is in Woodcreek and Wimberley ETJ. If acquired, Wimberley would need to request Woodcreek to voluntarily de-annex part of the property. Possible grants and partnerships for the acquisition and development of the property would be Texas Parks and Wildlife, Hays County, the Conservation Alliance, Doris Duke Charitable Foundation, the National Recreation and Parks Society, the National Parks Service, and others.

Listing: <https://www.estately.com/listings/info/0-fm-2325>

### REQUESTED ACTION

- |            |                                     |                                 |
|------------|-------------------------------------|---------------------------------|
| Motion     | <input checked="" type="checkbox"/> |                                 |
| Discussion | <input checked="" type="checkbox"/> | Possible Executive Session Item |
| Ordinance  | <input type="checkbox"/>            |                                 |
| Resolution | <input type="checkbox"/>            |                                 |
| Other      | <input type="checkbox"/>            |                                 |

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget  |    |

### STAFF RECOMMENDATION







**AGENDA ITEM:** Road Repair – Flite Acres @ Little Ranches  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** April 15, 2019  
**MEETING DATE:** April 18, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City has been working with the City Engineer, Transportation Advisory, Board, and Hays County to develop a solution for the intersection at Flite Acres and Little Ranches. Currently there exists a significant dip at the intersection which can cause vehicles to bottom out.

For consideration is authorization to utilize the County’s to complete the work.

The City, if approved, will utilize its Interlocal Agreement with Hays County for this project. Estimated costs are \$50,523.00. The project includes installation of a concrete gutter and minor road work at the intersection.

	<u>FY 2019 Budget</u>	
	<u>Maintenance</u>	<u>Capital</u>
Budgeted	\$ 80,000	\$ 140,000
Spent to Date	<u>\$ 44,792</u>	<u>\$ 101,208</u>
<b>Balance</b>	<b>\$ 35,208</b>	<b>\$ 38,792</b>

There are sufficient funds remaining in the FY 2019 Adopted Budget for this project.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

**FINANCIAL**

Budgeted Item	<input checked="" type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$ 50,523.00
Not Applicable	<input type="checkbox"/>	Amount Under/Over Budget:	\$

**STAFF RECOMMENDATION**

The City Administrator recommends utilizing the City’s Interlocal Agreement with Hays County to provide road maintenance/repairs on Rocky Springs Road for an amount not to exceed \$50,523.00.

**ATTACHMENT(S)**

- Hays County Estimate – Flite Acres at Little Ranches

**ESTIMATE FOR CITY OF WIMBERLEY ROADWAYS(LITTLE RANCHES/ROCKY SPRINGS)REVISED**

February 28, 2018

<i>ROAD NAME</i>	<i>TIME</i>	<i>OPERATOR LABOR</i>	<i>EXPENSES</i>	<i>EQUIP USAGE &amp; FUEL</i>	<i>EXPENSES</i>	<i>MATERIALS</i>	<i>EXPENSES</i>	
<b>CONCRETE VALLEY GUTTER</b>	15 DAYS	6 MAN CREW \$34.50/HR/MAN	\$28,980	4 VEHICLES 240HRS @ \$46/HRS	\$11,040	CONCRETE VALLEY		
						35YDS @ \$105	\$3,675	
						80 20' REBAR @ \$7/PC	\$560	
						MISC	\$500	
						CMP CULVERTS	\$900	
						50 TNS#57 ROCK	\$800	
						30 tns Black base	\$1,560	
						30 tns Cold Mix	\$1,950	
						3 DESIGN II 20' @ \$15/ft		
						2 BANDS @ \$28.94/pc	\$58	
			\$28,980		\$11,040		\$10,003	<i>PROJECT COST</i>
								<b>\$50,023</b>
								<i>ADMINISTRATIVE COST</i>
ADMINISTRATIVE PROCESSING FEE			\$500					<b>\$500</b>
								<i>TOTAL COST</i>
								<b>\$50,523</b>



**AGENDA ITEM:** Resolution No. 08-2019  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

Section 22.038 of the Texas Local Government Code states that “The governing body of the municipality shall meet at the time and place determined by a resolution adopted by the governing body.” Reviewing City documents, Administration has not been able to find where the City has passed such a resolution.

Dates and times for meetings have historically been established though the Governance Policy.

For consideration is Resolution No. 08-2019, which would establish regular meeting times as the first and third Thursday of each month at 6:00 p.m.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

### STAFF RECOMMENDATION

The City Administrator recommends approval of Resolution No. 08-2019.

**ATTACHMENTS:**

- Resolution No. 08-2019

**RESOLUTION NO. 08-2019**

**A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS,  
DETERMINING THE TIME AND DATE FOR REGULAR  
CITY COUNCIL MEETINGS AND PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Wimberley, Texas, finds it beneficial for the public to be fully informed about the processes and procedures for open governance for the City of Wimberley; and

**WHEREAS**, in order to encourage transparent and open government in compliance with *Texas Loc'l Gov't Code* Sec. 22.038(a), the Council desires to establish that Regular City Council meetings shall be held at 6:00 p.m. on the first and third Thursdays of every month.

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

**SECTION 1. COUNCIL GOVERNANCE POLICY AND RULES OF PROCEDURE AMENDMENT.**

City of Wimberley, Texas, City Council hereby adopts the times and dates for Regular Meetings as follows: 6:00 p.m. the first and third Thursday of every month

**SECTION 2. EFFECTIVE DATE**

This Resolution shall become effective from and after the date of its final passage.

**PASSED, APPROVED AND APPROVED** this 6<sup>th</sup> day of June, 2019, at a regular meeting of the City Council of the City of Wimberley, Texas, which meeting was held in compliance with the Open Meetings Act, *Tex Gov't Code*, §551.001, et. seq. at which meeting a quorum was present and voting,

**CITY OF WIMBERLEY**

By: \_\_\_\_\_  
Susan Jagers, Mayor

**ATTEST:**

\_\_\_\_\_  
Laura J. Calcote, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney





**AGENDA ITEM:** Resolution No. 09-2019  
**SUBMITTED BY:** Rebecca Minnick, Place One  
**DATE SUBMITTED:** May 29, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City Council desires to confirm the City Administrator as the primary contact for matters related to the Central Wimberley Wastewater Project including but not limited to ongoing discussion with various State and local agencies, and current and future contracts.

The City Administrator’s documented role has always been to receive information and communicate to all members of council. Honoring this traditional role and maintaining a single point of contact in city matters will facilitate clearer communication between the TWDB and the attorneys and the city council. Ultimately, this will save time and money and result in clearer, more transparent communication.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

### STAFF RECOMMENDATION

**RESOLUTION NO. 09-2019**

**A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS REPEALING RESOLUTION NO. 24-2018 AND APPOINTING THE CITY ADMISTRATOR AS THE PRIMARY CONTACT WITH REGARDS TO THE CENTRAL WIMBERLEY WASTEWATER PROJECT**

**WHEREAS**, the City Council of the City of Wimberley did previously approve Resolution No. 24-2018 on August 16, 2018; and

**WHEREAS**, the City Council now desires to Repeal Resolution No. 24-2018; and

**WHEREAS**, the City Council on October 18, 2001 did adopt Ordinance No. 2001-026 creating the position of City Administrator; and

**WHEREAS**, the purpose of this position is to promote the public health, safety, morals, and general welfare within the city through the effective and efficient administration of city activities; and

**WHEREAS**, the City Council desires to appoint the City Administrator as the primary contact for matters related to the Central Wimberley Wastewater Project including but not limited to ongoing discussion with various State and local agencies, and current and future contracts.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS** that the City Council approves and authorizes City Administrator to serve in the capacity identified above.

PASSED AND APPROVED this 6<sup>th</sup> day of June, 2019.

THE CITY OF WIMBERLEY, TEXAS

By: \_\_\_\_\_  
Susan Jagers, Mayor

ATTEST:

\_\_\_\_\_  
Laura Calcote, City Secretary

**RESOLUTION NO. 24-2018**

**A RESOLUTION OF THE CITY OF WIMBERLEY, TEXAS  
AUTHORIZING AND RATIFYING THE MAYOR'S INVESTIGATING  
COST SAVINGS INITIATIVES AND ALTERNATIVE METHODS OF  
BUSINESS FOR THE CITY OF WIMBERLEY INCLUDING THE  
WASTEWATER TREATMENT PROJECT AND AUTHORIZING THE  
MAYOR PRO TEMPORE TO ASSIST IN SAID INVESTIGATIONS**

**WHEREAS**, Texas Local Government Code (the "Code") Chapter 22, Section 22.042 provides that the Mayor of a general municipality is the chief executive officer of the municipality; and

**WHEREAS**, the Section 22.042 of the Code further provides that the Mayor shall give to the governing body any information, and shall recommend to the governing body any measure, that relates to improving the finances, police, health, security, cleanliness, comfort, ornament, or good government of the municipality; and

**WHEREAS**, the Section 22.037 of the Code further provides that if the Mayor is unable to act the Mayor Pro Tempore shall perform the Mayor's duties; and

**WHEREAS**, the Section 22.042 of the Code further provides that the Mayor shall perform the duties and exercise the powers prescribed by the governing bod of the municipality; and

**WHEREAS**, the Mayor, pursuant to her authority and obligations under the Code has been researching and investigating various measures to improve the finances, health, security, comfort and good government of the municipality, including alternatives to the current wastewater treatment plant project; and

**WHEREAS**, the Mayor has various obligations outside her role as Mayor which occasionally prevent her from being able to act; and

**WHEREAS**, the City Council supports the Mayor's obligations and actions taken with respect to the Mayor's investigations in the wastewater treatment alternatives; and

**WHEREAS**, the Mayor Pro Tempore is willing and able to assist when the Mayor is unable to act.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WIMBERLEY, TEXAS** that the City Council specifically approves and authorizes the Mayor's past investigations and future efforts to review and investigate cost saving initiatives and alternative methods of business for the City of Wimberley, including alternatives to the wastewater treatment project and authorizes the Mayor Pro Tempore's efforts to assist the Mayor when, in her opinion, she is unable to act.

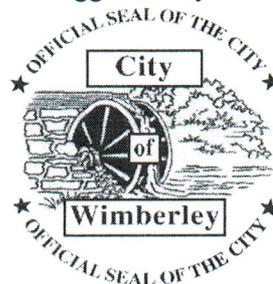
PASSED AND APPROVED this 16<sup>th</sup> day of August, 2018.

THE CITY OF WIMBERLEY, TEXAS

By: *Susan Jagers*  
Susan Jagers, Mayor

ATTEST:

*Laura J. Calcote*  
Laura Calcote, City Secretary





**AGENDA ITEM:** City Financials  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 4, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

In preparation for Council’s discussion on City Financials, including legal expenditures, fund balances, and outstanding invoices to be paid through the Texas Water Development Board (TWDB), the attached information on Expended and Expected Wastewater Project Costs have been compiled.

In 2013, the City issued its Series 2013 Bonds for \$650,000. This was utilized for the design of the Wastewater Project. There is currently a balance of \$31,343. The additional design costs of \$36,500 can be paid from this balance, with the City making up the remaining \$5,157.

Additionally, of the \$5.255 million loan from the TWDB, approximately \$2.970 million has been spent to date leaving a balance of \$2.284 million.

- Bond Reserve Fee & Loan/Escrow Fees - \$ 334,554
- Construction: Black Castle - \$ 711,928
- Construction: Capital Ex. - \$ 1,923,763

Of the amount released for payment to Black Castle, only \$545,072 was paid to the contractor (contract closed). The balance of \$166,856 remains in the City’s account (not in escrow). There are not invoices currently outstanding.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

**FINANCIAL**

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

**STAFF RECOMMENDATION**



**AGENDA ITEM:** WISD Committee  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City was recently approached by Mr. Dwain York, Superintendent for the Wimberley Independent School District (WISD), about appointing two (2) members of the Wimberley City Council to work with members of the WISD School Board, and City of Woodcreek Council members, on issues effecting the area. WISD recently worked the City of Woodcreek in a similar manner regarding the development of its new elementary school.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

### STAFF RECOMMENDATION

### ATTACHMENTS:

—



**AGENDA ITEM:** Water Quality Ordinance Committee  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City Engineer, along with the City Engineer from Woodcreek and engineers working with the Meadows Center have been reviewing the cities Water Quality Ordinances. The parties involved have determined updates to the are necessary. The proposed amendments are primarily centered on updating outdated design methodologies.

An aim of these updates is to provide consistency between the City of Wimberley and Woodcreek.

For consideration is the appointment of two (2) Council Members to work with two (2) Council Members from the City of Woodcreek and the engineers on finalizing the ordinance. The aim is to have a consistent guideline which both cities can then adopt.

The timeframe for review is the week of June 10.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

### STAFF RECOMMENDATION

**ATTACHMENTS:**

—



**AGENDA ITEM:** Central Wimberley Wastewater Project Workshop  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

At the May 16, 2019 meeting, Council requested a workshop be set to discuss the Central Wimberley Wastewater Project. We have tentatively scheduled the Workshop for June 17 at 6:00 p.m. in Johnson Hall at the Wimberley Community Center. The City Administrator, along with the Design Engineer and Contractor will provide an update on the project and be available to answer any questions.

In an event the Workshop can't be held on June 17, we will hold it on June 24.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

### STAFF RECOMMENDATION

### ATTACHMENTS:

—



**AGENDA ITEM:** Council Governance and Goals Workshop  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

At the May 16, 2019 meeting, Council requested a workshop be set to discuss Council Governance and Goals. We are looking to set this workshop for either June 11 or 13 from 9:00 a.m. to 3:00 p.m., depending on Council and parliamentarian availability.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

### FINANCIAL

- |                   |                                     |                           |    |
|-------------------|-------------------------------------|---------------------------|----|
| Budgeted Item     | <input type="checkbox"/>            | Original Estimate/Budget: | \$ |
| Non-budgeted Item | <input type="checkbox"/>            | Current Estimate:         | \$ |
| Not Applicable    | <input checked="" type="checkbox"/> | Amount Under/Over Budget: | \$ |

### STAFF RECOMMENDATION

### ATTACHMENTS:



**AGENDA ITEM:** TCEQ Notification  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

The City of Wimberley currently holds TPDES Permit No. WQ0013321001 from the Texas Commission on Environmental Quality (TCEQ). This permit currently allows the City to operate and maintain the Blue Hole Wastewater Treatment Facility. The original permit was amended to allow for the discharge of effluent (treated wastewater) into Deer Creek, once the proposed Wastewater Treatment Plant was completed. The permit is set to expire on February 20, 2020. To renew this permit, the City will need to submit a Renewal Application 180 days before the permit expires (by the end of July 2019).

On January 3, 2019, Council approved drafting a letter to the TCEQ stating the City did not intend to renew its permit. The letter is to be sent out when appropriate. Based on the estimated completion date, it is not anticipated for the City's current treatment plant to be offline by February 20, 2020. In order to continue operation of the existing plant, the City will need to renew its permit.

For consideration is approval to work with the City's Design Engineer (APAI) and other necessary parties to renew TPDES Permit No. WQ0013321001.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

**FINANCIAL**

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

**STAFF RECOMMENDATION**

The City Administrator recommends renewal of the City's TPDES Permit No. WQ0013321001.

**ATTACHMENT(S)**

- Draft TCEQ Letter
- TPDES Permit No. WQ0013321001



TPDES PERMIT NO. WQ0013321001  
[For TCEQ office use only - EPA I.D.  
No. TX0135445]

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087  
Austin, Texas 78711-3087

This minor amendment supersedes and replaces TPDES Permit No. WQ0013321001 issued on June 14, 2016, and is issued pursuant to 30 TAC § 305.62(c)(2).

PERMIT TO DISCHARGE WASTES  
under provisions of  
Section 402 of the Clean Water Act  
and Chapter 26 of the Texas Water Code

City of Wimberley

whose mailing address is

P.O. Box 2027  
Wimberley, Texas 78676

is authorized to treat and discharge wastes from the The Blue Hole Wastewater Treatment Facility, SIC Code 4952

located approximately one mile northeast of the intersection of Ranch-to-Market Road 12 and Ranch-to-Market Road 3237, in Hays County, Texas 78676. The existing wastewater treatment facility and disposal site are located approximately 500 feet to the west of the proposed facility within the same property. (Attachment A)

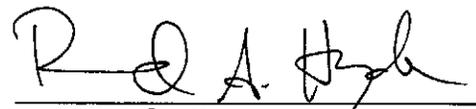
Interim I and II phases: The Blue Hole Wastewater Treatment Facility is an activated sludge process plant operated in the extended aeration mode in the Interim I and II phases. Treatment units in the Interim I Phase include an equalization basin, an aeration basin, a final clarifier, sludge holding tank, and effluent pumps. Treatment units in the Interim II Phase will include the Interim I package plant and a chlorine contact chamber. The permittee is authorized to dispose of treated domestic wastewater effluent at a volume not to exceed a daily average flow of 0.009450 million gallons per day (MGD) to eleven (11) pressure dosed absorption beds with a total surface area of 94,500 square feet of non-public access land in the Interim I phase and public access land in the Interim II phase. Application rates shall not exceed 0.10 gallons per square foot per day.

Final phase: to Deer Creek; thence to Upper Blanco River in Segment No. 1813 of the Guadalupe River Basin

only according to effluent limitations, monitoring requirements, and other conditions set forth in this permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ), the laws of the State of Texas, and other orders of the TCEQ. The issuance of this permit does not grant to the permittee the right to use private or public property for conveyance of wastewater along the discharge route described in this permit. This includes, but is not limited to, property belonging to any individual, partnership, corporation, or other entity. Neither does this permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This permit shall expire at midnight, **February 1, 2020**.

ISSUED DATE: October 2, 2017

  
For the Commission

**INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**  
**Outfall 001**

During the period beginning upon the date of issuance and lasting through completion and operation of the chlorination system, the permittee is authorized to discharge subject to the following effluent limitations:

**Conditions of the Interim I Phase: No discharge of pollutants into water in the state is authorized.**

A. Effluent Limitations

- Character: Treated Domestic Sewage Effluent
- Volume: Daily Average Flow – 0.009450 MGD from the treatment system
- Quality: The following effluent limitations shall be required:

<u>Parameter</u>	<u>Effluent Concentrations</u>	
	<u>(Not to Exceed)</u>	
	<u>Daily Average</u> mg/l	<u>Single Grab</u> mg/l
Biochemical Oxygen Demand (5-day)	N/A	35

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

B. Monitoring Requirements:

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Five/week	Instantaneous
Biochemical Oxygen Demand (5-day)	One/month	Grab
pH	One/month	Grab

The monitoring shall be done after the final treatment unit and prior to storage of the treated effluent. If the effluent is land applied directly from the treatment system, monitoring shall be done after the final treatment unit and prior to land application. These records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.

**INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**  
**Outfall 001**

During the period beginning upon the date of completion and operation of the chlorination system and lasting through commencement of discharge to surface waters in the final phase from the facility, the permittee is authorized to discharge subject to the following effluent limitations:

**Conditions of the Interim II Phase: No discharge of pollutants into water in the state is authorized.**

A. Effluent Limitations

- Character: Treated Domestic Sewage Effluent
- Volume: Daily Average Flow – 0.009450 MGD from the treatment system
- Quality: The following effluent limitations shall be required:

<u>Parameter</u>	<u>Effluent Concentrations</u>	
	<u>(Not to Exceed)</u>	
	<u>Daily Average</u> mg/l	<u>Single Grab</u> mg/l
Biochemical Oxygen Demand (5-day)	N/A	35

The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units.

The effluent shall be chlorinated in a chlorine contact chamber to a residual of 1.0 mg/l with a minimum detention time of 20 minutes. If the effluent is to be transferred to a holding pond or tank, re-chlorination prior to the effluent being delivered into the irrigation system will be required. A trace chlorine residual shall be maintained in the effluent at the point of irrigation application.

B. Monitoring Requirements:

<u>Parameter</u>	<u>Monitoring Frequency</u>	<u>Sample Type</u>
Flow	Five/week	Instantaneous
Biochemical Oxygen Demand (5-day)	One/month	Grab
pH	One/month	Grab
Chlorine Residual	Five/week	Grab

The monitoring shall be done after the final treatment unit and prior to storage of the treated effluent. If the effluent is land applied directly from the treatment system, monitoring shall be done after the final treatment unit and prior to land application. These records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Outfall Number 001

1. During the period beginning upon commencement of discharge to surface waters from the facility and lasting through the date of expiration, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.075 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 208 gallons per minute (gpm).

<u>Effluent Characteristic</u>	<u>Discharge Limitations*</u>				<u>Min. Self-Monitoring Requirements</u>	
	Daily Avg. mg/l (lbs/day)	7-day Avg. mg/l	Daily Max. mg/l	Single Grab mg/l	Report Daily Avg. & Max. Single Grab Measurement Frequency*	Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous	Totalizing meter
Carbonaceous Biochemical Oxygen Demand (5-day)	5 (3.1)	10	20	30	One/week	Grab
Total Suspended Solids	5 (3.1)	10	20	30	One/week	Grab
Ammonia Nitrogen	2 (1.2)	5	10	15	One/week	Grab
Total Phosphorus	0.5 (0.3)	1	2	3	One/week	Grab
<i>E. coli</i> , CFU or MPN/100 ml	126	N/A	N/A	399	Five/week	Grab

\* Discharge Limitations and Measurement Frequency are only applicable when discharging to surface waters.

2. The permittee shall utilize an Ultraviolet Light (UV) system for disinfection purposes. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
3. The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored once per month by grab sample.
4. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
5. Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
6. The effluent shall contain a minimum dissolved oxygen of 6.0 mg/l and shall be monitored once per week by grab sample.

## DEFINITIONS AND STANDARD PERMIT CONDITIONS

As required by Title 30 Texas Administrative Code (TAC) Chapter 305, certain regulations appear as standard conditions in waste discharge permits. 30 TAC § 305.121 - 305.129 (relating to Permit Characteristics and Conditions) as promulgated under the Texas Water Code (TWC) §§ 5.103 and 5.105, and the Texas Health and Safety Code (THSC) §§ 361.017 and 361.024(a), establish the characteristics and standards for waste discharge permits, including sewage sludge, and those sections of 40 Code of Federal Regulations (CFR) Part 122 adopted by reference by the Commission. The following text includes these conditions and incorporates them into this permit. All definitions in TWC § 26.001 and 30 TAC Chapter 305 shall apply to this permit and are incorporated by reference. Some specific definitions of words or phrases used in this permit are as follows:

### 1. Flow Measurements

- a. Annual average flow - the arithmetic average of all daily flow determinations taken within the preceding 12 consecutive calendar months. The annual average flow determination shall consist of daily flow volume determinations made by a totalizing meter, charted on a chart recorder and limited to major domestic wastewater discharge facilities with one million gallons per day or greater permitted flow.
- b. Daily average flow - the arithmetic average of all determinations of the daily flow within a period of one calendar month. The daily average flow determination shall consist of determinations made on at least four separate days. If instantaneous measurements are used to determine the daily flow, the determination shall be the arithmetic average of all instantaneous measurements taken during that month. Daily average flow determination for intermittent discharges shall consist of a minimum of three flow determinations on days of discharge.
- c. Daily maximum flow - the highest total flow for any 24-hour period in a calendar month.
- d. Instantaneous flow - the measured flow during the minimum time required to interpret the flow measuring device.
- e. 2-hour peak flow (domestic wastewater treatment plants) - the maximum flow sustained for a two-hour period during the period of daily discharge. The average of multiple measurements of instantaneous maximum flow within a two-hour period may be used to calculate the 2-hour peak flow.
- f. Maximum 2-hour peak flow (domestic wastewater treatment plants) - the highest 2-hour peak flow for any 24-hour period in a calendar month.

### 2. Concentration Measurements

- a. Daily average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar month, consisting of at least four separate representative measurements.
  - i. For domestic wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values in the previous four consecutive month period consisting of at least four measurements shall be utilized as the daily average concentration.

- ii. For all other wastewater treatment plants - When four samples are not available in a calendar month, the arithmetic average (weighted by flow) of all values taken during the month shall be utilized as the daily average concentration.
- b. 7-day average concentration - the arithmetic average of all effluent samples, composite or grab as required by this permit, within a period of one calendar week, Sunday through Saturday.
- c. Daily maximum concentration - the maximum concentration measured on a single day, by the sample type specified in the permit, within a period of one calendar month.
- d. Daily discharge - the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day.

The daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during that day.

- e. Bacteria concentration (*E. coli* or Enterococci) - Colony Forming Units (CFU) or Most Probable Number (MPN) of bacteria per 100 milliliters effluent. The daily average bacteria concentration is a geometric mean of the values for the effluent samples collected in a calendar month. The geometric mean shall be determined by calculating the  $n$ th root of the product of all measurements made in a calendar month, where  $n$  equals the number of measurements made; or, computed as the antilogarithm of the arithmetic mean of the logarithms of all measurements made in a calendar month. For any measurement of bacteria equaling zero, a substituted value of one shall be made for input into either computation method. If specified, the 7-day average for bacteria is the geometric mean of the values for all effluent samples collected during a calendar week.
  - f. Daily average loading (lbs/day) - the arithmetic average of all daily discharge loading calculations during a period of one calendar month. These calculations must be made for each day of the month that a parameter is analyzed. The daily discharge, in terms of mass (lbs/day), is calculated as (Flow, MGD x Concentration, mg/l x 8.34).
  - g. Daily maximum loading (lbs/day) - the highest daily discharge, in terms of mass (lbs/day), within a period of one calendar month.
3. Sample Type
- a. Composite sample - For domestic wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (a). For industrial wastewater, a composite sample is a sample made up of a minimum of three effluent portions collected in a continuous 24-hour period or during the period of daily discharge if less than 24 hours, and combined in volumes proportional to flow, and collected at the intervals required by 30 TAC § 319.9 (b).

- b. Grab sample - an individual sample collected in less than 15 minutes.
4. Treatment Facility (facility) - wastewater facilities used in the conveyance, storage, treatment, recycling, reclamation and/or disposal of domestic sewage, industrial wastes, agricultural wastes, recreational wastes, or other wastes including sludge handling or disposal facilities under the jurisdiction of the Commission.
5. The term "sewage sludge" is defined as solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in 30 TAC Chapter 312. This includes the solids that have not been classified as hazardous waste separated from wastewater by unit processes.
6. Bypass - the intentional diversion of a waste stream from any portion of a treatment facility.

## **MONITORING AND REPORTING REQUIREMENTS**

### **1. Self-Reporting**

Monitoring results shall be provided at the intervals specified in the permit. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall conduct effluent sampling and reporting in accordance with 30 TAC §§ 319.4 - 319.12. Unless otherwise specified, effluent monitoring data shall be submitted each month, to the Enforcement Division (MC 224), by the 20th day of the following month for each discharge which is described by this permit whether or not a discharge is made for that month. Monitoring results must be submitted online using the NetDMR reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. Monitoring results must be signed and certified as required by Monitoring and Reporting Requirements No. 10.

As provided by state law, the permittee is subject to administrative, civil and criminal penalties, as applicable, for negligently or knowingly violating the Clean Water Act (CWA); TWC §§ 26, 27, and 28; and THSC § 361, including but not limited to knowingly making any false statement, representation, or certification on any report, record, or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, or falsifying, tampering with or knowingly rendering inaccurate any monitoring device or method required by this permit or violating any other requirement imposed by state or federal regulations.

### **2. Test Procedures**

- a. Unless otherwise specified in this permit, test procedures for the analysis of pollutants shall comply with procedures specified in 30 TAC §§ 319.11 - 319.12. Measurements, tests, and calculations shall be accurately accomplished in a representative manner.
- b. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC § 25, Environmental Testing Laboratory Accreditation and Certification.

### **3. Records of Results**

- a. Monitoring samples and measurements shall be taken at times and in a manner so as to be representative of the monitored activity.

- b. Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR Part 503), monitoring and reporting records, including strip charts and records of calibration and maintenance, copies of all records required by this permit, records of all data used to complete the application for this permit, and the certification required by 40 CFR § 264.73(b)(9) shall be retained at the facility site, or shall be readily available for review by a TCEQ representative for a period of three years from the date of the record or sample, measurement, report, application or certification. This period shall be extended at the request of the Executive Director.
- c. Records of monitoring activities shall include the following:
  - i. date, time and place of sample or measurement;
  - ii. identity of individual who collected the sample or made the measurement.
  - iii. date and time of analysis;
  - iv. identity of the individual and laboratory who performed the analysis;
  - v. the technique or method of analysis; and
  - vi. the results of the analysis or measurement and quality assurance/quality control records.

The period during which records are required to be kept shall be automatically extended to the date of the final disposition of any administrative or judicial enforcement action that may be instituted against the permittee.

#### 4. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit using approved analytical methods as specified above, all results of such monitoring shall be included in the calculation and reporting of the values submitted on the approved self-report form. Increased frequency of sampling shall be indicated on the self-report form.

#### 5. Calibration of Instruments

All automatic flow measuring or recording devices and all totalizing meters for measuring flows shall be accurately calibrated by a trained person at plant start-up and as often thereafter as necessary to ensure accuracy, but not less often than annually unless authorized by the Executive Director for a longer period. Such person shall verify in writing that the device is operating properly and giving accurate results. Copies of the verification shall be retained at the facility site and/or shall be readily available for review by a TCEQ representative for a period of three years.

#### 6. Compliance Schedule Reports

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit shall be submitted no later

than 14 days following each schedule date to the Regional Office and the Enforcement Division (MC 224).

#### 7. Noncompliance Notification

- a. In accordance with 30 TAC § 305.125(9) any noncompliance which may endanger human health or safety, or the environment shall be reported by the permittee to the TCEQ. Except as allowed by 30 TAC § 305.132, report of such information shall be provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance. A written submission of such information shall also be provided by the permittee to the Regional Office and the Enforcement Division (MC 224) within five working days of becoming aware of the noncompliance. For Publicly Owned Treatment Works (POTWs), effective September 1, 2020, the permittee must submit the written report for unauthorized discharges and unanticipated bypasses that exceed any effluent limit in the permit using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver. The written submission shall contain a description of the noncompliance and its cause; the potential danger to human health or safety, or the environment; the period of noncompliance, including exact dates and times; if the noncompliance has not been corrected, the time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
  - b. The following violations shall be reported under Monitoring and Reporting Requirement 7.a.:
    - i. Unauthorized discharges as defined in Permit Condition 2(g).
    - ii. Any unanticipated bypass that exceeds any effluent limitation in the permit.
    - iii. Violation of a permitted maximum daily discharge limitation for pollutants listed specifically in the Other Requirements section of an Industrial TPDES permit.
  - c. In addition to the above, any effluent violation which deviates from the permitted effluent limitation by more than 40% shall be reported by the permittee in writing to the Regional Office and the Enforcement Division (MC 224) within 5 working days of becoming aware of the noncompliance.
  - d. Any noncompliance other than that specified in this section, or any required information not submitted or submitted incorrectly, shall be reported to the Enforcement Division (MC 224) as promptly as possible. For effluent limitation violations, noncompliances shall be reported on the approved self-report form.
8. In accordance with the procedures described in 30 TAC §§ 35.301 - 35.303 (relating to Water Quality Emergency and Temporary Orders) if the permittee knows in advance of the need for a bypass, it shall submit prior notice by applying for such authorization.
9. Changes in Discharges of Toxic Substances

All existing manufacturing, commercial, mining, and silvicultural permittees shall notify the Regional Office, orally or by facsimile transmission within 24 hours, and both the Regional Office and the Enforcement Division (MC 224) in writing within five (5) working days, after

becoming aware of or having reason to believe:

- a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant listed at 40 CFR Part 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - i. One hundred micrograms per liter (100 µg/L);
  - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
  - iii. Five (5) times the maximum concentration value reported for that pollutant in the permit application; or
  - iv. The level established by the TCEQ.
- b. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
  - i. Five hundred micrograms per liter (500 µg/L);
  - ii. One milligram per liter (1 mg/L) for antimony;
  - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application; or
  - iv. The level established by the TCEQ.

#### 10. Signatories to Reports

All reports and other information requested by the Executive Director shall be signed by the person and in the manner required by 30 TAC § 305.128 (relating to Signatories to Reports).

#### 11. All POTWs must provide adequate notice to the Executive Director of the following:

- a. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to CWA § 301 or § 306 if it were directly discharging those pollutants;
- b. Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit; and
- c. For the purpose of this paragraph, adequate notice shall include information on:
  - i. The quality and quantity of effluent introduced into the POTW; and
  - ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

**PERMIT CONDITIONS**

## 1. General

- a. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in an application or in any report to the Executive Director, it shall promptly submit such facts or information.
- b. This permit is granted on the basis of the information supplied and representations made by the permittee during action on an application, and relying upon the accuracy and completeness of that information and those representations. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked, in whole or in part, in accordance with 30 TAC Chapter 305, Subchapter D, during its term for good cause including, but not limited to, the following:
  - i. Violation of any terms or conditions of this permit;
  - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
  - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- c. The permittee shall furnish to the Executive Director, upon request and within a reasonable time, any information to determine whether cause exists for amending, revoking, suspending or terminating the permit. The permittee shall also furnish to the Executive Director, upon request, copies of records required to be kept by the permit.

## 2. Compliance

- a. Acceptance of the permit by the person to whom it is issued constitutes acknowledgment and agreement that such person will comply with all the terms and conditions embodied in the permit, and the rules and other orders of the Commission.
- b. The permittee has a duty to comply with all conditions of the permit. Failure to comply with any permit condition constitutes a violation of the permit and the Texas Water Code or the Texas Health and Safety Code, and is grounds for enforcement action, for permit amendment, revocation, or suspension, or for denial of a permit renewal application or an application for a permit for another facility.
- c. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.
- d. The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal or other permit violation that has a reasonable likelihood of adversely affecting human health or the environment.
- e. Authorization from the Commission is required before beginning any change in the permitted facility or activity that may result in noncompliance with any permit requirements.

- f. A permit may be amended, suspended and reissued, or revoked for cause in accordance with 30 TAC §§ 305.62 and 305.66 and TWC§ 7.302. The filing of a request by the permittee for a permit amendment, suspension and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
  - g. There shall be no unauthorized discharge of wastewater or any other waste. For the purpose of this permit, an unauthorized discharge is considered to be any discharge of wastewater into or adjacent to water in the state at any location not permitted as an outfall or otherwise defined in the Other Requirements section of this permit.
  - h. In accordance with 30 TAC § 305.535(a), the permittee may allow any bypass to occur from a TPDES permitted facility which does not cause permitted effluent limitations to be exceeded or an unauthorized discharge to occur, but only if the bypass is also for essential maintenance to assure efficient operation.
  - i. The permittee is subject to administrative, civil, and criminal penalties, as applicable, under TWC §§ 7.051 - 7.075 (relating to Administrative Penalties), 7.101 - 7.111 (relating to Civil Penalties), and 7.141 - 7.202 (relating to Criminal Offenses and Penalties) for violations including, but not limited to, negligently or knowingly violating the federal CWA §§ 301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under the CWA § 402, or any requirement imposed in a pretreatment program approved under the CWA §§ 402 (a)(3) or 402 (b)(8).
3. Inspections and Entry
- a. Inspection and entry shall be allowed as prescribed in the TWC Chapters 26, 27, and 28, and THSC § 361.
  - b. The members of the Commission and employees and agents of the Commission are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit or other order of the Commission. Members, employees, or agents of the Commission and Commission contractors are entitled to enter public or private property at any reasonable time to investigate or monitor or, if the responsible party is not responsive or there is an immediate danger to public health or the environment, to remove or remediate a condition related to the quality of water in the state. Members, employees, Commission contractors, or agents acting under this authority who enter private property shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his presence and shall exhibit proper credentials. If any member, employee, Commission contractor, or agent is refused the right to enter in or on public or private property under this authority, the Executive Director may invoke the remedies authorized in TWC § 7.002. The statement above, that Commission entry shall occur in accordance with an establishment's rules and regulations concerning safety, internal security, and fire protection, is not grounds for denial or restriction of entry to any part of the facility, but merely describes the Commission's duty to observe appropriate rules and regulations during an inspection.

## 4. Permit Amendment and/or Renewal

- a. The permittee shall give notice to the Executive Director as soon as possible of any planned physical alterations or additions to the permitted facility if such alterations or additions would require a permit amendment or result in a violation of permit requirements. Notice shall also be required under this paragraph when:
  - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in accordance with 30 TAC § 305.534 (relating to New Sources and New Dischargers); or
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the permit, nor to notification requirements in Monitoring and Reporting Requirements No. 9;
  - iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.
- b. Prior to any facility modifications, additions, or expansions that will increase the plant capacity beyond the permitted flow, the permittee must apply for and obtain proper authorization from the Commission before commencing construction.
- c. The permittee must apply for an amendment or renewal at least 180 days prior to expiration of the existing permit in order to continue a permitted activity after the expiration date of the permit. If an application is submitted prior to the expiration date of the permit, the existing permit shall remain in effect until the application is approved, denied, or returned. If the application is returned or denied, authorization to continue such activity shall terminate upon the effective date of the action. If an application is not submitted prior to the expiration date of the permit, the permit shall expire and authorization to continue such activity shall terminate.
- d. Prior to accepting or generating wastes which are not described in the permit application or which would result in a significant change in the quantity or quality of the existing discharge, the permittee must report the proposed changes to the Commission. The permittee must apply for a permit amendment reflecting any necessary changes in permit conditions, including effluent limitations for pollutants not identified and limited by this permit.
- e. In accordance with the TWC § 26.029(b), after a public hearing, notice of which shall be given to the permittee, the Commission may require the permittee, from time to time, for good cause, in accordance with applicable laws, to conform to new or additional conditions.
- f. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under CWA § 307(a) for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, this permit shall be

modified or revoked and reissued to conform to the toxic effluent standard or prohibition. The permittee shall comply with effluent standards or prohibitions established under CWA § 307(a) for toxic pollutants within the time provided in the regulations that established those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

#### 5. Permit Transfer

- a. Prior to any transfer of this permit, Commission approval must be obtained. The Commission shall be notified in writing of any change in control or ownership of facilities authorized by this permit. Such notification should be sent to the Applications Review and Processing Team (MC 148) of the Water Quality Division.
- b. A permit may be transferred only according to the provisions of 30 TAC § 305.64 (relating to Transfer of Permits) and 30 TAC § 50.133 (relating to Executive Director Action on Application or WQMP update).

#### 6. Relationship to Hazardous Waste Activities

This permit does not authorize any activity of hazardous waste storage, processing, or disposal that requires a permit or other authorization pursuant to the Texas Health and Safety Code.

#### 7. Relationship to Water Rights

Disposal of treated effluent by any means other than discharge directly to water in the state must be specifically authorized in this permit and may require a permit pursuant to TWC Chapter 11.

#### 8. Property Rights

A permit does not convey any property rights of any sort, or any exclusive privilege.

#### 9. Permit Enforceability

The conditions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

#### 10. Relationship to Permit Application

The application pursuant to which the permit has been issued is incorporated herein; provided, however, that in the event of a conflict between the provisions of this permit and the application, the provisions of the permit shall control.

#### 11. Notice of Bankruptcy

- a. Each permittee shall notify the Executive Director, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any chapter of Title 11 Bankruptcy) of the United States Code (11 USC) by or against:

- i. the permittee;
  - ii. an entity (as that term is defined in 11 USC, § 101(14)) controlling the permittee or listing the permit or permittee as property of the estate; or
  - iii. an affiliate (as that term is defined in 11 USC, § 101(2)) of the permittee.
- b. This notification must indicate:
- i. the name of the permittee and the permit number(s);
  - ii. the bankruptcy court in which the petition for bankruptcy was filed; and
  - iii. the date of filing of the petition.

### **OPERATIONAL REQUIREMENTS**

1. The permittee shall at all times ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. This includes, but is not limited to, the regular, periodic examination of wastewater solids within the treatment plant by the operator in order to maintain an appropriate quantity and quality of solids inventory as described in the various operator training manuals and according to accepted industry standards for process control. Process control, maintenance, and operations records shall be retained at the facility site, or shall be readily available for review by a TCEQ representative, for a period of three years.
2. Upon request by the Executive Director, the permittee shall take appropriate samples and provide proper analysis in order to demonstrate compliance with Commission rules. Unless otherwise specified in this permit or otherwise ordered by the Commission, the permittee shall comply with all applicable provisions of 30 TAC Chapter 312 concerning sewage sludge use and disposal and 30 TAC §§ 319.21 - 319.29 concerning the discharge of certain hazardous metals.
3. Domestic wastewater treatment facilities shall comply with the following provisions:
  - a. The permittee shall notify the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, in writing, of any facility expansion at least 90 days prior to conducting such activity.
  - b. The permittee shall submit a closure plan for review and approval to the Municipal Permits Team, Wastewater Permitting Section (MC 148) of the Water Quality Division, for any closure activity at least 90 days prior to conducting such activity. Closure is the act of permanently taking a waste management unit or treatment facility out of service and includes the permanent removal from service of any pit, tank, pond, lagoon, surface impoundment and/or other treatment unit regulated by this permit.
4. The permittee is responsible for installing prior to plant start-up, and subsequently maintaining, adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures by means of alternate power sources, standby generators, and/or retention of inadequately treated wastewater.

5. Unless otherwise specified, the permittee shall provide a readily accessible sampling point and, where applicable, an effluent flow measuring device or other acceptable means by which effluent flow may be determined.
6. The permittee shall remit an annual water quality fee to the Commission as required by 30 TAC Chapter 21. Failure to pay the fee may result in revocation of this permit under TWC § 7.302(b)(6).
7. Documentation

For all written notifications to the Commission required of the permittee by this permit, the permittee shall keep and make available a copy of each such notification under the same conditions as self-monitoring data are required to be kept and made available. Except for information required for TPDES permit applications, effluent data, including effluent data in permits, draft permits and permit applications, and other information specified as not confidential in 30 TAC §§ 1.5(d), any information submitted pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted in the manner prescribed in the application form or by stamping the words confidential business information on each page containing such information. If no claim is made at the time of submission, information may be made available to the public without further notice. If the Commission or Executive Director agrees with the designation of confidentiality, the TCEQ will not provide the information for public inspection unless required by the Texas Attorney General or a court pursuant to an open records request. If the Executive Director does not agree with the designation of confidentiality, the person submitting the information will be notified.

8. Facilities that generate domestic wastewater shall comply with the following provisions; domestic wastewater treatment facilities at permitted industrial sites are excluded.
  - a. Whenever flow measurements for any domestic sewage treatment facility reach 75% of the permitted daily average or annual average flow for three consecutive months, the permittee must initiate engineering and financial planning for expansion and/or upgrading of the domestic wastewater treatment and/or collection facilities. Whenever the flow reaches 90% of the permitted daily average or annual average flow for three consecutive months, the permittee shall obtain necessary authorization from the Commission to commence construction of the necessary additional treatment and/or collection facilities. In the case of a domestic wastewater treatment facility which reaches 75% of the permitted daily average or annual average flow for three consecutive months, and the planned population to be served or the quantity of waste produced is not expected to exceed the design limitations of the treatment facility, the permittee shall submit an engineering report supporting this claim to the Executive Director of the Commission.

If in the judgment of the Executive Director the population to be served will not cause permit noncompliance, then the requirement of this section may be waived. To be effective, any waiver must be in writing and signed by the Director of the Enforcement Division (MC 169) of the Commission, and such waiver of these requirements will be reviewed upon expiration of the existing permit; however, any such waiver shall not be interpreted as condoning or excusing any violation of any permit parameter.



- d. Construction of any industrial solid waste management unit requires the prior written notification of the proposed activity to the Registration and Reporting Section (MC 129) of the Registration, Review, and Reporting Division. No person shall dispose of industrial solid waste, including sludge or other solids from wastewater treatment processes, prior to fulfilling the deed recordation requirements of 30 TAC § 335.5.
- e. The term “industrial solid waste management unit” means a landfill, surface impoundment, waste-pile, industrial furnace, incinerator, cement kiln, injection well, container, drum, salt dome waste containment cavern, or any other structure vessel, appurtenance, or other improvement on land used to manage industrial solid waste.
- f. The permittee shall keep management records for all sludge (or other waste) removed from any wastewater treatment process. These records shall fulfill all applicable requirements of 30 TAC § 335 and must include the following, as it pertains to wastewater treatment and discharge:
  - i. Volume of waste and date(s) generated from treatment process;
  - ii. Volume of waste disposed of on-site or shipped off-site;
  - iii. Date(s) of disposal;
  - iv. Identity of hauler or transporter;
  - v. Location of disposal site; and
  - vi. Method of final disposal.

The above records shall be maintained on a monthly basis. The records shall be retained at the facility site, or shall be readily available for review by authorized representatives of the TCEQ for at least five years.

12. For industrial facilities to which the requirements of 30 TAC § 335 do not apply, sludge and solid wastes, including tank cleaning and contaminated solids for disposal, shall be disposed of in accordance with THSC § 361.

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## SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site or co-disposal landfill. **The disposal of sludge by land application on property owned, leased or under the direct control of the permittee is a violation of the permit unless the site is authorized with the TCEQ. This provision does not authorize Distribution and Marketing of Class A or Class AB Sewage Sludge. This provision does not authorize the permittee to land apply sludge on property owned, leased or under the direct control of the permittee.**

### SECTION I. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE LAND APPLICATION

#### A. General Requirements

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. In all cases, if the person (permit holder) who prepares the sewage sludge supplies the sewage sludge to another person for land application use or to the owner or lease holder of the land, the permit holder shall provide necessary information to the parties who receive the sludge to assure compliance with these regulations.
3. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

#### B. Testing Requirements

1. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I [Toxicity Characteristic Leaching Procedure (TCLP)] or other method that receives the prior approval of the TCEQ for the contaminants listed in 40 CFR Part 261.24, Table 1. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal. Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 11) within seven (7) days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30<sup>th</sup> of each year. Effective September 1, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

2. Sewage sludge shall not be applied to the land if the concentration of the pollutants exceeds the pollutant concentration criteria in Table 1. The frequency of testing for pollutants in Table 1 is found in Section I.C.

TABLE 1

<u>Pollutant</u>	<u>Ceiling Concentration</u> <u>(Milligrams per kilogram)*</u>
Arsenic	75
Cadmium	85
Chromium	3000
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
PCBs	49
Selenium	100
Zinc	7500

\* Dry weight basis

3. Pathogen Control

All sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site must be treated by one of the following methods to ensure that the sludge meets either the Class A, Class AB or Class B pathogen requirements.

- a. For sewage sludge to be classified as Class A with respect to pathogens, the density of fecal coliform in the sewage sludge be less than 1,000 most probable number (MPN) per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met.

Alternative 1 - The temperature of the sewage sludge that is used or disposed shall be maintained at or above a specific value for a period of time. See 30 TAC § 312.82(a)(2)(A) for specific information.

Alternative 5 (PFRP) - Sewage sludge that is used or disposed of must be treated in one of the Processes to Further Reduce Pathogens (PFRP) described in 40 CFR Part 503, Appendix B. PFRP include composting, heat drying, heat treatment, and thermophilic aerobic digestion.

Alternative 6 (PFRP Equivalent) - Sewage sludge that is used or disposed of must be treated in a process that has been approved by the U. S. Environmental Protection Agency as being equivalent to those in Alternative 5.

- b. For sewage sludge to be classified as Class AB with respect to pathogens, the density of fecal coliform in the sewage sludge be less than 1,000 MPN per gram of total solids (dry weight basis), or the density of *Salmonella* sp. bacteria in the sewage sludge be less than three MPN per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. In addition, one of the alternatives listed below must be met.

Alternative 2 - The pH of the sewage sludge that is used or disposed shall be raised to above 12 std. units and shall remain above 12 std. units for 72 hours.

The temperature of the sewage sludge shall be above 52° Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12 std. units.

At the end of the 72-hour period during which the pH of the sewage sludge is above 12 std. units, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50%.

Alternative 3 - The sewage sludge shall be analyzed for enteric viruses prior to pathogen treatment. The limit for enteric viruses is less than one Plaque-forming Unit per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(i-iii) for specific information. The sewage sludge shall be analyzed for viable helminth ova prior to pathogen treatment. The limit for viable helminth ova is less than one per four grams of total solids (dry weight basis) either before or following pathogen treatment. See 30 TAC § 312.82(a)(2)(C)(iv-vi) for specific information.

Alternative 4 - The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis) at the time the sewage sludge is used or disposed.

- c. Sewage sludge that meets the requirements of Class AB sewage sludge may be classified a Class A sewage sludge if a variance request is submitted in writing that is supported by substantial documentation demonstrating equivalent methods for reducing odors and written approval is granted by the executive director. The executive director may deny the variance request or revoke that approved variance if it is determined that the variance may potentially endanger human health or the environment, or create nuisance odor conditions.
- d. Three alternatives are available to demonstrate compliance with Class B criteria for sewage sludge.

Alternative 1

- i. A minimum of seven random samples of the sewage sludge shall be collected within 48 hours of the time the sewage sludge is used or disposed of during each monitoring episode for the sewage sludge.
- ii. The geometric mean of the density of fecal coliform in the samples collected shall be less than either 2,000,000 MPN per gram of total solids (dry weight basis) or 2,000,000 Colony Forming Units per gram of total solids (dry weight basis).

Alternative 2 - Sewage sludge that is used or disposed of shall be treated in one of the Processes to Significantly Reduce Pathogens (PSRP) described in 40 CFR Part 503, Appendix B, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;
- ii. An independent Texas Licensed Professional Engineer must make a certification to the generator of a sewage sludge that the wastewater treatment facility generating the sewage sludge is designed to achieve one of the PSRP at the permitted design loading of the facility. The certification need only be repeated if the design loading of the facility is increased. The certification shall include a statement indicating the design meets all the applicable standards specified in Appendix B of 40 CFR Part 503;
- iii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iv. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review; and
- v. If the sewage sludge is generated from a mixture of sources, resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the PSRP, and shall meet the certification, operation, and record keeping requirements of this paragraph.

Alternative 3 - Sewage sludge shall be treated in an equivalent process that has been approved by the U.S. Environmental Protection Agency, so long as all of the following requirements are met by the generator of the sewage sludge.

- i. Prior to use or disposal, all the sewage sludge must have been generated from a single location, except as provided in paragraph v. below;

- ii. Prior to any off-site transportation or on-site use or disposal of any sewage sludge generated at a wastewater treatment facility, the chief certified operator of the wastewater treatment facility or other responsible official who manages the processes to significantly reduce pathogens at the wastewater treatment facility for the permittee, shall certify that the sewage sludge underwent at least the minimum operational requirements necessary in order to meet one of the PSRP. The acceptable processes and the minimum operational and record keeping requirements shall be in accordance with established U.S. Environmental Protection Agency final guidance;
- iii. All certification records and operational records describing how the requirements of this paragraph were met shall be kept by the generator for a minimum of three years and be available for inspection by commission staff for review;
- iv. The Executive Director will accept from the U.S. Environmental Protection Agency a finding of equivalency to the defined PSRP; and
- v. If the sewage sludge is generated from a mixture of sources resulting from a person who prepares sewage sludge from more than one wastewater treatment facility, the resulting derived product shall meet one of the Processes to Significantly Reduce Pathogens, and shall meet the certification, operation, and record keeping requirements of this paragraph.

In addition, the following site restrictions must be met if Class B sludge is land applied:

- i. Food crops with harvested parts that touch the sewage sludge/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of sewage sludge.
- ii. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of sewage sludge when the sewage sludge remains on the land surface for 4 months or longer prior to incorporation into the soil.
- iii. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of sewage sludge when the sewage sludge remains on the land surface for less than 4 months prior to incorporation into the soil.
- iv. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of sewage sludge.
- v. Animals shall not be allowed to graze on the land for 30 days after application of sewage sludge.
- vi. Turf grown on land where sewage sludge is applied shall not be harvested for 1 year after application of the sewage sludge when the harvested turf is placed on either land with a high potential for public exposure or a lawn.
- vii. Public access to land with a high potential for public exposure shall be restricted for 1 year after application of sewage sludge.

- viii. Public access to land with a low potential for public exposure shall be restricted for 30 days after application of sewage sludge.
  - ix. Land application of sludge shall be in accordance with the buffer zone requirements found in 30 TAC § 312.44.
4. Vector Attraction Reduction Requirements

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, or a reclamation site shall be treated by one of the following Alternatives 1 through 10 for vector attraction reduction.

- Alternative 1 - The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38%.
- Alternative 2 - If Alternative 1 cannot be met for an anaerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30° and 37° Celsius. Volatile solids must be reduced by less than 17% to demonstrate compliance.
- Alternative 3 - If Alternative 1 cannot be met for an aerobically digested sludge, demonstration can be made by digesting a portion of the previously digested sludge with percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20° Celsius. Volatile solids must be reduced by less than 15% to demonstrate compliance.
- Alternative 4 - The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20° Celsius.
- Alternative 5 - Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40° Celsius and the average temperature of the sewage sludge shall be higher than 45° Celsius.
- Alternative 6 - The pH of sewage sludge shall be raised to 12 or higher by alkali addition and, without the addition of more alkali shall remain at 12 or higher for two hours and then remain at a pH of 11.5 or higher for an additional 22 hours at the time the sewage sludge is prepared for sale or given away in a bag or other container.
- Alternative 7 - The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75% based on the moisture content and total solids prior to mixing with other materials. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

Alternative 8 - The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90% based on the moisture content and total solids prior to mixing with other materials at the time the sludge is used. Unstabilized solids are defined as organic materials in sewage sludge that have not been treated in either an aerobic or anaerobic treatment process.

- Alternative 9 -
- i. Sewage sludge shall be injected below the surface of the land.
  - ii. No significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.
  - iii. When sewage sludge that is injected below the surface of the land is Class A or Class AB with respect to pathogens, the sewage sludge shall be injected below the land surface within eight hours after being discharged from the pathogen treatment process.

- Alternative 10-
- i. Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.
  - ii. When sewage sludge that is incorporated into the soil is Class A or Class AB with respect to pathogens, the sewage sludge shall be applied to or placed on the land within eight hours after being discharged from the pathogen treatment process.

**C. Monitoring Requirements**

Toxicity Characteristic Leaching Procedure (TCLP) Test - once during the term of this permit  
 PCBs - once during the term of this permit

All metal constituents and fecal coliform or *Salmonella* sp. bacteria shall be monitored at the appropriate frequency shown below, pursuant to 30 TAC § 312.46(a)(1):

<u>Amount of sewage sludge (*) metric tons per 365-day period</u>	<u>Monitoring Frequency</u>
0 to less than 290	Once/Year
290 to less than 1,500	Once/Quarter
1,500 to less than 15,000	Once/Two Months
15,000 or greater	Once/Month

(\*) *The amount of bulk sewage sludge applied to the land (dry wt. basis).*

Representative samples of sewage sludge shall be collected and analyzed in accordance with the methods referenced in 30 TAC § 312.7.

Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.

Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.

Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.

**SECTION II. REQUIREMENTS SPECIFIC TO BULK SEWAGE SLUDGE FOR APPLICATION TO THE LAND MEETING CLASS A, CLASS AB or B PATHOGEN REDUCTION AND THE CUMULATIVE LOADING RATES IN TABLE 2, OR CLASS B PATHOGEN REDUCTION AND THE POLLUTANT CONCENTRATIONS IN TABLE 3**

For those permittees meeting Class A, Class AB or B pathogen reduction requirements and that meet the cumulative loading rates in Table 2 below, or the Class B pathogen reduction requirements and contain concentrations of pollutants below listed in Table 3, the following conditions apply:

**A. Pollutant Limits**

Table 2

<u>Pollutant</u>	<u>Cumulative Pollutant Loading Rate (pounds per acre)*</u>
Arsenic	36
Cadmium	35
Chromium	2677
Copper	1339
Lead	268
Mercury	15
Molybdenum	Report Only
Nickel	375
Selenium	89
Zinc	2500

Table 3

<u>Pollutant</u>	<u>Monthly Average Concentration (milligrams per kilogram)*</u>
Arsenic	41
Cadmium	39
Chromium	1200
Copper	1500
Lead	300
Mercury	17
Molybdenum	Report Only
Nickel	420
Selenium	36
Zinc	2800

\*Dry weight basis

**B. Pathogen Control**

All bulk sewage sludge that is applied to agricultural land, forest, a public contact site, a reclamation site, shall be treated by either Class A, Class AB or Class B pathogen reduction requirements as defined above in Section I.B.3.

### **C. Management Practices**

1. Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters in the State.
2. Bulk sewage sludge not meeting Class A requirements shall be land applied in a manner which complies with Applicability in accordance with 30 TAC § 312.41 and the Management Requirements in accordance with 30 TAC § 312.44.
3. Bulk sewage sludge shall be applied at or below the agronomic rate of the cover crop.
4. An information sheet shall be provided to the person who receives bulk sewage sludge sold or given away. The information sheet shall contain the following information:
  - a. The name and address of the person who prepared the sewage sludge that is sold or given away in a bag or other container for application to the land.
  - b. A statement that application of the sewage sludge to the land is prohibited except in accordance with the instruction on the label or information sheet.
  - c. The annual whole sludge application rate for the sewage sludge application rate for the sewage sludge that does not cause any of the cumulative pollutant loading rates in Table 2 above to be exceeded, unless the pollutant concentrations in Table 3 found in Section II above are met.

### **D. Notification Requirements**

1. If bulk sewage sludge is applied to land in a State other than Texas, written notice shall be provided prior to the initial land application to the permitting authority for the State in which the bulk sewage sludge is proposed to be applied. The notice shall include:
  - a. The location, by street address, and specific latitude and longitude, of each land application site.
  - b. The approximate time period bulk sewage sludge will be applied to the site.
  - c. The name, address, telephone number, and National Pollutant Discharge Elimination System permit number (if appropriate) for the person who will apply the bulk sewage sludge.
2. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.

### **E. Record keeping Requirements**

The sludge documents will be retained at the facility site and/or shall be readily available for review by a TCEQ representative. The person who prepares bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at

the facility site and/or shall be readily available for review by a TCEQ representative for a period of five years. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply.

1. The concentration (mg/kg) in the sludge of each pollutant listed in Table 3 above and the applicable pollutant concentration criteria (mg/kg), or the applicable cumulative pollutant loading rate and the applicable cumulative pollutant loading rate limit (lbs/ac) listed in Table 2 above.
2. A description of how the pathogen reduction requirements are met (including site restrictions for Class AB and Class B sludge, if applicable).
3. A description of how the vector attraction reduction requirements are met.
4. A description of how the management practices listed above in Section II.C are being met.
5. The following certification statement:

“I certify, under penalty of law, that the applicable pathogen requirements in 30 TAC § 312.82(a) or (b) and the vector attraction reduction requirements in 30 TAC § 312.83(b) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment.”

6. The recommended agronomic loading rate from the references listed in Section II.C.3. above, as well as the actual agronomic loading rate shall be retained. The person who applies bulk sewage sludge or a sewage sludge material shall develop the following information and shall retain the information at the facility site and/or shall be readily available for review by a TCEQ representative indefinitely. If the permittee supplies the sludge to another person who land applies the sludge, the permittee shall notify the land applier of the requirements for record keeping found in 30 TAC § 312.47 for persons who land apply:
  - a. A certification statement that all applicable requirements (specifically listed) have been met, and that the permittee understands that there are significant penalties for false certification including fine and imprisonment. See 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii), as applicable, and to the permittee’s specific sludge treatment activities.
  - b. The location, by street address, and specific latitude and longitude, of each site on which sludge is applied.
  - c. The number of acres in each site on which bulk sludge is applied.
  - d. The date and time sludge is applied to each site.

- e. The cumulative amount of each pollutant in pounds/acre listed in Table 2 applied to each site.
- f. The total amount of sludge applied to each site in dry tons.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

## F. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30<sup>th</sup> of each year the following information. Effective September 1, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Identify the nature of material generated by the facility (such as a biosolid for beneficial use or land-farming, or sewage sludge for disposal at a monofill) and whether the material is ultimately conveyed off-site in bulk or in bags.
3. Results of tests performed for pollutants found in either Table 2 or 3 as appropriate for the permittee's land application practices.
4. The frequency of monitoring listed in Section I.C. that applies to the permittee.
5. Toxicity Characteristic Leaching Procedure (TCLP) results.
6. PCB concentration in sludge in mg/kg.
7. Identity of hauler(s) and TCEQ transporter number.
8. Date(s) of transport.
9. Texas Commission on Environmental Quality registration number, if applicable.
10. Amount of sludge disposal dry weight (lbs/acre) at each disposal site.
11. The concentration (mg/kg) in the sludge of each pollutant listed in Table 1 (defined as a monthly average) as well as the applicable pollutant concentration criteria (mg/kg) listed in Table 3 above, or the applicable pollutant loading rate limit (lbs/acre) listed in Table 2 above if it exceeds 90% of the limit.
12. Level of pathogen reduction achieved (Class A, Class AB or Class B).
13. Alternative used as listed in Section I.B.3.(a. or b.). Alternatives describe how the pathogen reduction requirements are met. If Class B sludge, include information on how site restrictions were met.

14. Identify each of the analytic methods used by the facility to analyze enteric viruses, fecal coliforms, helminth ova, *Salmonella* sp., and other regulated parameters.
15. Vector attraction reduction alternative used as listed in Section I.B.4.
16. Amount of sludge transported in dry tons/year.
17. The certification statement listed in either 30 TAC § 312.47(a)(4)(A)(ii) or 30 TAC § 312.47(a)(5)(A)(ii) as applicable to the permittee's sludge treatment activities, shall be attached to the annual reporting form.
18. When the amount of any pollutant applied to the land exceeds 90% of the cumulative pollutant loading rate for that pollutant, as described in Table 2, the permittee shall report the following information as an attachment to the annual reporting form.
  - a. The location, by street address, and specific latitude and longitude.
  - b. The number of acres in each site on which bulk sewage sludge is applied.
  - c. The date and time bulk sewage sludge is applied to each site.
  - d. The cumulative amount of each pollutant (i.e., pounds/acre) listed in Table 2 in the bulk sewage sludge applied to each site.
  - e. The amount of sewage sludge (i.e., dry tons) applied to each site.

The above records shall be maintained on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

**SECTION III. REQUIREMENTS APPLYING TO ALL SEWAGE SLUDGE  
DISPOSED IN A MUNICIPAL SOLID WASTE LANDFILL**

- A. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC § 330 and all other applicable state and federal regulations to protect public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present. The permittee shall ensure that the sewage sludge meets the requirements in 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
- B. If the permittee generates sewage sludge and supplies that sewage sludge to the owner or operator of a municipal solid waste landfill (MSWLF) for disposal, the permittee shall provide to the owner or operator of the MSWLF appropriate information needed to be in compliance with the provisions of this permit.
- C. The permittee shall give 180 days prior notice to the Executive Director in care of the Wastewater Permitting Section (MC 148) of the Water Quality Division of any change planned in the sewage sludge disposal practice.
- D. Sewage sludge shall be tested once during the term of this permit in accordance with the method specified in both 40 CFR Part 261, Appendix II and 40 CFR Part 268, Appendix I (Toxicity Characteristic Leaching Procedure) or other method, which receives the prior approval of the TCEQ for contaminants listed in Table 1 of 40 CFR § 261.24. Sewage sludge failing this test shall be managed according to RCRA standards for generators of hazardous waste, and the waste's disposition must be in accordance with all applicable requirements for hazardous waste processing, storage, or disposal.

Following failure of any TCLP test, the management or disposal of sewage sludge at a facility other than an authorized hazardous waste processing, storage, or disposal facility shall be prohibited until such time as the permittee can demonstrate the sewage sludge no longer exhibits the hazardous waste toxicity characteristics (as demonstrated by the results of the TCLP tests). A written report shall be provided to both the TCEQ Registration and Reporting Section (MC 129) of the Permitting and Remediation Support Division and the Regional Director (MC Region 11) of the appropriate TCEQ field office within 7 days after failing the TCLP Test.

The report shall contain test results, certification that unauthorized waste management has stopped and a summary of alternative disposal plans that comply with RCRA standards for the management of hazardous waste. The report shall be addressed to: Director, Registration, Review, and Reporting Division (MC 129), Texas Commission on Environmental Quality, P. O. Box 13087, Austin, Texas 78711-3087. In addition, the permittee shall prepare an annual report on the results of all sludge toxicity testing. This annual report shall be submitted to the TCEQ Regional Office (MC Region 11) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30 of each year.

- E. Sewage sludge shall be tested as needed, in accordance with the requirements of 30 TAC Chapter 330.
- F. Record keeping Requirements

The permittee shall develop the following information and shall retain the information for five years.

1. The description (including procedures followed and the results) of all liquid Paint Filter Tests performed.
2. The description (including procedures followed and results) of all TCLP tests performed.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

#### G. Reporting Requirements

The permittee shall report annually to the TCEQ Regional Office (MC Region 11) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30<sup>th</sup> of each year the following information. Effective September 1, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. Toxicity Characteristic Leaching Procedure (TCLP) results.
3. Annual sludge production in dry tons/year.
4. Amount of sludge disposed in a municipal solid waste landfill in dry tons/year.
5. Amount of sludge transported interstate in dry tons/year.
6. A certification that the sewage sludge meets the requirements of 30 TAC § 330 concerning the quality of the sludge disposed in a municipal solid waste landfill.
7. Identity of hauler(s) and transporter registration number.
8. Owner of disposal site(s).
9. Location of disposal site(s).
10. Date(s) of disposal.

The above records shall be maintained on-site on a monthly basis and shall be made available to the Texas Commission on Environmental Quality upon request.

**SECTION IV. REQUIREMENTS APPLYING TO SLUDGE TRANSPORTED TO ANOTHER FACILITY FOR FURTHER PROCESSING**

These provisions apply to sludge that is transported to another wastewater treatment facility or facility that further processes sludge. These provisions are intended to allow transport of sludge to facilities that have been authorized to accept sludge. These provisions do not limit the ability of the receiving facility to determine whether to accept the sludge, nor do they limit the ability of the receiving facility to request additional testing or documentation.

**A. General Requirements**

1. The permittee shall handle and dispose of sewage sludge in accordance with 30 TAC Chapter 312 and all other applicable state and federal regulations in a manner that protects public health and the environment from any reasonably anticipated adverse effects due to any toxic pollutants that may be present in the sludge.
2. Sludge may only be transported using a registered transporter or using an approved pipeline.

**B. Record Keeping Requirements**

1. For sludge transported by an approved pipeline, the permittee must maintain records of the following:
  - a. the amount of sludge transported;
  - b. the date of transport;
  - c. the name and TCEQ permit number of the receiving facility or facilities;
  - d. the location of the receiving facility or facilities;
  - e. the name and TCEQ permit number of the facility that generated the waste; and
  - f. copy of the written agreement between the permittee and the receiving facility to accept sludge.
2. For sludge transported by a registered transporter, the permittee must maintain records of the completed trip tickets in accordance with 30 TAC § 312.145(a)(1)-(7) and amount of sludge transported.
3. The above records shall be maintained on-site on a monthly basis and shall be made available to the TCEQ upon request. These records shall be retained for at least five years.

### C. Reporting Requirements

The permittee shall report the following information annually to the TCEQ Regional Office (MC Region 11) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30<sup>th</sup> of each year. Effective September 1, 2020, the permittee must submit this annual report using the online electronic reporting system available through the TCEQ website unless the permittee requests and obtains an electronic reporting waiver.

1. Identify in the following categories (as applicable) the sewage sludge treatment process or processes at the facility: preliminary operations (e.g., sludge grinding and degritting), thickening (concentration), stabilization, anaerobic digestion, aerobic digestion, composting, conditioning, disinfection (e.g., beta ray irradiation, gamma ray irradiation, pasteurization), dewatering (e.g., centrifugation, sludge drying beds, sludge lagoons), heat drying, thermal reduction, and methane or biogas capture and recovery.
2. the annual sludge production;
3. the amount of sludge transported;
4. the owner of each receiving facility;
5. the location of each receiving facility; and
6. the date(s) of disposal at each receiving facility.

TCEQ Revision 01/2016

**SPECIAL PROVISIONS FOR THE INTERIM I AND INTERIM II PHASES:**

1. This permit is granted subject to the policy of the Commission to encourage the development of areawide waste collection, treatment and disposal systems. The Commission reserves the right to amend this permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an areawide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from the system, to an areawide system; or to effectuate the Commission’s policy in any other particular. Such amendments may be made when the changes required are advisable for water quality control purposes and are feasible on the basis of waste treatment technology, engineering, financial, and related considerations existing at the time the changes are required, exclusive of the loss of investment in or revenues from any then existing or proposed waste collection, treatment, or disposal system.
2. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category D facility must be operated by a chief operator or an operator holding a Category D license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

3. The permittee shall maintain and operate the treatment facility in order to achieve optimum efficiency of treatment capability. This shall include required monitoring of effluent flow and quality as well as appropriate grounds and building maintenance.
4. The permittee shall obtain representative soil samples from the root zones of the land application area receiving wastewater. Composite sampling techniques shall be used. Each composite sample shall represent no more than 2.16 acres with no less than two (2) cores per dosing bed representing each composite sample. Subsamples shall be composited by like sampling depth, type of crop and soil type for analysis and reporting. Soil types are soils that have like topsoil or plow layer textures. These soils shall be sampled individually from 0 to 6 inches, 6 to 18 inches, and 18 to 30 inches below ground level. The permittee shall sample soils in December to February of each year. Soil samples shall be analyzed within 30 days of sample collection.

Samples shall be analyzed according to the following table:

<b>Parameter</b>	<b>Method</b>	<b>Minimum Analytical Level (MAL)</b>	<b>Reporting units</b>
pH	2:1 (v/v) water to soil mixture		Reported to 0.1 pH units after calibration of pH meter
Electrical Conductivity	2:1 (v/v) water to soil mixture	0.01	dS/m (same as mmho/cm)
Nitrate-nitrogen	From a 1 N KCl soil extract	1	mg/kg (dry weight basis)

Total Kjeldahl Nitrogen (TKN)	For determination of Organic plus Ammonium Nitrogen. Procedures that use Mercury (Hg) are not acceptable.	20	mg/kg (dry weight basis)
Total Nitrogen	= TKN plus Nitrate-nitrogen		mg/kg (dry weight basis)
Plant-available: Phosphorus	Mehlich III with inductively coupled plasma	1 (P)	mg/kg (dry weight basis)
Plant-available: Potassium (K)	May be determined in the same Mehlich III extract with inductively coupled plasma	5 (K)	mg/kg (dry weight basis)
Amendment addition, e.g., gypsum			Report in short tons/acre in the year effected

A copy of this soil testing plan shall be provided to the analytical laboratory prior to sample analysis. The permittee shall submit the results of the annual soil sample analyses with copies of the laboratory reports and a map depicting the areas that have received wastewater within the permanent land application fields to the TCEQ Regional Office (MC Region 11) and the Enforcement Division (MC 224), no later than the end of September of each sampling year. If wastewater is not applied in a particular year, the permittee shall notify the same TCEQ offices and indicate that wastewater has not been applied on the approved land irrigation site(s) during that year.

5. The irrigation system shall be inspected on a weekly basis when the irrigation system is in operation. Any areas with problems such as surface runoff, surficial erosion and stressed or damaged vegetation will be recorded in the field log kept on-site and corrective measures will be initiated within 24 hours of discovery.
6. Irrigation practices shall be designed and managed so as to prevent ponding of effluent or contamination of ground and surface waters and to prevent the occurrence of nuisance conditions in the area. Bermuda grass and ryegrass shall be established and well maintained in the irrigation area throughout the year for effluent and nutrient uptake by the crop and to prevent pathways for effluent surfacing. Tailwater control facilities shall be provided as necessary to prevent the discharge of any wastewater from the irrigated land.
7. The permittee shall erect adequate signs stating that the irrigation water is from a non-potable water supply for any area where treated effluent is stored or where there exist hose bibs or faucets. Signs shall consist of a red slash superimposed over the international symbol for drinking water accompanied by the message "DO NOT DRINK THE WATER" in both English and Spanish. All piping transporting the effluent shall be clearly marked with these same signs.
8. The permittee shall comply with the requirements of 30 TAC Section 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC Section 309.13(e).

9. The permittee shall provide facilities for the protection of its wastewater treatment facilities from a 100-year flood.
10. The permittee shall pump and haul wastewater from the facility to prevent the discharge of treated or untreated wastewater if complete shutdown of the wastewater treatment facility becomes necessary or if the storage capacity is exceeded.
11. Standby generator(s) will be provided for the lift station at the plant.
12. Wastewater shall not be applied for irrigation during rainfall events or when the ground is frozen or saturated.
13. The permittee shall maintain Bermuda and ryegrass on the disposal site. Application rates shall not exceed 0.1 gallons per square foot per day. The permittee is responsible for providing equipment to determine application rates and maintaining accurate records of the volume of effluent applied. These records shall be made available for review by the Texas Commission on Environmental Quality and shall be maintained for at least three years.
14. The permittee shall install a moisture sensing device at the topographic low in approximately each third (a sub-area) of the 2.16-acre application site. Each moisture sensing device will be installed at twelve inches below the irrigation lateral that will shut off supply of irrigation effluent to the irrigation sub-area when saturated conditions are detected.
15. Prior to construction of the chlorination system for the Interim II phase of the treatment facility, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter for the chlorination system in accordance with the requirements in 30 TAC § 217.6(d). If requested by the Wastewater Permitting Section, the permittee shall submit plans and specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the permitted effluent limitations required on Page 2a of this permit. A copy of the summary transmittal letter shall be available at the plant site for inspection by authorized representatives of the TCEQ.
16. The permittee shall notify the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the new chlorination facility on Notification of Completion Form 20007.

**OTHER REQUIREMENTS FOR THE FINAL PHASE**

1. The permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration according to the requirements of 30 TAC Chapter 30, Occupational Licenses and Registrations and in particular 30 TAC Chapter 30, Subchapter J, Wastewater Operators and Operations Companies.

This Category C facility must be operated by a chief operator or an operator holding a Category C license or higher. The facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week. Where shift operation of the wastewater treatment facility is necessary, each shift that does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed not less than one level below the category for the facility.

2. The facility is not located in the Coastal Management Program boundary.
3. The permittee is hereby placed on notice that this permit may be reviewed by the TCEQ after the completion of any new intensive water quality survey on Segment No. 1813 of the Guadalupe River Basin and any subsequent updating of the water quality model for Segment No. 1813, to determine if the limitations and conditions contained herein are consistent with any such revised model. The permit may be amended, pursuant to 30 TAC § 305.62, as a result of such review. The permittee is also hereby placed on notice that effluent limits may be made more stringent at renewal based on, for example, any change to modeling protocol approved in the TCEQ Continuing Planning Process.
4. The permittee shall comply with the requirements of 30 TAC § 309.13 (a) through (d). In addition, by ownership of the required buffer zone area, the permittee shall comply with the requirements of 30 TAC § 309.13(e).
5. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
6. Standby generator(s) will be provided for the lift station at the plant.
7. Prior to construction of the Final phase treatment facility, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC Section 217.6(c). If requested by the Wastewater Permitting Section, the permittee shall submit plans, specifications and a final engineering design report which comply with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. The permittee shall clearly show how the treatment system will meet the final permitted effluent limitations required on Page 2b of this permit.
8. The permittee shall notify the TCEQ Regional Office (MC Region 11) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the new Final phase facilities on Notification of Completion Form 20007.
9. In accordance with 30 TAC §319.9, a permittee that has at least twelve months of uninterrupted compliance with its bacteria limit may notify the commission in writing of its compliance and request a less frequent measurement schedule. To request a less frequent schedule, the permittee shall submit a written request to the TCEQ Wastewater Permitting Section (MC 148) for each phase that includes a different monitoring frequency. The request must contain all of the reported bacteria values (Daily Avg. and Daily Max/Single Grab) for the twelve consecutive months immediately prior to the request. If the Executive Director finds that a less frequent measurement schedule is protective

of human health and the environment, the permittee may be given a less frequent measurement schedule. For this permit, 5/week may be reduced to 3/week. **A violation of any bacteria limit by a facility that has been granted a less frequent measurement schedule will require the permittee to return to the standard frequency schedule and submit written notice to the TCEQ Wastewater Permitting Section (MC 148).** The permittee may not apply for another reduction in measurement frequency for at least 24 months from the date of the last violation. The Executive Director may establish a more frequent measurement schedule if necessary to protect human health or the environment.

**ADDITIONAL REQUIRMENTS BASED ON SETTLEMENT AGREEMENT EFFECTIVE  
SEPTEMBER 30, 2015**

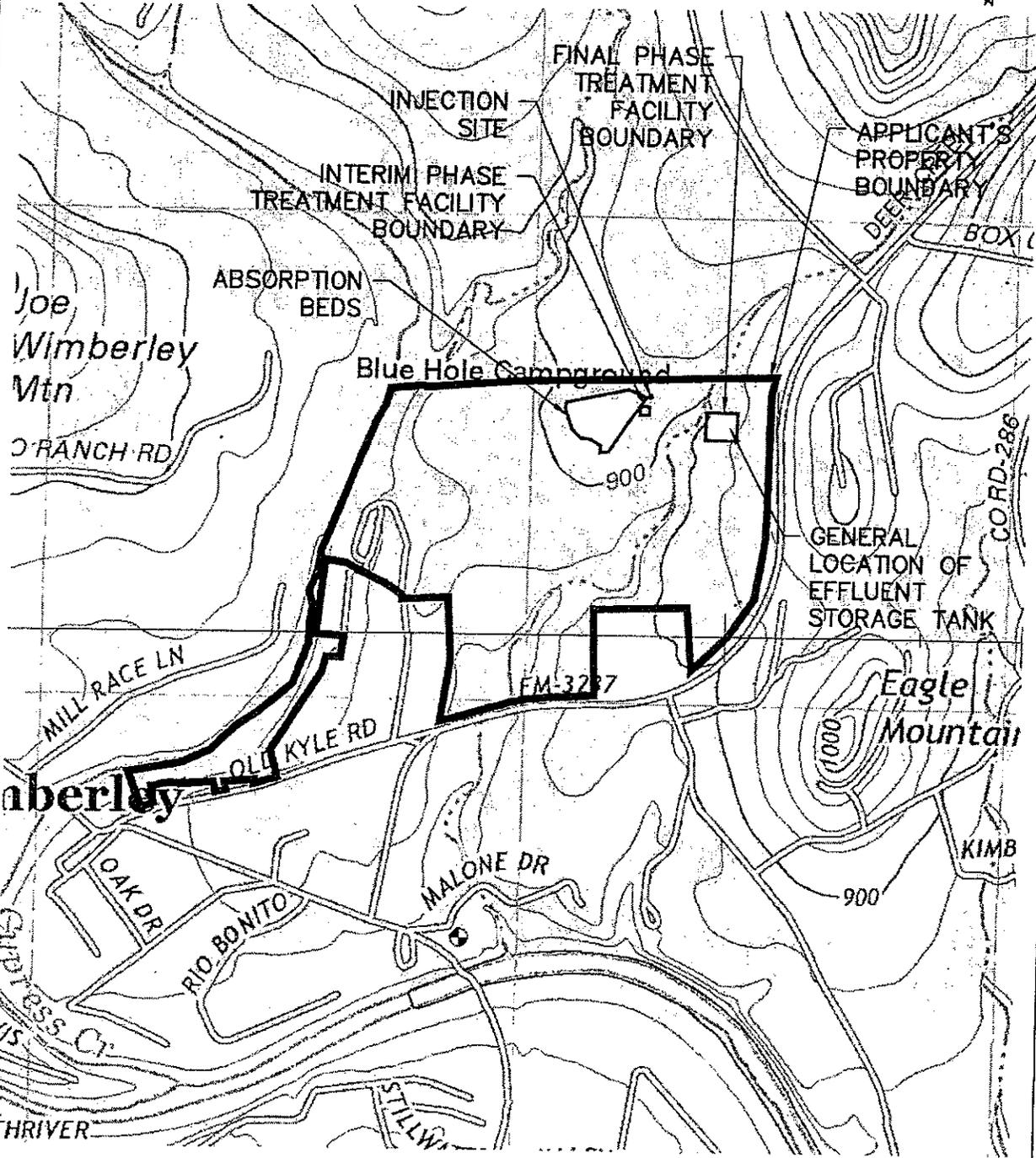
1. Within 90 days from permit issuance, the permittee shall apply for a Chapter 210 Use of Reclaimed Water authorization in order to use the treated effluent to irrigate the Blue Hole Regional Park and other potential uses of reclaimed water. If the Chapter 210 authorization is granted, the permittee shall maintain records of daily irrigation volume. These records shall be maintained on a monthly basis and be available at the plant site for inspection by authorized representatives of the Commission for at least three years.
2. The permittee shall provide an effluent storage tank with a minimum capacity of 500,000 gallons at the time of completion of the Final Phase of this permit. (See Attachment A for the general location of the effluent storage tank.)
3. The permittee shall limit the pounds of total phosphorus in the effluent discharged to 1.5 pounds per month, based on the total of each instantaneous measurement of flow and concentration made during the month.
4. The permittee shall conduct quarterly sampling of Cypress Creek and the Blanco River at three locations: in Cypress Creek where runoff tributary from soccer fields enters the creek, and in the Blanco River above Deer Creek and below Deer Creek. (See Attachment B for the general sampling locations.) The permittee shall use an independent entity of its choice for sampling and analysis. The permittee shall analyze for total phosphorus, ammonia, total kjeldahl nitrogen (TKN), nitrate, nitrite, chlorophyll-a, and dissolved oxygen. The results shall be posted to the City's website within 15 days of the date the permittee receives the results.
5. The permittee shall sample and analyze the effluent for total phosphorus, ammonia, TKN, nitrate, and nitrite on each day there is effluent discharge to Deer Creek. The city shall maintain the results in accordance with its record retention policy.
6. The permittee shall sample and analyze the effluent for emerging contaminants: caffeine, isophorone, camphor, phenol, N,N-diethyl-meta-toluamide (DEET), HHCB, triethyl citrate, methyl salicylate, and triphenyl phosphate once a calendar year. These results shall be posted to the City's website annually on or before the end of January of the following year.
7. The permittee shall sample and analyze the effluent for toxic heavy metals listed in the Texas Surface Water Quality Standards (30 Texas Administrative Code Chapter 307) and enumerated in Attachment C once a calendar year. These results shall be posted on the permittee's website annually on or before the end of January of the following year.
8. The TCEQ will not receive or review any reports of results of the analyses required by Additional Requirements 4, 5, 6, or 7.

## **CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS FOR THE FINAL PHASE**

1. The following pollutants may not be introduced into the treatment facility:
  - a. Pollutants which create a fire or explosion hazard in the publicly owned treatment works (POTW), including, but not limited to, waste streams with a closed-cup flash point of less than 140° Fahrenheit (60° Celsius) using the test methods specified in 40 CFR § 261.21;
  - b. Pollutants which will cause corrosive structural damage to the POTW, but in no case shall there be discharges with a pH lower than 5.0 standard units unless the works are specifically designed to accommodate such discharges;
  - c. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in Interference;
  - d. Any pollutant, including oxygen-demanding pollutants (e.g., biological oxygen demand), released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW;
  - e. Heat in amounts which will inhibit biological activity in the POTW, resulting in Interference, but in no case shall there be heat in such quantities that the temperature at the POTW treatment plant exceeds 104° Fahrenheit (40° Celsius) unless the Executive Director, upon request of the POTW, approves alternate temperature limits;
  - f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
  - g. 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; and
  - h. Any trucked or hauled pollutants except at discharge points designated by the POTW.
2. The permittee shall require any indirect discharger to the treatment works to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act, including any requirements established under 40 CFR Part 403 [*rev. Federal Register/ Vol. 70/ No. 198/ Friday, October 14, 2005/ Rules and Regulations, pages 60134-60798*].
3. The permittee shall provide adequate notification to the Executive Director, care of the Wastewater Permitting Section (MC 148) of the Water Quality Division, within 30 days subsequent to the permittee's knowledge of either of the following:
  - a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging those pollutants; and
  - b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

Any notice shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change on the quality or quantity of effluent to be discharged from the POTW.

Revised July 2007



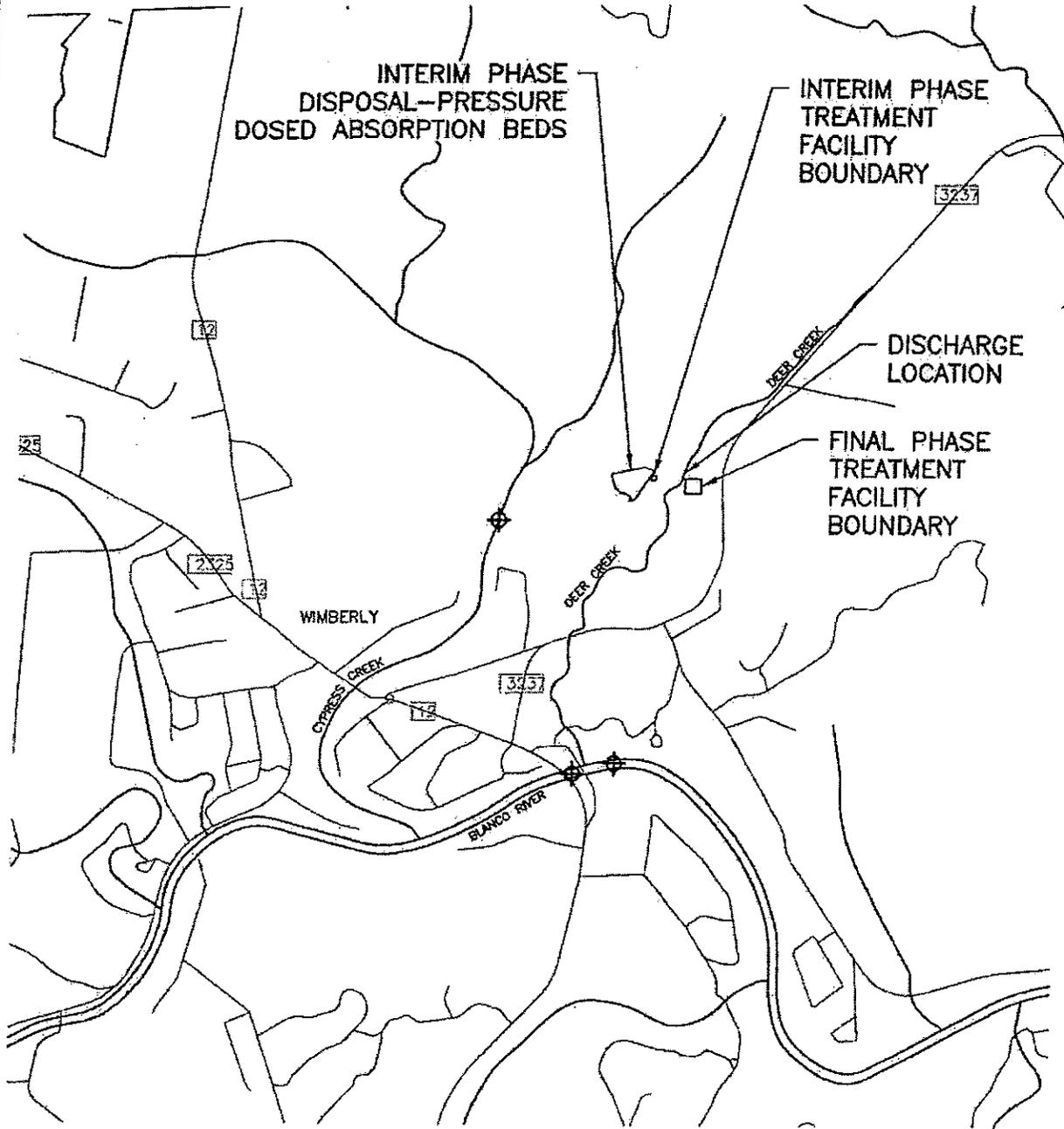
**ATTACHMENT A  
 CITY OF WIMBERLEY  
 WASTEWATER TREATMENT PLANT  
 TPDES PERMIT No. WQ0013321001  
 FACILITY LOCATION**

TEXAS REGISTERED ENGINEERING FIRM F-13  
 11/5/2015 10:10 AM M:\Projects\1732\002-01\Wood\FIGURES\ATT-A.dwg Briland



**ALAN PLUMMER  
ASSOCIATES, INC.**  
ENVIRONMENTAL  
ENGINEERS AND SCIENTISTS

FEET  
0 2000



**LEGEND**  
◆ SAMPLING LOCATIONS

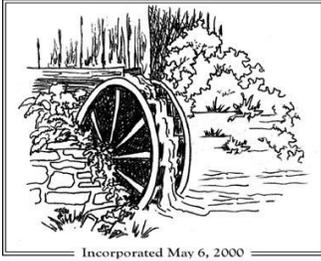
**ATTACHMENT B  
CITY OF WIMBERLEY  
WASTEWATER TREATMENT PLANT  
TPDES PERMIT No. WQ0013321001  
MONITORING LOCATION MAP**

TEXAS REGISTERED ENGINEERING FIRM F-13  
10/28/2015 10:47 AM M:\Projects\1732\002-01\Acad\FIGURES\DischargeRoute-County.dwg, Bland

ATTACHMENT C

The toxic metals that are listed in 30 Texas Administrative Code Chapter 307: Texas Surface Water Quality Standards are as follows:

1. Aluminum
2. Antimony
3. Arsenic
4. Barium
5. Cadmium
6. Chromium (+3)
7. Chromium (+6)
8. Chromium (total)
9. Copper
10. Lead
11. Mercury
12. Nickel
13. Selenium
14. Silver
15. Thallium
16. Zinc



# City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676  
(512) 847-0025 Fax (512) 847-0422 [www.cityofwimberley.com](http://www.cityofwimberley.com)

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2019

Texas Commission on Environmental Quality  
Attn:  
P.O. Box 13087  
Austin, TX 78711-3087

Re: TPDES PERMIT NO. WQ0013321001

The City of Wimberley holds TPDES Permit No. WQ0013321001, which authorized the City to treat and discharge wastes from our Blue Hole Wastewater Treatment facility, once the proposed new 75,000 GDP treatment plant was completed. Currently the City operates a 15,000 GDP treatment plant under TPDES Permit No. WQ0013321001 and utilizes a separate 210 permit to use the effluent produced for irrigation.

The City no longer plans to build the proposed new plant, but instead intends to utilize a third-party to treat its wastewater. Once our current project is completed, the existing treatment plant will no longer be needed, and TPDES Permit No. WQ0013321001, which allows for discharge, will no longer be required. The City does intend to utilize Type I Treated effluent to irrigate the Blue Hole Regional Park. We will be requesting a separate 210 authorization which will be tied to a permit held by the third party we are contracting with to treat our wastewater.

The permit is set to expire on February 2, 2020. Please let this letter serve as notification that the City does not intend to renew TPDES Permit No. WQ0013321001. Please let me know if there is any additional information the City needs to provide.

Sincerely,

Shawn Cox  
City Administrator

Cc: TWDB



**AGENDA ITEM:** Residential Permit Fees  
**SUBMITTED BY:** Shawn Cox, City Administrator  
**DATE SUBMITTED:** June 3, 2019  
**MEETING DATE:** June 6, 2019

## AGENDA FORM

### ITEM DESCRIPTION/SUMMARY

On May 21, 2019 the Governor signed into law H.B. No. 852, which prohibits municipalities from utilizing the value of a dwelling or the costs to construct or improve a dwelling when determining a permit fee. This law became effective when signed by the Governor and did not provide for any grace period.

Currently, the City of Wimberley, like many other cities, bases their permit fee off the proposed cost to construct or improve a dwelling. Based on the passing of H.B. NO. 852, we are no longer allowed to establish residential permits fees this way.

An alternative to using construction value to determine permit fees is to use square footage.

For consideration is the approval of the following fee schedule for residential permits. These fees were developed for the City of Brownsville with input from our City Attorney.

The base fee shall be \$40.00, plus:

- Between 1 and 1,450 square feet ... \$0.25 cents
- Between 1,451 and 3,010 square feet ... \$0.27 cents
- 3,011 square feet and up ... \$0.30 cents

The adoption of these fees will allow the City to continue issuing permits. Working with the Building Official, the City will continue to evaluate its fee structure to make any necessary amendment during the budget process.

### REQUESTED ACTION

- Motion
- Discussion
- Ordinance
- Resolution
- Other

**FINANCIAL**

Budgeted Item	<input type="checkbox"/>	Original Estimate/Budget:	\$
Non-budgeted Item	<input type="checkbox"/>	Current Estimate:	\$
Not Applicable	<input checked="" type="checkbox"/>	Amount Under/Over Budget:	\$

**STAFF RECOMMENDATION**

- H.B No. 852

1 AN ACT

2 relating to information a municipality may consider in determining  
3 the amount of certain building permit and inspection fees.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter Z, Chapter 214, Local Government  
6 Code, is amended by adding Section 214.907 to read as follows:

7 Sec. 214.907. PROHIBITION ON CERTAIN VALUE-BASED BUILDING  
8 PERMIT AND INSPECTION FEES. (a) In determining the amount of a  
9 building permit or inspection fee required in connection with the  
10 construction or improvement of a residential dwelling, a  
11 municipality may not consider:

12 (1) the value of the dwelling; or

13 (2) the cost of constructing or improving the  
14 dwelling.

15 (b) A municipality may not require the disclosure of  
16 information related to the value of or cost of constructing or  
17 improving a residential dwelling as a condition of obtaining a  
18 building permit except as required by the Federal Emergency  
19 Management Agency for participation in the National Flood Insurance  
20 Program.

21 SECTION 2. Section 214.907(a), Local Government Code, as  
22 added by this Act, applies only to a building permit or inspection  
23 fee assessed by a municipality on or after the effective date of  
24 this Act in connection with the construction or improvement of a

1 residential dwelling.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 852 was passed by the House on April 16, 2019, by the following vote: Yeas 126, Nays 9, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 852 was passed by the Senate on May 8, 2019, by the following vote: Yeas 29, Nays 2.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor