



DRIPPING SPRINGS
Texas

UTILITY COMMISSION REGULAR MEETING

City of Dripping Springs

Council Chambers, 511 Mercer St, Dripping Springs, TX

Wednesday, September 13, 2023 at 4:00 PM

Agenda

CALL TO ORDER

Commission Members

Charlie Busbey, Chair

Lara Dudek

Roger Kew

Mark Miller

Matthew Ordway

Staff, Consultants & Appointed/Elected Officials

Public Works Director Aaron Reed

Utilities Service Manager Dane Sorenson

Deputy City Secretary Cathy Gieselmann

PRESENTATION OF CITIZENS

A member of the public who desires to address the Commission regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the Commission's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Commission. It is the request of the Commission that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.

MINUTES

- 1. Approval of the August 9, 2023 Utility Commission meeting minutes.**

BUSINESS

- 2. Update and discussion regarding Water and Wastewater facility activities.**
- 3. Discussion regarding Dripping Springs 210 Authorization and Reclaimed Water Rate.**

EXECUTIVE SESSION

The Utility Commission for the City of Dripping Springs has the right to meet in executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with City Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The Utility Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

UPCOMING MEETINGS

Utility Commission Meetings

October 11, 2023, at 4:00 p.m.

November 8, 2023, at 4:00 p.m.

December 13, 2023, at 4:00 p.m.

City Council Meetings

October 3, 2023, at 6:00 p.m.

October 17, 2023, at 6:00 p.m.

November 7, 2023, at 6:00 p.m.

November 21, 2023, at 6:00 p.m.

ADJOURN

TEXAS OPEN MEETINGS ACT PUBLIC NOTIFICATION & POSTING OF MEETING

All agenda items listed above are eligible for discussion and action unless otherwise specifically noted. This notice of meeting is posted in accordance with Chapter 551, Government Code, Vernon's Texas Codes. Annotated. In addition, the Commission may consider a vote to excuse the absence of any Commissioner for absence from this meeting.

*I certify that this notice of meeting was posted at the City of Dripping Springs City Hall and website, www.cityofdrippingsprings.com, on **September 8, 2023 at 12:30 PM**.*

City Secretary

This facility is wheelchair accessible. Accessible parking spaces are available. Requests for auxiliary aids and services must be made 48 hours prior to this meeting by calling (512) 858-4725.



UTILITY COMMISSION REGULAR MEETING
City of Dripping Springs
 Conference Room, 511 Mercer St, Dripping Springs, TX
 Wednesday, August 09, 2023 at 4:00 PM

MINUTES

CALL TO ORDER

With a quorum of Commission present, Chair Busbey called the meeting to order at 4:00 p.m.

Commission Members present were:

Charlie Busbey, Chair
 Mark Miller
 Matthew Ordway

Commission Members absent were:

Lara Dudek
 Roger Kew

Staff, Consultants & Appointed/Elected Officials present were:

Public Works Director Aaron Reed
 Utility Operator II Gray Lahrman

PRESENTATION OF CITIZENS

A member of the public who desires to address the Commission regarding any item on an agenda for an open meeting may do so at presentation of citizens before an item or at a public hearing for an item during the Commission's consideration of that item. Citizens wishing to discuss matters not contained within the current agenda may do so, but only during the time allotted for presentation of citizens. Speakers are allowed two (2) minutes to speak during presentation of citizens or during each public hearing. Speakers may not cede or pool time. Members of the public requiring the assistance of a translator will be given twice the amount of time as a member of the public who does not require the assistance of a translator to address the Commission. It is the request of the Commission that members of the public wishing to speak on item(s) on the agenda with a noticed Public Hearing hold their comments until the item(s) are presented for consideration. Speakers are encouraged to sign in. Anyone may request a copy of the City's policy on presentation of citizens from the city secretary. By law no action may be taken during Presentations of Citizens.

Charlie Flatten thanked the Commission for their work on interviewing candidates for open seats.

MINUTES

1. Approval of the June 14, 2023 Utility Commission meeting minutes.

A motion was made by Commissioner Miller to approve the June 14, 2023, Utility Commission meeting minutes. Commissioner Ordway seconded the motion which carried unanimously 3 to 0.

BUSINESS

2. Update and discussion regarding Water and Wastewater facility activities.

Aaron Reed presented the staff report which is on file.

EXECUTIVE SESSION

The Utility Commission for the City of Dripping Springs has the right to meet in executive session at any time during the course of this meeting to discuss any matter as authorized by Texas Government Code Sections 551.071 (Consultation with City Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), and 551.086 (Economic Development). The Utility Commission for the City of Dripping Springs may act on any item listed in Executive Session in Open Session or move any item from Executive Session to Open Session for action.

The Commission did not meet in Executive Session.

UPCOMING MEETINGS

Utility Commission Meetings

September 13, 2023, at 4:00 p.m.
 October 11, 2023, at 4:00 p.m.
 November 8, 2023, at 4:00 p.m.

City Council Meetings

August 15, 2023, at 6:00 p.m.
 September 5, 2023, at 6:00 p.m.
 October 3, 2023, at 6:00 p.m.
 October 17, 2023, at 6:00 p.m.

ADJOURN

A motion was made by Commissioner Ordway to adjourn the meeting. Commissioner Miller seconded the motion which carried unanimously 3 to 0.

This regular meeting adjourned at 4:12 p.m.



DRIPPING SPRINGS
Texas

City Ordinance
Amendment:
Rate for Reclaimed Water
CC – September 3, 2023

Dane Sorensen, Utility Superintendent

Summary/Background

- This would amend the City Code to add a rate for reclaimed water of \$5.00 per 1,000 gallons
- Wastewater department is working to modify plant to allow for easier access to reclaimed water
- Currently construction companies are utilizing reclaimed water for non potable uses free of charge using diesel pumps and hose hookups.



Wastewater Effluent

- Over 200,000 gallons of effluent created every day
- Treated to meet TCEQ Type 1 Effluent standards
- Able to be used with 210 Authorization Permit
- Untapped resource and city asset



210 Authorization

- 210 Authorization allows for use of Reclaimed water under Title 30 of the Texas Administrative Code
- Reclaimed Water is treated to meet stringent metrics (BOD, TSS)
- City of Dripping Springs Has 210 Authorization Permit with allows for use with the city limits and ETJ.
- Uses Include: fire suppression, construction, irrigation, and toilet flush water



Proposed Infrastructure



- Electric Pump that is low maintenance and is simple to use
- Meter that allows for accurate tracking for reporting and billing purposes
- Standpipe for quick loading



Staff Recommendations

Staff Recommends Approval.



DRIPPING SPRINGS
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- Reduces use and demand of limited water resources
- Monetizes and increases accessibility of reclaimed water
- Reduces workload on wastewater plant infrastructure.



Questions?



Jon Niermann, *Chairman*
 Emily Lindley, *Commissioner*
 Bobby Janecka, *Commissioner*
 Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 5, 2021

The Honorable Bill Foulds Jr., Mayor
 City of Dripping Springs
 P.O. Box 384
 Dripping Springs, Texas 78620

Re: City of Dripping Springs South Regional Wastewater Treatment Facility
 Reuse Authorization No. R14488-003 Hays County
 (CN602491284; RN104005434)

Dear Mayor Foulds:

The Texas Commission on Environmental Quality has completed its review of the application for the above referenced authorization. The authorization allows the reuse of Type I wastewater effluent from City of Dripping Springs South Regional wastewater treatment facility.

Notify this office and the appropriate regional office at least 30 days before reclaimed water is distributed. If the plans and specifications for the project have been approved, the authorization will be activated, and the facility will be issued monthly effluent report (MER) forms for reporting quality and quantity of reclaimed water used. See Requirement V(d) on page 9 of the attached authorization.

Thank you for your cooperation during this review process. If you have any questions, please contact Mr. Paul A. Brochi, P.E. of my staff at paul.brochi@tceq.texas.gov or (512) 239-1372.

Sincerely,

A handwritten signature in cursive script that reads "Laurie Fleet".

Laurie Fleet, Acting Section Manager
 Wastewater Permitting Section
 Water Quality Division (

LF/PAB/cc/sea

cc: Mr. Robert P. Callegari, P.E., CMA Engineering, Inc., 235 Ledgestone Drive
 Austin, Texas 78737

AUTHORIZATION FOR RECLAIMED WATER



Authorization No. R14488-003

Producer: City of Dripping Springs
PO Box 384
Dripping Springs, Texas 78620
CN602491284, RN104005434

Provider: City of Dripping Springs
PO Box 384
Dripping Springs, Texas 78620
CN602491284, RN104005434

User: City of Dripping Springs
PO Box 384
Dripping Springs, Texas 78620
and any user within the service area authorized by the provider

Location: The wastewater treatment facility's Water Quality permit shows the plant's physical location as 23127 Ranch-to-Market Road 150 in the City of Dripping Springs, Hays County, Texas. The corresponding geographical coordinate is 30.154181 N latitude and 98.080258 W longitude.

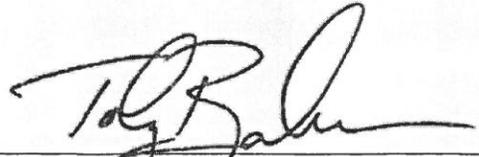
Authorization: Type I reclaimed water from the City of Dripping Springs' South Regional Wastewater Treatment Facility (TPDES Permit No. WQ0014488003) to be used within the plant as wash water, and make-up water for chlorine and chemical feeding purposes. Uses beyond plant boundaries include irrigation of open spaces, greenbelts, pasture lands, commercial landscape areas, public park lands, athletic fields, golf courses, rights-of-way, and residential lawns and landscaping. The water can also be used at construction areas for soil compaction, dust control and irrigation for revegetation. The reclaimed water can be used for toilet and urinal flushing, fire control, and as make up water for cooling towers and off-channel storm water quality ponds; and for commercial process water. The service area is defined as shown in Section XI, Service Area Map.

City of Dripping Springs
Reclaimed Authorization No. R14488-003

This authorization contains the conditions that apply for the use of reclaimed water. The approval of reclaimed water use under Chapter 210 does not affect any existing water rights. If applicable, a reclaimed water use authorization in no way affects the need of a producer, provider, or user to obtain a separate water right authorization from the commission. This authorization does not allow irrigation of any area authorized for irrigation under a Texas Land Application Permit.

Issue Date:

February 5, 2021



Toby Baker, Executive Director

I. General Requirements

- A. No producer or provider may transfer reclaimed water to a user without first notifying the commission.
- B. Reuse of untreated wastewater is prohibited.
- C. Food crops that may be consumed raw by humans must not be spray irrigated. Food crops including orchard crops that will be substantially processed prior to human consumption may be spray irrigated. Other types of irrigation that avoid contact of reclaimed water with edible portions of food crops are acceptable.
- D. There must be no nuisance conditions resulting from the distribution, the use, or storage of reclaimed water.
- E. Reclaimed water must not be used in a way that degrades groundwater quality to a degree adversely affecting its actual or potential uses.
- F. Reclaimed water stored in ponds must be prevented from discharging into waters in the state, except for discharges directly resulting from rainfall events or in accordance with a permit issued by the commission. All other discharges are unauthorized.
- G. If an overflow of a holding pond occurs causing discharge into or adjacent to water in the state, the user or provider, as appropriate, shall report the noncompliance. A written submission of pertinent information must be provided to the TCEQ Region 11 office, and to the TCEQ Enforcement Division (MC-149); both in Austin, within five (5) working days after becoming aware of the overflow. The submission must contain:
 - 1. a description of the noncompliance and its cause;
 - 2. the potential danger to human health or safety, or the environment;
 - 3. the period of noncompliance, including exact dates and times;
 - 4. if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
 - 5. steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, and to mitigate its adverse effects.
- H. Unless otherwise provided in this authorization, there must be no off-site discharge, either airborne or surface runoff of reclaimed water from the user's property except to a wastewater treatment collection system or wastewater treatment facility unless the reclaimed water user applies for and obtains a permit from the commission that authorizes discharge of the water.
- I. All reclaimed water piping must be separated from potable water piping when trenched by a distance of at least nine feet for Type II effluent and four feet For Type I. All buried pipe must be manufactured in purple, painted purple, taped with purple metallic tape or bagged in purple. All exposed piping, hose bibs and faucets must be painted purple, designed to prevent connection to a standard water hose, and stenciled with a warning reading "NON-POTABLE WATER."
- J. The design of any new distribution system that will convey reclaimed water to a user requires the approval of the executive director. Materials must be submitted to the executive director in accordance with the Texas Engineering Practice Act (Article 3271a, Vernon's Annotated Texas Statutes). The plans and specifications for any new

City of Dripping Springs
Reclaimed Authorization No. R14488-003

distribution system constructed pursuant to this authorization must be approved by the executive director. Failure to secure approval before commencing construction or making a transfer of reclaimed water is a violation of this authorization. Each day of a transfer is a separate violation until approval has been secured.

- K. Nothing in this authorization modifies any requirements in 30 TAC Chapter 290, Public Drinking Water.
- L. A major change from a prior notification for use of reclaimed water must be approved by the executive director before it can be implemented. A major change includes:
1. a change in the boundary of the approved service area, not including the conversion of individual lots within a subdivision to reclaimed water use;
 2. the addition of a new provider;
 3. a major change in the intended use, such as conversion from irrigation of a golf course to residential irrigation; or
 4. a change from either Type I or Type II use to the other.
- M. The reclaimed water producer, provider, and user shall maintain current operation and maintenance plans on the sites over which they have operational control. The operation and maintenance plan must contain the following, as a minimum:
1. a copy of the signed contract between the user and provider and a copy of the signed contract between the provider and the producer, as applicable;
 2. a labeling and separation plan for the prevention of cross connections between reclaimed water distribution lines and potable water lines;
 3. the measures that will be implemented to prevent unauthorized access to reclaimed water facilities (e.g., secured valves);
 4. procedures for monitoring reclaimed water;
 5. a plan for how reclaimed water use will be scheduled to minimize the risk of inadvertent human exposure;
 6. schedules for routine maintenance;
 7. a plan for worker training and safety; and
 8. contingency plan for system failure or upsets.
- N. One of the following requirements must be met by the user or provider, for any area where reclaimed water is stored or where there are hose bibs or faucets:
1. Signs having a minimum size of eight inches by eight inches must be posted at all storage areas and on all hose bibs and faucets reading, in both English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning.
 2. The area must be secured to prevent access by the public.
- O. Where a reclaimed water line parallels a sewer line, the reclaimed water line must be constructed in accordance with subsection (p) or (q) of this section. The horizontal separation distance must be three feet (outside to outside) with the reclaimed water line at the level of or above the sewer line. Reclaimed water lines that parallel sewer lines may be placed in the same benched trench. Where a reclaimed water line crosses a sewer line,

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the requirement of 30 TAC §290.44(e)(4)(B), Water Line Installation—crossing lines, must be followed with the reclaimed water line substituted for the water line.

- P. Reclaimed water pipes must meet the following requirements:
1. Lines that transport reclaimed water under pressure must be sized according to acceptable engineering practices for the needs of the reclaimed water users.
 2. Reclaimed water force mains must have an expected life of at least as long as that of the associated lift station and must be suitable for the reclaimed water being pumped and operating pressure to which it will be subjected.
 3. Pipes must be identified in the technical specifications with appropriate American Society for Testing and Materials, American National Standard Institute, or American Water Works Association standard numbers for both quality control (dimensions, tolerance, and installation such as bedding or backfill).
 4. Pipes and fittings must have a minimum working pressure rating of 150 pounds per square inch.
 5. Final plans and specifications must describe required pressure testing for all installed reclaimed water force mains.
 6. Minimum test pressure must be 1.5 times the maximum design pressure. Allowable leakage rates must be determined as described in 30 TAC §217.97, Pressure Sewer Systems.
 7. Gravity flow reclaimed water lines must meet the requirements of 30 TAC Chapter 217, Subchapter C, Conventional Collection Systems. The provider shall prevent high velocity scouring and maintain adequate fluid velocity to prevent the deposition of solids in the lines.
- Q. All exposed piping and piping within a building must be either purple pipe or painted purple. All exposed piping should be stenciled in white with a warning reading "NON-POTABLE WATER. All exposed or buried reclaimed water piping constructed at a wastewater treatment facility is exempt from the color-coding requirement of this section.
- R. When applicable, in accordance with 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems, the design of the distribution systems that will convey reclaimed water to a user must be submitted to the executive director and must receive an approval before the distribution system may be constructed. The design of the distribution systems must meet the criteria of 30 TAC Chapter 217, Design Criteria for Domestic Wastewater Systems. When a municipality is the plan review authority for certain sewer systems that transport primarily domestic waste, in lieu of the commission, design submittal will not be subject to submittal to the commission and instead must be approved by the municipality.
- S. All ground level and elevated storage tanks must be designed, installed, and constructed in accordance with current AWWA standards with reference to materials to be used and construction practices to be followed, except for health-based standards strictly related to potable water storage and contact practices, where appropriately less restrictive standards may be applied.

II. Storage Requirements for Reclaimed Water

- A. Storage facilities for retaining reclaimed water prior to use must not be located within a floodway.
- B. Storage ponds must be hydraulically separated from waters in the state.
- C. Any holding pond designed to contain Type I effluent that is located within a DRASTIC Pollution Potential Index Zone of less than 110, shall conform to the following requirements:
 - 1. Ponds with an earthen liner must meet the following requirements
 - a. A permeability of less than 1×10^{-4} cm/sec;
 - b. The ponds must be designed and constructed to prevent groundwater contamination;
 - c. Soils used for pond lining must be free from foreign material such as paper, brush, trees, and large rocks; and
 - d. All soil liners must be of compacted material, at least 24 inches thick, compacted in lifts no greater than 6 inches thick and compacted to 95% of Standard Proctor Density;
 - e. Soil liners must meet the following particle size gradation and Atterberg limits:
 - i. 30% or more passing a number 200 mesh sieve; and
 - ii. a liquid limit of 30% or greater; and
 - iii. a plasticity index of 15 or greater;
 - f. In situ liners at least 24 inches thick meeting a permeability less than or equal to 1×10^{-4} cm/sec are acceptable alternatives; In-situ clay soils meeting the soils liner requirements must be excavated and re-compacted a minimum of 6 inches below planned grade to assure a uniformly compacted finished surface.
- D. **All earthen liners located in areas overlying the recharge zones of major or minor aquifers, as defined by the Texas Water Development Board, shall be at least 36 inches thick meeting permeability less than or equal to 1×10^{-7} cm/sec.**
- E. Synthetic membrane linings must have a minimum thickness of 40 mils and have a leak detection system;
- F. Certification by a Texas licensed professional engineer must be furnished stating that the pond liner meets the appropriate criteria prior to use of the facilities;
- G. Soil embankment walls must have a top width of at least five feet. The interior and exterior slopes of soil embankment walls must be no steeper than one foot vertical to three feet horizontal unless alternate methods of slope stabilization are used. All soil embankment walls must be protected by a vegetative cover or other stabilizing material to prevent erosion. Erosion stops and water seals must be installed on all pipe penetrating the embankments; and
- H. An alternative method of pond lining that provides equivalent or better water quality protection than provided under this section may be utilized with the prior approval of the executive director; and

City of Dripping Springs
Reclaimed Authorization No. R14488-003

- I. Reclaimed water may be stored in leak-proof, fabricated tanks;
- J. Subsequent holding ponds utilized for the receipt and storage of reclaimed water of a quality that could cause or causes a violation of a surface water quality standard or impairment of groundwater for its actual or intended use will be also subject to the storage requirements of this section.

III. Specific Uses and Quality Standards for Reclaimed Water

- A. Numerical parameter limits pertaining to specific reclaimed water use categories are contained in this section. These limits apply to reclaimed water before discharge to initial holding ponds or a reclaimed water distribution system.
- B. The reclaimed water producer shall establish that the reclaimed water meets the quality limits at the sample point for the intended use in accordance with the monitoring requirements identified in Section IV, Sampling and Analysis.
- C. Types and quality standards for reclaimed water.
 - 1. Type I Reclaimed Water Use. The use of Type I reclaimed water is for situations where the public may come in contact with the reclaimed water. The uses allowed by this authorization are:
 - a. Irrigation: landscape, public parks, greenbelts, schoolyards, athletic fields, golf courses, and residential lawns and landscapes.
 - b. Fire protection, (internal sprinkler system of external fire hydrants)
 - c. Maintenance any off channel water bodies where recreational activities, such as wading or fishing, are anticipated even though the water body was not specifically designed for such a use.
 - d. Toilet or urinal flush water.
 - e. Type I reclaimed water may also be used for any of the authorized Type II uses; specifically:
 - i. Soil compaction, dust control, and revegetation irrigation in construction areas where application procedures minimize aerosol drift to public areas.
 - ii. Maintenance of off channel water bodies where direct human contact is not likely.
 - iii. Cooling tower makeup water. Use for cooling towers that produce significant aerosols adjacent to public access areas may have special requirements.
 - iv. Industrial process water.
 - v. Irrigation of limited access: highway rights of way, cemeteries, and landscaped areas surrounding commercial or industrial complexes.

2. The following conditions apply to Type I use of reclaimed water. At a minimum, the reclaimed water producer shall transfer only reclaimed water of the following quality as described for Type I reclaimed water use. Type I reclaimed water on a 30-day average must have a quality of no more than:

Table 1. Type I Quality Requirements

Parameter	Limit	Limit Type
Turbidity	3 NTUs	30-day average
CBOD ₅	5 mg/l	30-day average
<i>E. coli</i>	20/100 ml	30-day geometric mean (MPN or CFU)
<i>E. coli</i>	75/100 ml	maximum single grab sample (MPN or CFU)

3. Test procedures for the analysis of pollutants must comply with procedures specified in 30 TAC §§319.11 - 319.12. Measurements, tests, and calculations must accurately represent the reclaimed water.
4. All laboratory tests submitted to demonstrate compliance with this authorization must meet the requirements of 30 TAC Chapter 25, *Environmental Testing Laboratory Accreditation and Certification*.

IV. Sampling and Analysis

- A. The reclaimed water producer shall sample the reclaimed water prior to distribution to the entity that first received the reclaimed water after it leaves the wastewater treatment facility (provider or user) to assure that the water quality meets the standard for the contracted use.
- B. Analytical methods must be in compliance with 30 TAC Chapter 319, *Monitoring and Reporting*.
- C. The minimum sampling and analysis frequency for Type I reclaimed water is twice per week when reclaimed water is being produced and shall be reported as outfall 800.
- D. The monitoring must be done after the final treatment unit.
- E. The records of the monitoring must be kept on a monthly basis and be available at the facility site for inspection by representatives of the Commission for at least five years.

V. Record Keeping and Reporting

- A. The reclaimed water provider and user shall maintain records on site for a period of at least five years.
- B. The producer shall maintain the following records:
 1. copies of notifications made to the commission concerning reclaimed water projects;

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2. as applicable, copies of contracts with each reclaimed water user (this requirement does not include reclaimed water users at residences that have separate distribution lines for potable water);
 3. records of the volume of water delivered to each reclaimed water user per delivery (this requirement does not apply to reclaimed water users at residences that have separate distribution lines for potable water); and
 4. reclaimed water quality analyses.
- C. The reclaimed water provider or producer shall report to the commission on a monthly basis the following information on forms furnished by the executive director. The reports are due by the 20th day of the month following the reporting period.
1. volume of reclaimed water delivered to each user; and
 2. quality of reclaimed water delivered to a user or provider reported as a monthly average for each quality criteria, except those listed as "not to exceed" that must be reported as individual analyses.
- D. Monitoring requirements contained in the authorization are suspended from the effective date of the authorization until the reclaimed water is transferred. The provider shall provide written notice to the Water Quality Application Team (MC 148) and the appropriate TCEQ regional office at least thirty (30) days prior to transfer of reclaimed water.

VI. Transfer of Reclaimed Water

- A. Reclaimed water must be transferred from a provider to a user on a demand only basis. A reclaimed water user may refuse delivery of reclaimed water at any time.
- B. All reclaimed water transferred to a user must be of at least the quality specified in Section IV, *Sampling and Analysis*.
- C. Transfer must be by pipes or tank trucks.
- D. The transfer of reclaimed water must be terminated immediately if a provider becomes aware of the misuse of the reclaimed water by the user, regardless of contract provisions.

VII. Restrictions

- A. This authorization does not convey any property right and does not grant any exclusive privilege.
- B. This authorization does not allow the use of reclaimed water on land that is authorized as a disposal site under either a Texas Pollutant Discharge Elimination System (TPDES) permit or a Texas Land Application Permit (TLAP).

VIII. Responsibilities and Contracts

- A. The producer of reclaimed water is not liable for misapplication of reclaimed water by users, except as provided in this section. Both the reclaimed water provider and user have at least but are not limited to the following responsibilities:
 1. The reclaimed water producer shall: transfer reclaimed water of at least the minimum quality required by this authorization at the point of delivery to the user;

- a. sample and analyze the reclaimed water and report the analyses in accordance with Section IV, Sampling and Analysis, and Section V, Recordkeeping and Reporting; and
 - b. notify the executive director in writing within five (5) days after obtaining knowledge of reclaimed water use not authorized by the executive director.
2. The reclaimed water provider shall:
- a. ensure construction of reclaimed water distribution systems in accordance with 30 TAC Chapter 217, Design of Domestic Wastewater Systems, and in accordance with approved plans and specifications;
 - b. transfer reclaimed water of at least the minimum quality required by this authorization at the point of delivery to the user;
 - c. notify the executive director in writing within five (5) days after obtaining knowledge of reclaimed water use not authorized by the executive director; and
 - d. not be found in violation of this authorization for the misuse of the reclaimed water by the user if transfer of such water is shut off promptly upon knowledge of misuse regardless of contract provisions.
3. The reclaimed water user shall:
- a. use the reclaimed water in accordance with this authorization; and
 - b. maintain and provide records as required by Section V, Record Keeping and Reporting.

IX. Enforcement

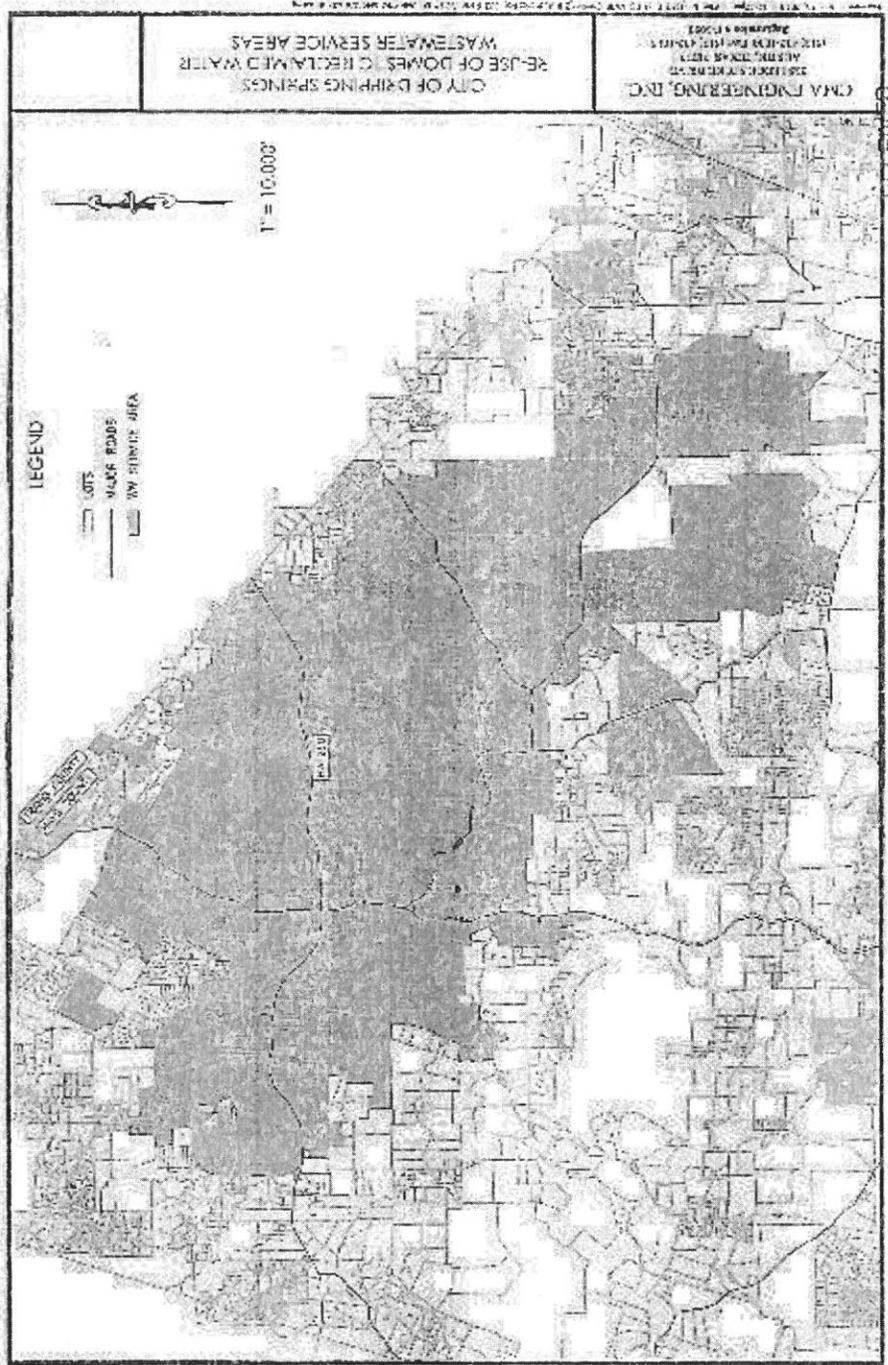
If the producer, provider, or user fail to comply with the terms of this authorization, the executive director may take enforcement action provided by the Texas Water Code §26.019 and §26.136.

X. Standard Provisions

- A. This authorization is granted in accordance with the rules and orders of the commission and the laws of the state of Texas.
- B. Acceptance of this authorization constitutes an acknowledgment and agreement that the producer, provider and user will comply with all the terms, provisions, conditions, limitations and restrictions embodied in this authorization and with the rules and other orders of the commission and the laws of the state of Texas. Agreement is a condition precedent to the granting of this authorization.

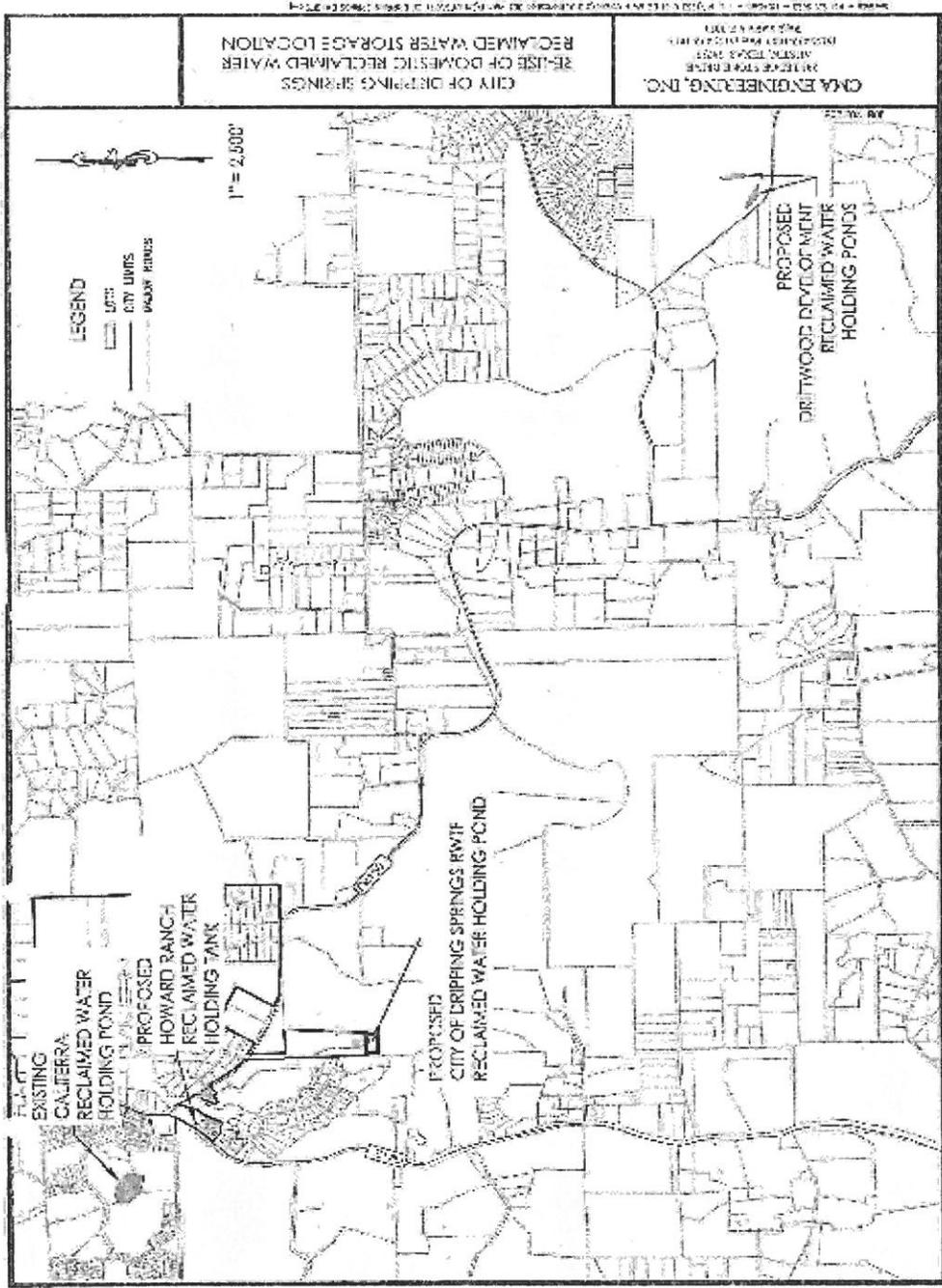
City of Dripping Springs
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XI. Service Area Map



City of Dripping Springs
Reclaimed Authorization No. R14488-003

Storage Pond Location Map



DIVISION 2. RECLAIMED WATER

Sec. 20.06.031. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this division, except where the context clearly indicates a different meaning:

Reclaimed water : Effluent owned or controlled by the city that is produced from the treatment of the city's wastewater through a wastewater treatment plant and treated to the standards required in 30 Texas Admin. Code § 210 et seq.

Reclaimed water system : The distribution, transmission and storage facilities designed to meet the requirements of 30 Texas Admin. Code § 210 et seq. as described in this division for the distribution of reclaimed water to users.

Users : Entities or individuals that purchase reclaimed water from the city through the city's reclaimed water system.

Sec. 20.06.032. Prohibitions.

- (a) It shall be unlawful to tap into, connect, or obtain reclaimed water from the reclaimed water system except in accordance with the terms of an executed reclaimed water use agreement with the city and this division.
- (b) It shall be unlawful to use reclaimed water in a manner that violates this division or the rules and regulations of the Texas Commission on Environmental Quality.

Sec. 20.06.033. Construction standards for reclaimed water system.

The reclaimed water system shall be constructed in accordance with the following standards:

- (1) Transmission lines. Any reclaimed water transmission lines shall be constructed with a minimum separation from potable waterlines of nine feet whenever possible. When it is not possible to maintain such separation, the reclaimed waterlines shall be constructed in accordance with 30 Texas Admin. Code ch. 290 concerning separation of potable and nonpotable water piping. A nondegradable warning tape shall be placed in the trench above the pipe to reduce the possibility of inadvertent connections. Pipe used for the construction of any additional reclaimed waterlines shall be purple, covered with a purple polywrap bag, or marked with purple tape. Construction plans for any additional reclaimed waterlines shall be submitted to the Texas Commission on Environmental Quality for review and approval in accordance with 30 Texas Admin. Code § 210.25(h).
- (2) Internal lines. Users shall be responsible for the design of any internal reclaimed water distribution piping or irrigation piping. The user shall design all piping in accordance with 30 Texas Admin. Code § 210.25.
- (3) Storage ponds. All reclaimed water storage ponds shall be designed and constructed in accordance with 30 Texas Admin. Code § 210.25(c).

Sec. 20.06.034. User responsibilities.

Reclaimed water users shall comply with the following requirements:

- (1) Users shall post signs at all storage areas, hose bibs, faucets and other points of access to the reclaimed water that comply with the requirements of 30 Texas Admin. Code 210.25b.
- (2) Users shall design all hose bibs, faucets, and valves in accordance with 30 Texas Admin. Code § 210.25a.
- (3) Users shall ensure that irrigation activities occur during times that will minimize the risk of inadvertent human exposure.
- (4) Users shall operate irrigation systems in a manner that will not cause any surface or airborne discharge of reclaimed water.
- (5) Users shall not operate irrigation systems when the earth is frozen or saturated with water.
- (6) Users shall utilize operational procedures for irrigation systems that will minimize wet grass conditions in unrestricted landscape areas during the periods the areas could be in use.
- (7) Users shall maintain transmission mains, storage pond, pumping facilities and internal irrigation piping beyond the point of delivery.
- (8) Users shall design a routine maintenance schedule that includes a routine check of the sprinkler heads, distribution piping, pumps, valves, and other mechanical equipment and shall conduct repairs as necessary. Preventive maintenance on all mechanical equipment shall be as specified by the manufacturer.

Sec. 20.06.035. Judicial enforcement remedies applicable to reclaimed water use.

- (a) Criminal penalty. Any person who has violated any provision of this division regarding the use of reclaimed water shall be strictly liable for such violation and shall, upon conviction, be subject to a fine of not more than \$2,000.00 per violation per day.
- (b) Pursuant to Texas Local Government Code section 552.0025, the compensation due to the city shall be a delinquent cost of providing utility services, and the city may impose a lien on the landowner's real property, unless the property is a homestead as protected by the state constitution.
- (c) Remedies nonexclusive. The remedies provided for in this division are not exclusive of any other remedies that the city may have under state or federal law or other city ordinances. The city may take any, all, or any combination of these actions against a violator. The city is empowered to take more than one enforcement action against any violator. These actions may be taken concurrently.
- (d) Supplemental enforcement action.
 - (1) Whenever a user has violated or continues to violate any provision of this division, reclaimed water service to the user may be severed. Service will only recommence, at the user's expense, after he has satisfactorily demonstrated his ability to comply.
 - (2) The misuse of reclaimed water in violation of this division is hereby declared a public nuisance and shall be corrected or abated as directed by the city public works director. Any person creating a public nuisance shall be subject to the provisions of this code governing such nuisances, including reimbursing the city for any costs, including but not limited to, attorneys fees and costs of court, incurred in removing, abating, or remedying said nuisance.

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- (3) In addition to prohibiting certain conduct by natural persons, it is the intent of this division to hold a corporation or association legally responsible for prohibited conduct performed by an agent acting on behalf of a corporation or association and within the scope of his office or employment.
 - (4) Any user that violates any provision of this division and thereby causes the city to violate a rule or regulation of the Texas Commission on Environmental Quality or any other state or federal agency, and as a consequence causes the city to incur any civil or criminal penalty, shall be liable to the city for the amount of any such civil or criminal penalty, as well as any costs of compliance with any order issued by the Texas Commission on Environmental Quality or any state or federal court and, additionally, any costs and/or attorneys fees incurred by the city in defense or compliance with such judicial or administrative action.

Secs. 20.06.036—20.06.060. Reserved.

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2023-29

AN ORDINANCE AMENDING CHAPTER 20, ARTICLE 20.06, SECTION 20.06.004 OF THE DRIPPING SPRINGS CODE OF ORDINANCES; AMENDING THE GENERAL PROVISIONS RELATED TO WATER RATES INCLUDING ADDING A RATE FOR RECLAIMED WATER; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Dripping Springs owns and operates its municipal wastewater collection and treatment facilities and water facilities (hereinafter, the “system”); and

WHEREAS, the City of Dripping Springs provides water service to citizens both inside and outside the city limits; and

WHEREAS, the City has adopted ordinances regarding construction, operation, extension and regulation of the wastewater system and water system services; and

WHEREAS, the City of Dripping Springs recognizes the need for additional sources of water for irrigation, construction, and other activities for which non-potable water is appropriate; and

WHEREAS, the City of Dripping Springs has a 210 Reclaimed Water Authorization Permit (Reuse Authorization R14488-001) and has Reclaimed Water to sell; and

WHEREAS, the City Council finds that the amendment imposed by this Ordinance add a reclaimed water rate such that it is fair, just, and reasonable and so that the services are adequate and efficient; and

WHEREAS, the City Council finds that the amendment imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dripping Springs, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 20, Article 20, Sections 20.06.004 of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with Attachment “A” which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on Attachment “A”.

3. REPEALER

All ordinances, resolutions, or parts thereof, that 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 regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 5th day of September 2023, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

ATTACHMENT "A"

Sec. 20.06.004. – Water rates and charges

(a) Applicability. These rates and charges are applicable to all sales or service of water within and outside the corporate limits of the city.

(b) Rates and charges. The city's rates and charges to customers for the sales or service of water shall consist of two parts: (i) base rates, (ii) Special charges, and (iii) administrative fee.

(1) Base rates. For customers who live within the city limits of the City of Dripping Springs, the city shall charge as its base rates the same rates, fees, and charges (including, but not limited to, water impact fees, connection fees, minimum monthly charges, capital charges, and volumetric charges), the same as what is charged by the Dripping Springs Water Supply Corporation.

(2) Base rates. For customers who live outside the city limits of the City of Dripping Springs, the city shall charge as its base rates the same rates, fees, and charges (including, but not limited to, water impact fees, connection fees, minimum monthly charges, capital charges, and volumetric charges), the same as what is charged by the Dripping Springs Water Supply Corporation plus an additional 20 percent for the rates, fees, and charges.

(3) Special charges. Each retail water customer shall be responsible to pay costs incurred that are attributable to a specific retail customer or retail customer account (such as, but not limited to, returned check fees, disconnect charges, and resumption of service charges).

(4) Administrative fee. Except for wholesale water impact fees, the city shall charge an administrative fee calculated as a percentage of the sum of the base rates and special charges charged pursuant to subsections (b)(1), (b)(2), and (b)(3) above. The applicable percentage shall initially be six percent and periodically reviewed and revised, as appropriate. The administrative fee will be shown separately on customer's water bill.

(5) Reclaimed water fee. The reclaimed water fee is five dollars (\$5.00) per 1,000 gallons. In order to obtain reclaimed water, each customer must complete a reclaimed water use agreement form and be approved by the City.