

MANVEL CITY COUNCIL MEETING February 7, 2022

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
DAN DAVIS, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

NOTICE OF A CITY COUNCIL MEETING OF THE CITY OF MANVEL February 7, 2022

NOTICE IS HEREBY GIVEN
6:00 P.M. WORKSHOP
7:00 P.M. REGULAR SESSION

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the City of Manvel will convene a regular meeting at the Manvel City Hall, located at 20031 Hwy 6, Manvel Tx 77578 for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The City Council of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. The City Council may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 X6 for further information.

Workshop Session

Presentation/Update on the Master Water Plan

Discussion on any subject listed on the Agenda dated February 7, 2022.

Regular Session

Call To Order

Inspirational Reading - Council Member Dan Davis

Pledge

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

Citizen Comments: "Comment Card" Required

****Members of the public who wish to submit written comments on a listed agenda item must submit their comments via the Public Comment Request Form found on the city website www.cityofmanvel.com or by emailing thelt@cityofmanvel.com or by calling 281-489-0630 x6 for staff assistance.*

Public Hearing

TO HEAR INPUT FROM THE PUBLIC ON AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 21,000 SQUARE FEET LOCATED AT 7507 MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621111 "OFFICES OF PHYSICIANS (EXCEPT MENTAL HEALTH SPECIALISTS)"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

City Manager Update

Update on current events and city issues.

Regular Agenda

1. Consideration and possible action to approve Final Plat for Meridiana Detention Reserve V Phase 2;
Being a subdivision of 1.074 acres out of the H.T. & B.R.R. Company Survey, Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel, Brazoria County, Texas. (30-Day extension forwarded with favorable recommendation FAILED by PD&Z with a 0/5 vote)
2. Consideration and possible action to approve Final Plat for Meridiana Section 52;
Being a subdivision of 21.88 acres out of the H.T. & B.R.R. Company Survey, Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel, Brazoria County, Texas. (30-Day extension forwarded with favorable recommendation FAILED by PD&Z with a 0/5 vote)
3. Consideration and possible action to approve Final Plat for Meridiana Detention Reserve M-2;
Being a subdivision of 4.644 acres out of the H.T. & B.R.R. Company Survey, Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel, Brazoria County, Texas. (30-Day extension forwarded with favorable recommendation FAILED by PD&Z with a 0/5 vote)
4. Consideration and possible action to approve Final Plat for Meridiana Detention Reserve N-2;
Being a subdivision of 7.081 acres out of the H.T. & B.R.R. Company Survey, Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel, Brazoria County, Texas. (30-Day extension forwarded with favorable recommendation FAILED by PD&Z with a 0/5 vote)

5. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.
6. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-03; AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 21,000 SQUARE FEET LOCATED AT 7507 MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621111 "OFFICES OF PHYSICIANS (EXCEPT MENTAL HEALTH SPECIALISTS)"; PROVIDING FOR THE AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; PROVIDING SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. (Forwarded with favorable recommendation with conditions by PD&Z with a 5/0 vote)
7. Consideration and possible action to approve the first of two readings of Ordinance 2022-O-05;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50. *PLANNING AND DEVELOPMENT*, ARTICLE III. *COMPREHENSIVE PLAN*, BY APPROVING THE 2022 MASTER WASTEWATER PLAN UPDATE DOCUMENT AS THE 2022 MASTER WASTEWATER PLAN; AMENDING SECTION 50-55. *MASTER WASTEWATER PLAN* INTEGRATING THE CITY'S 2022 MASTER WASTEWATER PLAN INTO THE CITY'S COMPREHENSIVE PLANS; PROVIDING FOR CONFORMITY OF ALL WASTEWATER REGULATIONS TO THE MASTER WASTEWATER PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.
8. Consideration and possible action on appointing members to the Animal Control Advisory Board.
9. Consideration and possible action to approve Resolution 2022-R-01;
A RESOLUTION ADOPTING AN AMENDED PERSONNEL POLICIES AND PROCEDURES HANDBOOK DATED FEBRUARY 7, 2022 FOR ALL CITY EMPLOYEES; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE.

10. Consideration and possible action to direct staff on the following;
 - A) Noise Ordinance
 - B) Zoning Ordinance (Landscaping)
11. Discussion and update on participation of Brazoria County C&R 3 in the S. Masters drainage project as requested by Council Member Akery.
12. Consideration and possible action to direct staff on alternatives to speed up the process of building a new Police Department facility. (Requested by Council Member Albert)

Consent Agenda

All Consent Agenda items listed are considered to be routine by the City Council and will be approved by one motion. There will be no separate discussion of these items unless a City Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

1. Approve Preliminary Plat for Meridiana Detention Reserve "B-2";
Being a Subdivision of 11.14 acres, consisting of 1 Block and 1 Reserve, out of the Oliver Hall Survey, A-203. City of Manvel, Brazoria County, Texas.
2. Approve Preliminary Plat for Meridiana Detention Reserve "C-2";
Being a Subdivision of 4.43 acres, consisting of 1 Block and 1 Reserve, out of the Oliver Hall Survey, A-203. City of Manvel, Brazoria County, Texas.
3. Approve Preliminary Plat for Meridiana Unit 13 Open Space;
Being a Subdivision of 29.1 O acres, consisting of 1 Block and 1 Reserve, out of the Oliver Hall Survey, A-203. City of Manvel, Brazoria County, Texas.
4. Acceptance of the 2021 Police Department Racial Profiling Report.
5. Acceptance of infrastructure improvements for Lakeland Section 5 and release the associated maintenance bonds.
6. Acceptance of the infrastructure improvements for Pomona Section 18 to begin the two-year Maintenance Period.
7. Acceptance of the infrastructure improvements for Pomona Section 23 to begin the two-year Maintenance Period.
8. Acceptance of the infrastructure improvements for Pomona Parkway Phase 5 to begin the two-year Maintenance Period.
9. Acceptance of the meeting minutes to date.

MANVEL CITY COUNCIL MEETING February 7, 2022

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Section 551.071: "Consultation with Attorney" to discuss the following:

Discuss demand letter from Brazoria County MUD #61

Mayor and Council Comments

Update on current events and city issues.

Additionally, pursuant to Texas Government Code § 551.0415, City Council Members and city staff may make a report about items of community interest during a meeting of the governing body without having given notice of the report.

Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on February 4, 2022, in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS





Manvel Master Water Plan

Report to Council

February 7, 2022



Major Activities

- Define existing system
- Develop water demand projections
- Update water system model
- Evaluate system
 - TCEQ requirements
 - Future water demands
- Evaluate future water supply options
- Develop Capital Improvements Plan (CIP)

Summary of Existing System

School Road Water Plant

- Two groundwater wells (combined 1,100 gallons/min, gpm)
- Three ground storage tanks (combined 461,000 gallons)
- Three booster pumps (combined 3,000 gpm)

Manvel High School Plant (Maverick) (will be acquired by the City)

- 200 gpm well
- Two 300 gpm booster pumps
- Two 66,000 gal ground storage tanks

Manvel Town Center Plant (under construction)

- 1,200 gpm well
- Three booster pumps (combined 2,500 gpm)
- 244,000 gal ground storage tank

Summary of Existing Supplies

Water Plant	Well Capacity (gpm)	Average-Day Supply (mgd)	Maximum-Day Supply (mgd)
School Road	1,100	0.79	1.58
Maverick	180	0.13	0.26
Town Center	1,200	0.86	1.73
Total	2,480	1.79	3.58

Water Demands

Future demands come from three sources:

1. Growth in area currently served by the City
2. Additional developments to be served by the City
3. Incorporation of MUD systems the City will assume over time

- Will come with existing supplies
Estimate number and locations of future connections.



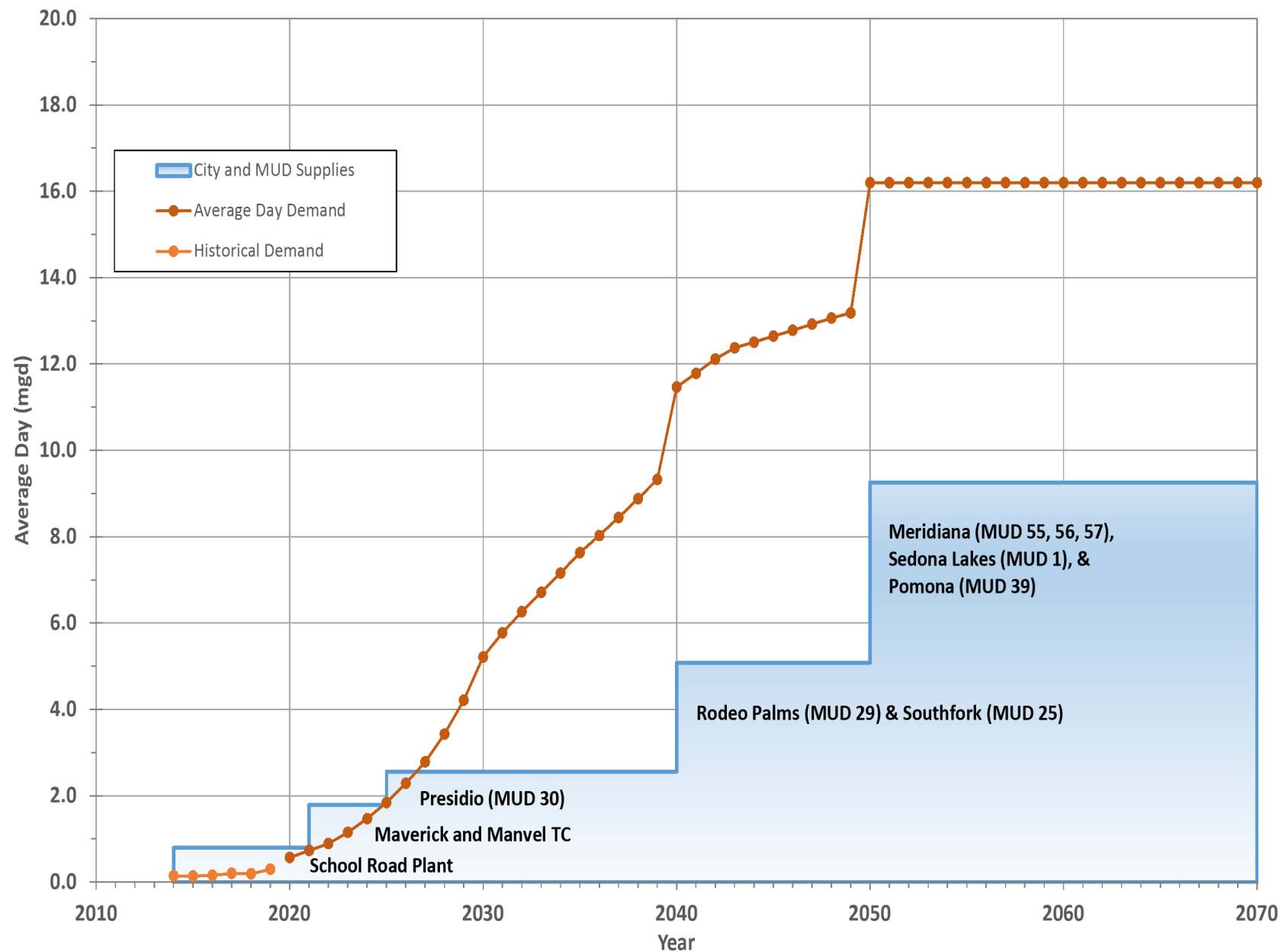
Water Demands

- Utilize current water use patterns
 - Number of connections – single-family, multi-family, commercial, irrigation
 - Use by each type of connection (Equivalent Single-Family Unit)
- Assume future patterns
 - Growth in number of connections
 - Reduction in use by each type of connection (conservation)
 - Maximum-day to average-day ratio
 - Use 2.0 for water supply planning
 - Use 2.4 for system capacity planning

Water Demands

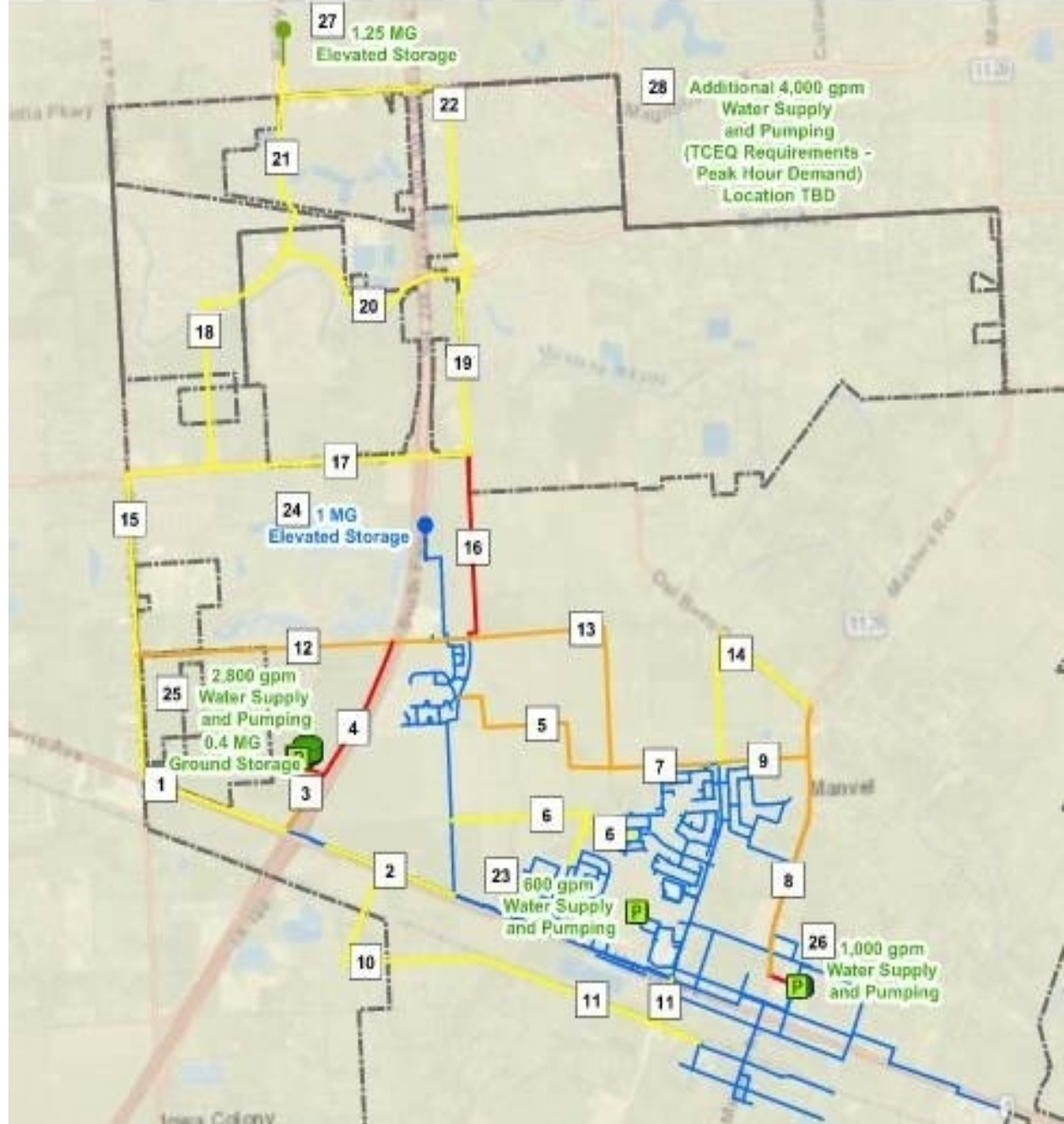
- Average-day, million gallons per day (mgd)
 - Equivalent to an annual volume, acre-feet per year
 $\text{Average-day (mgd)} \times 1120 = \text{annual volume (acft/yr)}$
 - How much water is used annually?
- Maximum-day, mgd
 - Water use varies seasonally
 - Highest daily demand
 - Supply facilities are sized to meet maximum-day demands

Average-Day Water Demands



Model Updates

- Network updated w/current
- Water plant data updated
 - School Road
 - Maverick
 - Manvel
- Demands re-distributed
 - Billing data
 - WW Master Plan
 - MUD projections



System Analysis

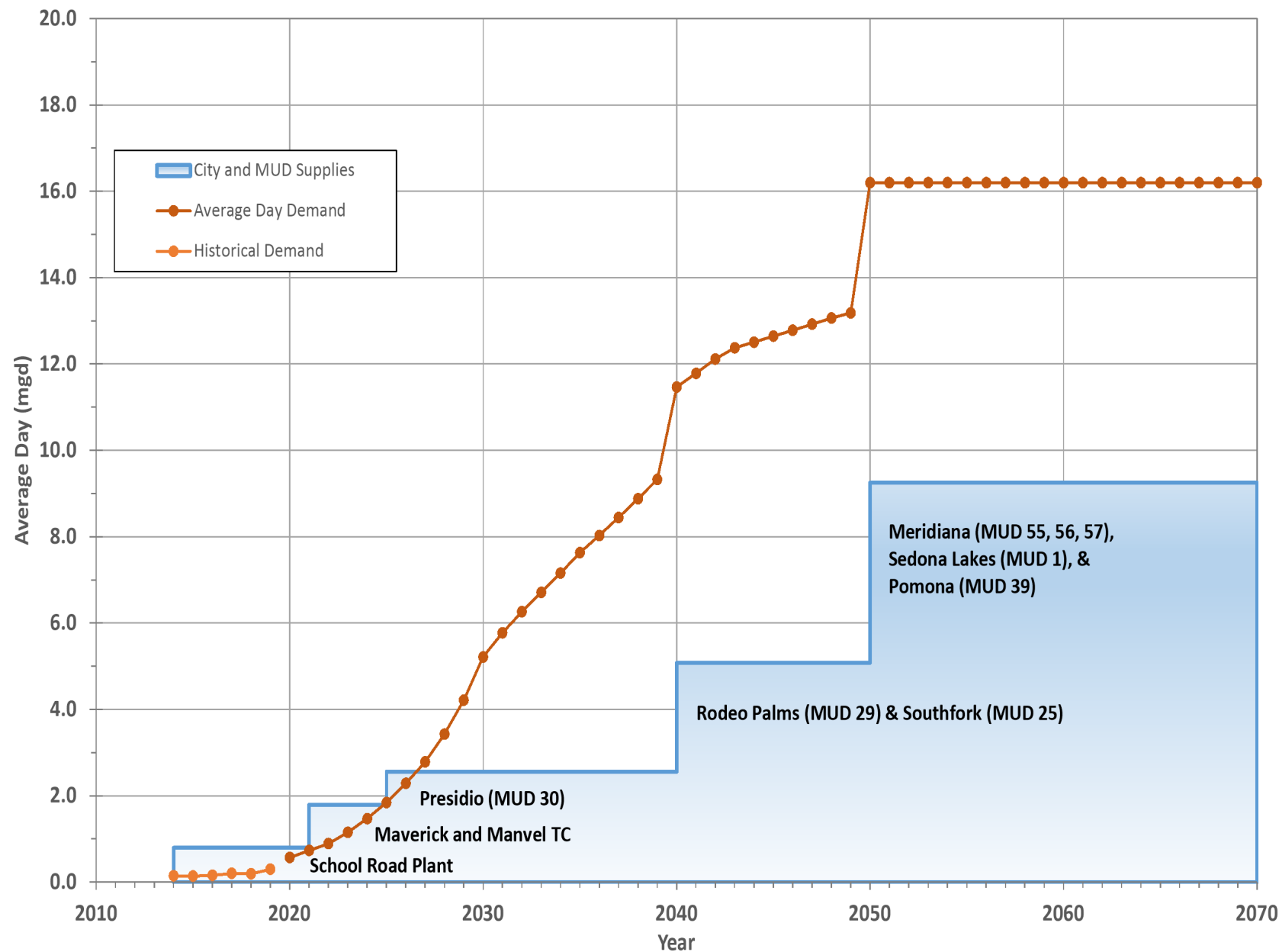
- TCEQ requirements – current, 2030 and 2040
 - Total storage
 - Elevated storage
 - Booster pumping capacity
- System performance
 - Pipes identified for upsizing
 - New pipes to serve projected demands
 - City growth
 - MUD connections
- CIP developed for 2030 and 2040

Water Supply Plan

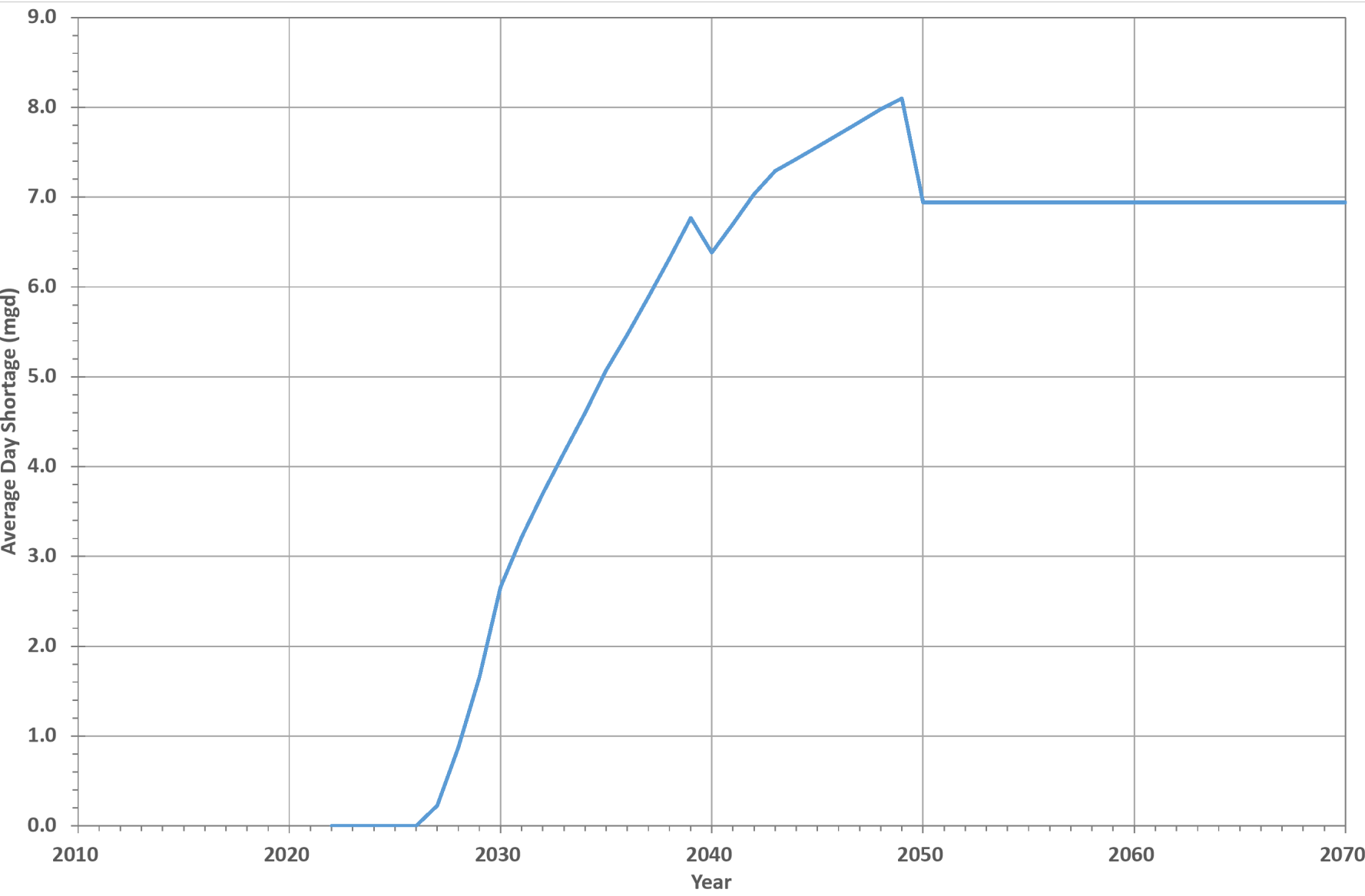
1. Water Demand Projections
2. Current Water Supplies
3. Future Water Supply Needs
4. Strategies Evaluated
5. Recommended Water Supply Plan



Average-Day Water Demands



Projected Average-Day Shortages



Water Supply Alternatives

▪ Groundwater

- Approx. 0.82 mgd average-day supply per well
- Based on 2030 and 2040 projected shortages:
 - 4 new wells by 2030
 - 8 new wells by 2040
- Likely groundwater declines from concentrated groundwater development

▪ Surface Water

- Purchase from City of Pearland
 - New 10 mgd WTP under construction
 - Expandable to 20 mgd
 - “Pay as you go” contract terms
- Purchase from Gulf Coast Water Authority (GCWA)
 - New plant dedicated to Manvel or possible regional plant, located south of Manvel
 - “Take or pay” contract terms
 - Leverage BRA supply recently purchased by the City

Alternative Plans

- Planning criteria
 - Provide at least 10% surplus supply
 - Surface water capacity increased in minimum 2 mgd increments
 - New capacity sized to last at least 7 years
 - New capacity sized to meet maximum-day demands
- Three options considered
 - Option 1 – new groundwater initially, followed by surface water
 - New wells in 2027, 2028 and 2029
 - Surface water (4.0 mgd in 2030, 7 mgd total in 2037)
 - Option 2 – assumed subsidence regulations preclude new groundwater and limit use of existing groundwater supplies
 - Surface water only (5 mgd in 2026, 8 mgd in 2033, 10 mgd in 2042)
 - Option 3 – no subsidence regulations considered
 - Surface water only (5 mgd in 2026, 8 mgd in 2034, 9.5 mgd in 2050)

Option 1 Recommended

- Provides cheaper groundwater initially
- Reduces quantity of expensive surface water
- Provides time to develop surface water supply
- Provides flexibility
 - Adjust to timing of demands
 - Keep GW supplies in reserve for maximum-day needs if subsidence regulations are enacted

Year	Average-Day Shortage (mgd)	New Groundwater Supplies (mgd)			Surface Water Supplies (mgd)	Surplus (mgd)	Surplus as % of Demand	% GW Used ¹
		1 st Well	2 nd Well	3 rd Well				
2021	0.00					1.05	143.29%	100%
2022	0.00					0.89	100.12%	100%
2023	0.00					0.63	55.16%	100%
2024	0.00					0.32	21.50%	100%
2025	0.00					0.71	38.74%	100%
2026	0.00					0.27	11.79%	100%
2027	0.23	0.82				0.59	21.34%	100%
2028	0.87	0.82	0.82			0.77	22.54%	100%
2029	1.66	0.82	0.82	0.82		0.81	19.13%	100%
2030	2.66	0.82	0.82	0.82	4.0	3.81	72.99%	23%
2031	3.22	0.82	0.82	0.82	4.0	3.25	56.27%	31%
2032	3.70	0.82	0.82	0.82	4.0	2.76	44.08%	36%
2033	4.15	0.82	0.82	0.82	4.0	2.31	34.44%	40%
2034	4.60	0.82	0.82	0.82	4.0	1.86	26.04%	44%
2035	5.07	0.82	0.82	0.82	4.0	1.39	18.27%	48%
2036	5.47	0.82	0.82	0.82	4.0	0.99	12.37%	50%
2037	5.89	0.82	0.82	0.82	7.0	3.58	42.37%	17%
2038	6.32	0.82	0.82	0.82	7.0	3.15	35.43%	21%
2039	6.77	0.82	0.82	0.82	7.0	2.70	28.91%	25%
2040	6.38	0.82	0.82	0.82	7.0	3.08	26.87%	39%
2041	6.70	0.82	0.82	0.82	7.0	2.76	23.45%	41%
2042	7.03	0.82	0.82	0.82	7.0	2.43	20.07%	42%
2043	7.29	0.82	0.82	0.82	7.0	2.17	17.57%	43%
2044	7.42	0.82	0.82	0.82	7.0	2.04	16.31%	44%
2045	7.56	0.82	0.82	0.82	7.0	1.90	15.06%	45%
2046	7.70	0.82	0.82	0.82	7.0	1.77	13.82%	45%
2047	7.84	0.82	0.82	0.82	7.0	1.63	12.59%	46%
2048	7.98	0.82	0.82	0.82	7.0	1.48	11.37%	46%
2049	8.10	0.82	0.82	0.82	7.0	1.36	10.35%	47%
2050	6.94	0.82	0.82	0.82	7.0	2.52	15.58%	57%

Three Alternatives for Surface Water

1. Pearland supply
 - Feed system entirely from the north
2. GCWA supply
 - Feed system entirely from the south
3. Hybrid supply – recommended – provides the most flexibility
 - Initially Pearland, then GCWA

CIP will change based on which surface water supply is developed.

- Base 2030 plus projects needed for surface water
- Base 2040 plus projects needed for surface water

Recommended Water Supply Plan and CIP

2030 Plan

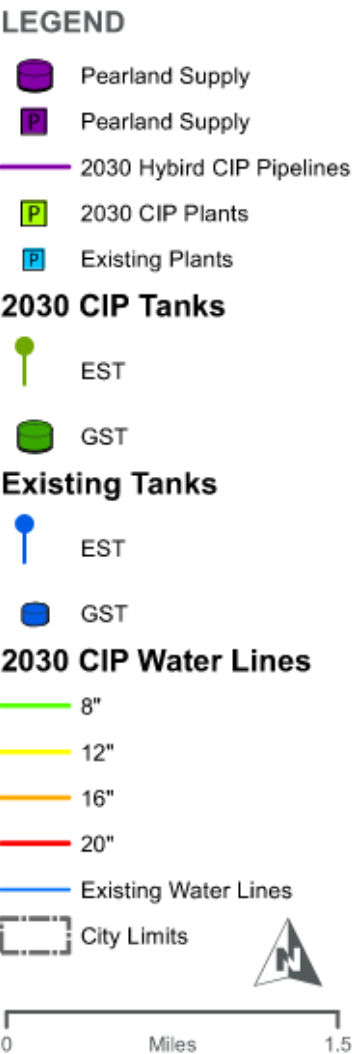
- Build 3 new wells by 2029
- Negotiate water supply contract with Pearland
 - 3.4 mgd starting in 2030
 - New water transmission line and booster station
- Other CIP projects to meet 2030 requirements

2040 Plan

- Negotiate water supply contract with GCWA
 - 3 mgd from new WTP starting in 2040
 - New transmission lines and booster station
- Other CIP projects to meet 2040 requirements



2030 CIP with Hybrid Water Supply

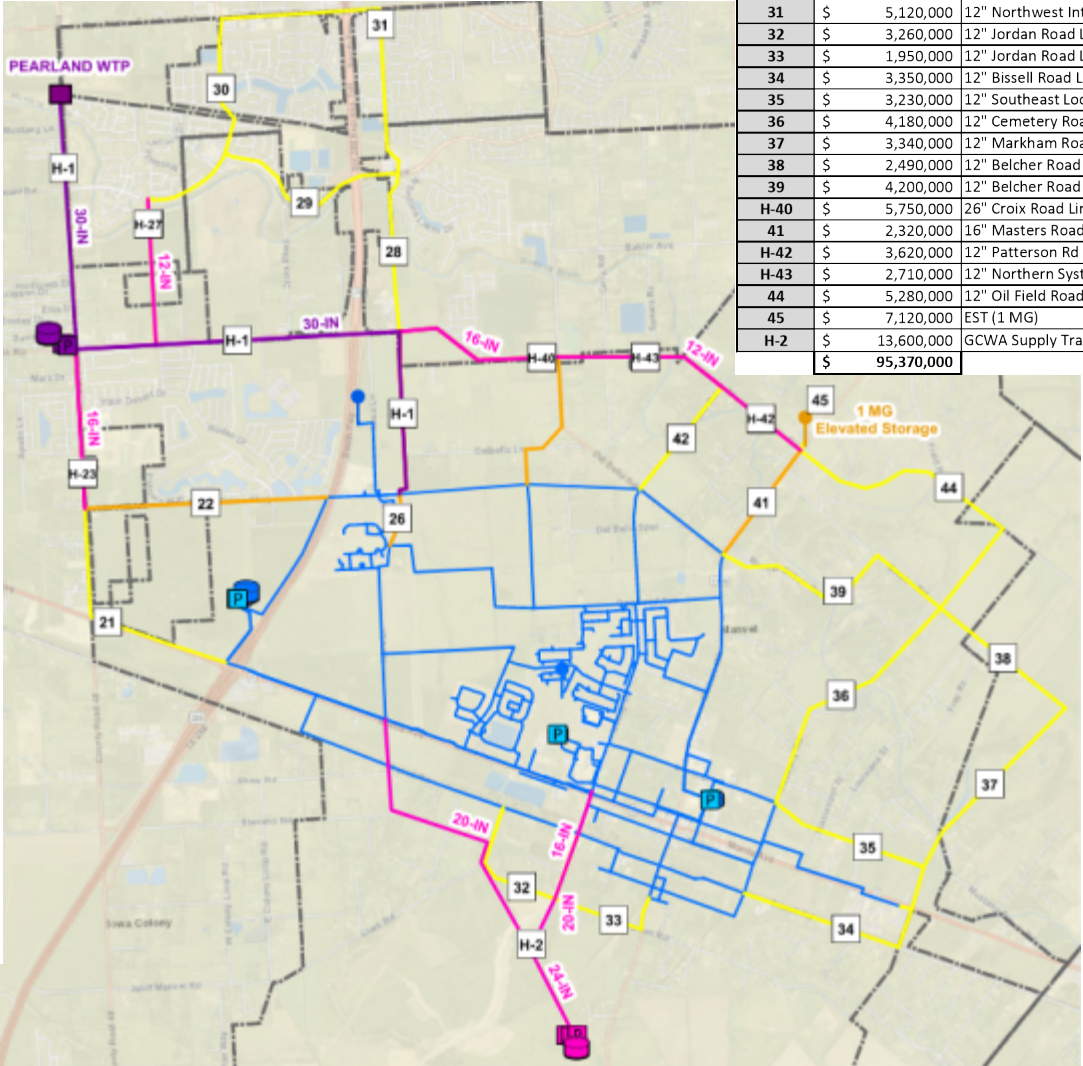


2030 Proposed CIP and Hybrid Supply Projects and Escalated OPCC		
CIP No.	Total*	Description
1	\$ 2,010,000	12" Hwy 6 Water Line
2	\$ 1,490,000	16" Parallel Manvel Town Center Discharge Line
3	\$ 3,490,000	20" Manvel Town Center North Discharge Line
4	\$ 630,600	Cemetery Road Waterline Loop - Phase 2
5	\$ 3,640,000	16" Manvel City Center Interconnect
6	\$ 3,620,000	12" Sowell Interconnect
7	\$ 1,450,000	12" Dogwood Avenue - Phase 1
8	\$ 4,850,000	20" and 16" Masters Road Water Line
9	\$ 1,330,000	12" Dogwood Avenue - Phase 2
10	\$ 3,990,000	12" Bissell Road Loop - Phase 1
11	\$ 2,570,000	12" Bissell Road Loop - Phase 2
12	\$ 1,510,000	20" Del Bello Boulevard Water Line Upsize
13	\$ 4,510,000	16" Del Bello Interconnect
14	\$ 5,240,000	16" and 12" Del Bello and Masters Road Loop
15	\$ 1,170,000	Maverick Plant Improvements and 600 gpm pump station expansion
16	\$ 5,590,000	Del Bello 1 MG EST (2022)
17	\$ 7,510,000	Manvel Town Center Expansion (Wells, 0.4 MG GST & 2,800 gpm Pump Station)
18	\$ 3,800,000	School Road Plant Improvements and 1,000 gpm pump station expansion
19	\$ 7,120,000	1 MG EST (2029)
H-1	\$ 17,880,000	30" Pearland Supply Transmission Line (including 0.5MG GST and Booster PS)
	\$ 83,400,600	

2040 CIP with Hybrid Water Supply

LEGEND

-  GCWA Supply
-  GCWA Supply
-  Pearlland Supply
-  Pearlland Supply
-  2030 Hybrid CIP Pipelines
-  2040 Hybrid CIP Pipelines
-  Existing and 2030 CIP Plants
-  EST
-  GST
-  Existing and 2030 CIP Tanks
-  GST
-  2040 CIP Water Lines
-  12"
-  16"
-  20"
-  30"
-  Existing and 2030 CIP Water Lines
-  City Limits



2040 Proposed CIP and Hybrid Supply Projects and Escalated OPCC		
CIP No.	Total*	Description
21	\$ 3,910,000	12" Hwy 6 and CR48 Water Line
22	\$ 4,330,000	16" Rodeo Palms Parkway
H-23	\$ 2,860,000	16" Old Airline Road Water Line
26	\$ 1,030,000	16" Manvel Parkway Water Line Upsize
H-27	\$ 3,770,000	12" Pomona Parkway Water Line
28	\$ 2,520,000	12" SH 288 Water Line
29	\$ 3,230,000	12" County Road 101 Water Line
30	\$ 2,200,000	12" Kirby Drive Water Line
31	\$ 5,120,000	12" Northwest Interconnect
32	\$ 3,260,000	12" Jordan Road Loop - Phase 1
33	\$ 1,950,000	12" Jordan Road Loop - Phase 2
34	\$ 3,350,000	12" Bissell Road Loop
35	\$ 3,230,000	12" Southeast Loop
36	\$ 4,180,000	12" Cemetery Road Water Line
37	\$ 3,340,000	12" Markham Road Water Line
38	\$ 2,490,000	12" Belcher Road Water Line - Phase 1
39	\$ 4,200,000	12" Belcher Road Water Line - Phase 2
H-40	\$ 5,750,000	26" Croix Road Line and 16" CR90 Line
41	\$ 2,320,000	16" Masters Road Water Line
H-42	\$ 3,620,000	12" Patterson Rd Line and 12" Chocolate Bayou Rd Line
H-43	\$ 2,710,000	12" Northern System Interconnect
44	\$ 5,280,000	12" Oil Field Road Water Line
45	\$ 7,120,000	EST (1 MG)
H-2	\$ 13,600,000	GCWA Supply Transmission Lines (including 0.5MG GST and Booster PS)
	\$ 95,370,000	

Questions?

David D. Dunn, PE

david.dunn@hdrinc.com

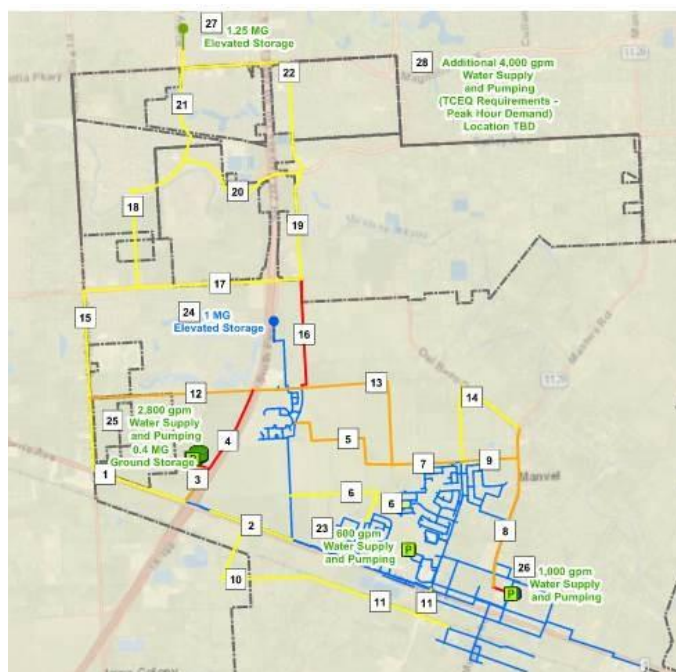
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City of Manvel

2022 Master Water Plan

City of Manvel, Texas
December 10, 2021
Updated February 3, 2022

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2022 Master Water Plan

Prepared for:



City of Manvel, Texas

Prepared by:



HDR Engineering, Inc.
TBPE Firm No. F-754

December 10, 2021
Updated February 3, 2022



February 3, 2022

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Acronyms/Abbreviations

acft/yr	acre-feet per year
BRA	Brazos River Authority
CIP	capital improvements plan
City	City of Manvel
ESFU	equivalent single-family unit
gal	gallons
gal/day or gpd	gallons per day
gpm	gallons per minute
HDR	HDR Engineering, Inc.
GCWA	Gulf Coast Water Authority
kgal	thousand gallons
mg	million gallons
mgd	million gallons per day
MUD	municipal utility district
O&M	operations and maintenance
TCEQ	Texas Commission on Environmental Quality
TWDB	Texas Water Development Board
UCM	Uniform Cost Model
yrs	years

1 Introduction

1.1 Background

HDR prepared a master water plan for the City of Manvel in 2017. Since that master plan, the City has experienced substantial growth and anticipates significant additional growth, through the connection of municipal utility districts (MUD) to the City's distribution system and organic growth through new developments.

1.2 Purpose and Goals

This master plan update includes:

- Evaluation of an appropriate equivalent single-family unit (ESFU) daily water demand factor,
- Update to the City's water distribution system hydraulic model,
- Forecast of demands expected through 2050,
- Review of current and future system capacities (supply, storage and booster pumping) with regard to TCEQ requirements,
- Review and update of capital projects recommended in the 2017 master water plan,
- Development of recommended future water supplies, and
- Recommendation of new CIP projects.

This master plan update is intended to serve as a roadmap for the City to use to anticipate improvements needed to the water distribution system, and the projected timing associated with the needs to serve future growth.

2 Existing System Summary

The City's current water distribution system primarily consists of the School Road Water Plant (which consists of two groundwater wells, ground storage tanks, hydropneumatic tanks, and booster pumps). The City has no elevated storage in the existing system but is pursuing design of a 1 million gallon (mg) elevated storage tank near the Del Bello development that is anticipated to be constructed in 2022.

The Manvel Town Center retail development is also under construction and will include new water production and distribution facilities, including new groundwater wells, ground storage tanks and booster pumps.

Manvel High School is currently served by an isolated distribution system, supplied by a dedicated groundwater supply (referred to as the Maverick water plant), which is owned and operated by the Alvin Independent School District. The City intends to acquire these water facilities and incorporate them into the City's overall water system.

3 Water Model Update and Analysis

3.1 Water Distribution System Updates

The City's existing water system hydraulic model was developed in the Innovyze InfoWater modeling platform¹, which was also utilized for this model update. This update included an update of the distribution pipeline network, water plants, and demand allocation based on updated customer billing data.

3.1.1 Network Update

The water distribution pipeline network was updated with current GIS information, which included the addition of the Del Bello and Bluewater developments. The model connectivity was evaluated and updated based on the location and intersection of water pipes included in the City's GIS database.

3.1.2 School Road Water Plant

The School Road Water Plant was updated in the model based on drawings and information provided by the City. The facilities at this plant include:

- Two groundwater wells with a combined capacity of 1,100 gallons per minute (gpm)²,
- Three ground storage tanks (211,000 gallons, 125,000 gallons and 125,000 gallons), and
- Three 1,000 gpm capacity booster pumps.

3.1.3 Maverick Water Plant

The Maverick Water Plant at Manvel High School was updated in the model based on GIS and information provided by the City. The water distribution facilities at this plant include:

- One 200 gpm groundwater well,
- Two 300 gpm booster pumps, and
- Two 66,000-gallon ground storage tanks.

3.1.4 Proposed Manvel Town Center Water Plant

The Manvel Town Center Water Plant was updated in the model based on drawings and information provided by the City. The facilities proposed for this plant include:

- One 1,200 gpm groundwater well,
- Two 1,000 gpm and one 500 gpm booster pumps, and
- One 244,000-gallon ground storage tank.

¹ <https://www.innovyze.com/en-us/products/infowater>

² Groundwater wells pump into ground storage tanks and are not included in the water system model.

3.2 Model Demand Allocation

3.2.1 Billing Information

The modeled demands were updated with City-provided monthly billing information from November 2016 to December 2019. The water billing data usage amounts were averaged to estimate the system average demand, and the addresses were used to spatially geolocate the accounts in the City's system. Spatial allocation tools within the modeling software were used to apply the average demands to the nearest junction in the modeled network.

3.2.2 Peaking Factors

For the purposes of estimating maximum-day demands, a peaking factor of 2.4 times the average-day demand was used. For estimating peak-hour demands, a peaking factor of 1.85 times the maximum-day demand was used. Once the Del Bello Lakes elevated storage tank is constructed, the required peak-hour demand peaking factor is reduced to 1.25 times the maximum-day demand. Both the maximum-day and peak-hour factors were based on TCEQ guidance in the absence of daily production data.

3.3 Model Analysis

The updated hydraulic model was utilized to analyze the City's water system under maximum-day demand conditions to identify potential deficiencies in the existing system.

Consistent with the hydraulic criteria developed in the 2017 master plan, these criteria were applied to establish the trigger point for when an asset is considered undersized. Distribution pipelines with model-predicted head losses greater than five feet per 1,000 feet of pipe were recommended for upsizing.

4 Equivalent Single-Family Unit (ESFU) Demand and Growth Projections

4.1 ESFU Demand Analysis

Manvel currently uses a value of 360 gallons/day per equivalent single family unit (ESFU) for water planning purposes, and currently serves approximately 2,000 ESFUs. To confirm the reasonableness of this demand factor, HDR identified planning numbers used by other cities and agencies in Texas, including Pearland, Missouri City, Angleton, and Houston, as shown in Table 4-1.

Manvel's planning value of 360 gallons/day per ESFU is consistent with the values utilized by other cities in Texas. For the purposes of this master plan update, this value is primarily used to assign demands within the model.

Table 4-1. ESFU Demand Comparison

City	ESFU Demand (gal/day)
Angleton	330
Houston	340
Pearland	350
Round Rock	450
Austin	500
Missouri City	520
Manvel	360

4.2 Municipal Utility District (MUD) ESFU Projections

Much of the growth anticipated in the next 20 years is generated from MUDs that currently have their own groundwater supply and water distribution systems, but anticipate connecting to the City's distribution system once they reach build-out.

The projections of when these MUDs will connect to the City, along with their anticipated ESFU count at the time of connection, are listed in Table 4-2.

Table 4-2. MUD ESFU Summary

MUD	Projected Connection Year	ESFU Count at Connection	ESFU Count in 2030	ESFU Count in 2040
Manvel Town Center (MUD 42)	2023	150	900	1,950
Presidio (MUD 30)	2025	143	858	2,145
Rodeo Palms (MUD 29)	2040	3,000	0	3,000
MUD 47	2040	600	0	600
Southfork (MUD 25)	2040	1,355	0	1,370
2030 & 2040 Total ESFU Count			1,758	9,065

By 2050, the MUDs listed below are anticipated to connect to the City's system based on the ESFU projections listed below. Because these MUDs will not be connected in 2040, their projected demands were not included in the 2040 analysis.

- Sedona Lakes (MUD 1): 1,313 ESFUs
- Meridiana (MUDs 55, 56 and 57): 3,500 ESFUs
- Pomona (MUD 39): 3,020 ESFUs

4.3 City Growth ESFU Projections

In coordination with City staff and another consultant that is developing the City's wastewater master plan update and impact fee study, 2030 and 2040 projections were developed for growth within the City that is not associated with a MUD-projected connection. This primarily includes growth in the City Center by 2030, plus additional growth in the City West, Central and East by 2040.

The City is projected to serve 12,729 ESFUs in 2030 and 22,785 ESFUs in 2040, in addition to the MUD ESFUs shown in Table 4-2.

4.4 Combined MUD and City ESFU Projections

The projected ESFUs from MUDs connecting to the City's system were added to the projected ESFUs for City growth to obtain the total projected ESFU count to develop future demand scenarios for modeling, and are summarized in Table 4-3.

Table 4-3. Average-Day and Maximum-Day Demands Based on Combined MUD and City ESFUs

Year	MUD ESFUs	City ESFUs	Total ESFUs	Average Day Demand (mgd) ¹	Maximum-Day Demand (mgd) ²
2030	1,758	12,729	14,487	5.22	12.52
2040 ³	9,065	22,785	31,850	11.47	27.53

1. Calculated based on 360 gal/day per ESFU.

2. Calculated based on Average-Day Demand x 2.4.

3. ESFUs represent total ESFUs in 2040, not incremental ESFUs added between 2030 and 2040.

These average and maximum-day demand projections were loaded into future condition hydraulic model scenarios. The future MUD demands were spatially distributed according to the MUD location. The future City demands were spatially distributed according to the locations of projected developments, as predicted for the wastewater master plan.

5 TCEQ Requirements

Chapter 290 of the Texas Administrative Code includes requirements for the supply and distribution of public water systems as regulated by the Texas Commission on Environmental Quality (TCEQ). These requirements are summarized in Table 5-1.

HDR compared the City's current storage and booster pumping capacity to the TCEQ requirements, as well as what will be required in 2030 and 2040 based on the connection and ESFU projections, as summarized in the following sections. ESFUs are calculated based on 1 ESFU per single family residential connection, and 5 ESFUs per commercial connection. A summary of ESFUs and connections is shown in Table 5-2.

Table 5-1. TCEQ Requirements for Public Water Systems

TCEQ Parameter	TCEQ Requirement
Total Storage (Combined Ground and Elevated Storage)	200 gallons per connection
Elevated Storage	For less than 2,500 connections: 100 gallons per connection, or hydropneumatics storage of 20 gallons per connection
	For more than 2,500 connections: 100 gallons per connection
Booster Pumping Capacity (if elevated storage is less than 200 gallons per connection)	The lesser of: • 2 gallons/minute per connection • Minimum of 1,000 gallons/minute and ability to meet peak-hour demands with the largest pump out of service¹

1. The peak-hour demand with the largest pump out of service criteria is less than 2 gallons/minute per connection, and is the controlling criteria used for projecting future booster pumping requirements.

Table 5-2. Total Projected ESFUs and Connections

Year	Connections	ESFUs
2020	1,104	1,584
2030	12,683	14,487
2040	28,240	31,850

5.1 Elevated Storage

The City currently has less than 2,500 connections and elevated storage is not required. The City does not currently have any elevated storage, but a 1 million gallon elevated storage tank near the Del Bello Lakes development is currently being designed. Table 5-3 summarizes the projected elevated storage needed to meet TCEQ requirements in 2030 and 2040.

By 2030, accounting for the 1 mg Del Bello tank, it is anticipated that an additional 268,342 gallons of elevated storage would be required to provide 100 gallons of elevated storage per connection. Because growth will continue after 2030, the analysis for subsequent years assumes that 1 mg of storage will be constructed to meet this requirement.

By 2040, in addition to the Del Bello tank and the 1 mg storage to be added by 2030, it is anticipated that an additional 532,200 gallons of elevated storage (total of 2,532,000 gallons) will be required to provide 100 gallons of elevated storage per connection. Similarly, it is assumed that a 1 mg elevated tank will be built to meet this requirement to accommodate additional growth in the years immediately following 2040.

Table 5-3. TCEQ Public Water System Requirements Based on Projected Connections – Elevated Storage

Year	Connections	Required Elevated Storage (gallons) ¹	Current Elevated Storage (gallons)	Elevated Storage Surplus/(Deficit) (gallons) ²	Recommended New Elevated Storage (gallons)
2020	1,104	0	0	0 ³	0
2030	12,683	1,268,400	1,000,000 ⁴	(268,400)	1,000,000
2040	28,240	2,824,000	2,000,000 ⁵	(824,000)	1,000,000

1. 100 gallons per connection.
2. Represents the minimum volume of total storage to add to the system to meet TCEQ requirements based on the total connections projected for that year.
3. Elevated storage is not required for systems with less than 2,500 connections.
4. Represents the elevated tank currently under design near Del Bello Lakes.
5. Represents the Del Bello Lakes tank and the tank projected to be added by 2030.

5.2 Total/Ground Storage

Once the City exceeds 2,500 connections and adds elevated storage to the system at a minimum of 100 gallons/connection, ground storage makes up the remainder of the total storage volume required by TCEQ, at 200 gallons/connection. It is anticipated that ground storage would be added in lieu of more expensive elevated storage to meet the total storage requirements.

The City's ground storage currently consists of 425,000 gallons at the School Road plant and 132,000 gallons at the Maverick Water Plant.

By 2030, the following MUDs will connect to the system and are expected to provide the following ground storage volumes:

- MUD 42 (Manvel Town Center): 644,000 gallons (first phase of 244,000 gallons)³,
- MUD 30 (Presidio): 429,000 gallons.

With the addition of these MUDs, by 2030, the City's ground storage tank volume is anticipated to be 1,630,000 gallons.

Three additional MUDs are forecasted to connect to the City's system between 2030 and 2040:

- MUD 29 (Rodeo Palms): 600,000⁴ gallons (currently 300,000⁵ gallons)
- MUD 25 (Southfork): 562,000 gallons⁶
- MUD 47

³ Source: Construction Plans titled "Manvel Town Center Water Plant", 4/2/2019. Volume of second ground storage tank not shown; assumed to be 400,000 gallons.

⁴ Source: TCEQ Drinking Water Watch Summary

⁵ Source: TCEQ Drinking Water Watch Summary

⁶ Source: TCEQ Drinking Water Watch Summary

In addition, approximately 10,600 new connections from new City developments are forecasted between 2030 and 2040. In addition to the 1,630,000 gallons of ground storage expected to be available in 2030, an additional 500,000 gallons of ground storage is anticipated to be needed by 2040 to serve these new connections. Table 5-4 summarizes the projected surplus in total storage to meet TCEQ requirements in 2030 and 2040.

Table 5-4. TCEQ Public Water System Requirements Based on Projected Connections – Ground Storage

Year	Connections	Required Total Storage (gallons)	Current Ground Storage (gallons)	Available Elevated Storage (gallons)	Total Available Storage (gallons)	Total Storage Surplus/ (Deficit), (gallons) ¹
2020	1,104	220,800 ²	557,000	0	557,000	336,200
2030	12,683	2,536,700	1,630,000 ³	2,000,000 ⁴	3,630,000	1,093,300
2040	28,240	5,648,000	2,792,000 ³	3,000,000 ⁴	5,792,000	144,000

1. Represents the volume of ground storage to add to the system to meet TCEQ requirements based on the total connections projected for that year.
2. 200 gallons per connection required with no elevated storage.
3. Includes 1,073,000 gallons of storage anticipated from connection of MUD systems by 2030.
4. Based on the recommended additional elevated storage described in Section 5.1.

5.3 Booster Pumping

Currently, the City has 3,000 gpm of total booster pumping capacity at the School Road water plant and 600 gpm of total booster pumping capacity at the Maverick water plant, which is sufficient to meet the estimated peak-hour demand of 1,759 gpm, based on the estimated average-day demand of 0.57 million gallons per day (mgd), maximum-day demand of 1.37 mgd and a peaking factor of 1.85 over maximum-day.

By 2030, the following MUDs will connect to the system and are expected to provide the following booster pumping capacity:

- MUD 42 (Manvel Town Center): 5,300 gpm (first phase of 2,500 gpm)⁷,
- MUD 30 (Presidio): 2,381 gpm⁸.

In addition, by 2030, the Maverick plant at Manvel High School is anticipated to be expanded from 600 gpm to 1,200 gpm.

By 2030, it is anticipated that an additional 4,000 gpm of booster pumping capacity, in addition to the booster pumping facilities added to the system through MUD connections, will be required to meet peak-hour demands of 10,866 gpm with the largest pump out of service. Table 5-5 summarizes the projected booster pumping needs to meet TCEQ requirements in 2030 and 2040.

⁷ Source: Construction Plans titled "Manvel Town Center Water Plant", 4/2/2019. Volume of second ground storage tank not shown; assumed to be 400,000 gallons.

⁸ Source: TCEQ Drinking Water Watch Summary

Three additional MUDs are forecasted to connect to the City's system between 2030 and 2040:

- MUD 29 (Rodeo Palms): 3,330 gpm (currently 2,400 gpm)
- MUD 25 (Southfork): 4,000 gpm
- MUD 47

In addition, approximately 10,600 new connections from new City developments are forecasted between 2030 and 2040. By 2040, it is anticipated that an additional 10,000 gpm of booster pumping capacity will be required to meet peak-hour demands of 23,888 gpm with the largest pump out of service.

Table 5-5. TCEQ Public Water System Requirements Based on Projected Connections – Booster Pumping

Year	Connections	Required Total Booster Pumping Capacity (gpm) ^{1,2}	Current Total Booster Pumping Capacity (gpm) ¹	Total Booster Pumping Capacity Surplus/ (Deficit) (gpm) ³
2020	1,104	1,759	3,600	1,841
2030	12,683	10,866	16,881 ⁴	(2,387)
2040	28,240	23,888	21,598 ⁴	(13,755)

1. Represents total booster pumping capacity. Firm capacity is calculated with the largest pump out of service.
2. Equivalent to peak-hour demand.
3. Represents the total booster pumping capacity to add to the system to meet TCEQ requirements based on the total connections projected for that year.
4. Includes 7,681 gpm of MUD booster pumping facilities (MUDs 30 and Manvel Town Center).
5. Includes 15,011 gpm of MUD booster pumping facilities (MUDs 25, 29, 30 and Manvel Town Center).

6 Water Supply Options

Growth within the City limits will occur within the service areas of the various MUDs, but also by development served by the City's water system. The City's current groundwater supplies combined with the supplies from the MUDs when the City takes over operations will be insufficient to meet future water demands and the City will need to develop additional sources of supply. The following section describes future annual water demands projected through 2070 for the City, describes current supplies, and presents projected supply shortages if current supplies are not supplemented with new supplies. Several alternatives were evaluated to address the City's future supply shortages.

Projected demands, supplies, and shortages were evaluated on the basis of both annual volumes and maximum-day requirements. In water supply planning annual demands and supplies are often expressed as volumes of acre-feet per year (acft/yr). An acre-foot is the volume of water required to cover an acre to one foot of depth. Annual volumes are equivalent to average-day demands and supplies when expressed in terms of mgd – one mgd equals 1,120 acft/y. For this report, annual water demands, supplies and shortages are expressed in average-day units of mgd.

Municipalities do not supply water only on an average-day basis and need to have supplies available at rates equivalent to their maximum-day demands, which are roughly twice average-day demands. This analysis includes both annual volumes (average-day demands) and maximum-day demands.

6.1 Water Demands

Future counts of ESFUs and associated average-day water demands are presented for years 2030 and 2040 in Section 4.4. These projections are expanded to include annual projections from 2022 through 2070, as shown in Figure 6-1. Consistent with the demands projected for the water system planning, an average-day water use value of 360 gallons per day (gpd), or 0.25 gpm, was assigned to each ESFU. This is based on TCEQ criteria of 0.6 gpd per connection for required pumping capacity for public water systems. This TCEQ criteria assumes that maximum-day demands are 2.4 times average-day demands ($0.6 \text{ gpm} \div 2.4 = 0.25 \text{ gpm}$). This value is conservative compared to the City's current value of roughly 187 gpd per ESFU, but as the City grows and its types of water users diversify, water use per ESFU is expected to increase. For purposes of projecting maximum-day water demands for water supply planning, a smaller factor of 2.0 is used to estimate maximum-day demands to closely approximate maximum-day demands for communities similar to Manvel.

6.2 Current and Future (MUD) Supplies

For water supply planning purposes, Table 6-1 presents the following supplies considered to be available currently to the City.

Table 6-1. Current City Supplies

Water Plant	Well Capacity (gpm)	Average-Day Supply (mgd)	Maximum-Day Supply (mgd)
School Road	1,100	0.79	1.58
Maverick	180	0.13	0.26
Town Center	1,200	0.86	1.73
Total	2,480	1.79	3.58

MUDs are anticipated to increase available supplies as the City acquires them upon each MUD reaching buildout conditions. Table 6-2 presents the MUD supplies and the year anticipated for build-out and City acquisition.

Table 6-2. Supplies Projected from MUDs Expected to Connect the City System

MUD	Projected Connection Year	Estimated Supply at Buildout – Average Day (mgd)	Estimated Supply at Buildout – Maximum-Day (mgd)
Presidio (MUD 30)	2025	0.77	1.54
Rodeo Palms (MUD 29) and MUD 47	2040	1.08	2.16
Southfork (MUD 25)	2040	1.45	2.89
Meridiana (MUD 55, 56, 57)	2050	1.26	2.52
Sedona Lakes (MUD 1)	2050	1.83	3.65
Pomona (MUD 39)	2050	1.09	2.18
Total Supplies from MUDs		7.47	14.94

The City has also contracted with the Brazos River Authority (BRA) for 3,100 acft/yr of supply from the BRA's Brazos River system of reservoirs. The BRA supply is not currently a potable supply.

6.3 Projected Shortages

Projected City and MUD demands and supplies are shown in Figure 6-1. This demonstrates the increases in supplies available to the City as each MUD is connected to the City over time. The difference between the water demands and total supplies

represents supply shortages for which new supplies need to be developed, as shown in Figure 6-2. Generally, MUD supplies are equal to the projected demands at buildout, but in some cases MUD supplies are projected to exceed the MUDs demands resulting in a decrease in average-day supply shortages when a MUD connects. Shortages are anticipated to begin as early as 2027, increasing to 2.66 mgd (2,977 acft/yr) in 2030, 6.38 mgd (7,149 acft/yr) in 2040, and 8.10 mgd (9,072 acft/yr) in 2049. In 2050, several MUDs are projected to be connected and supplies from those MUDs are anticipated to reduce shortages to 6.94 mgd (7,773 acft/yr) in 2050 through 2070.

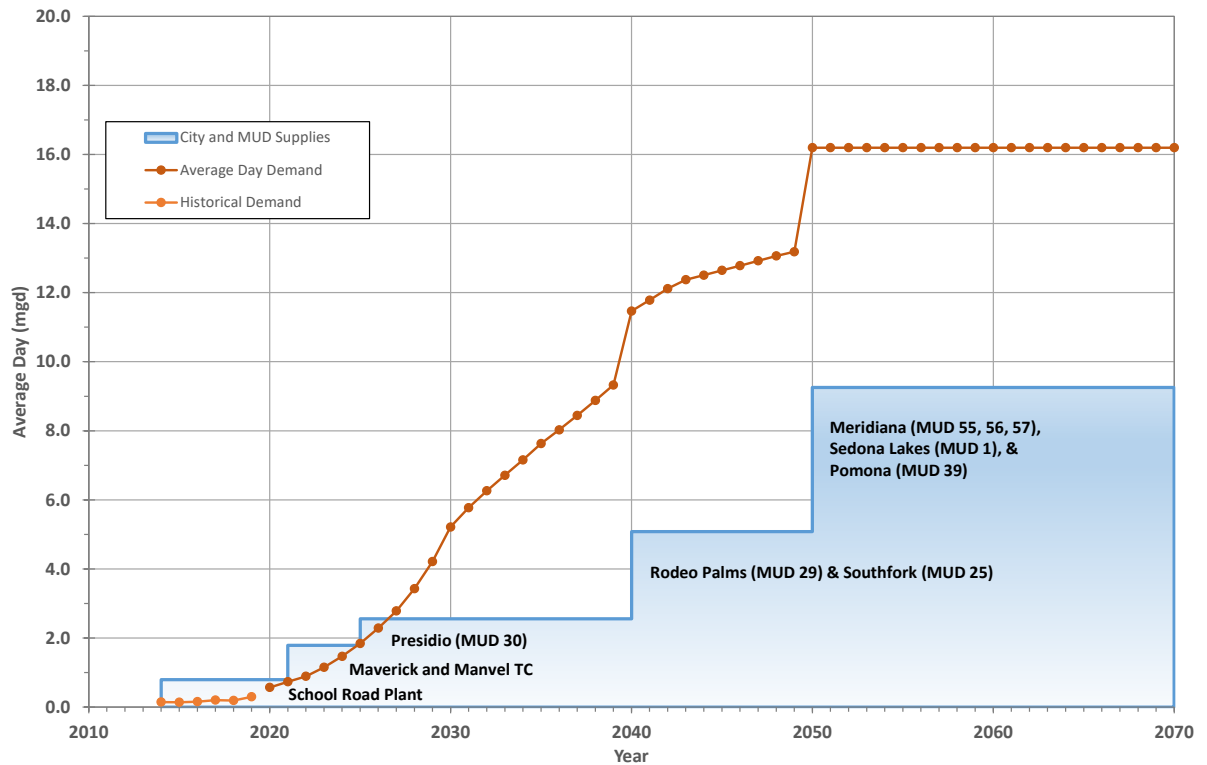


Figure 6-1. Average-Day Demands and Total Supplies for the City of Manvel

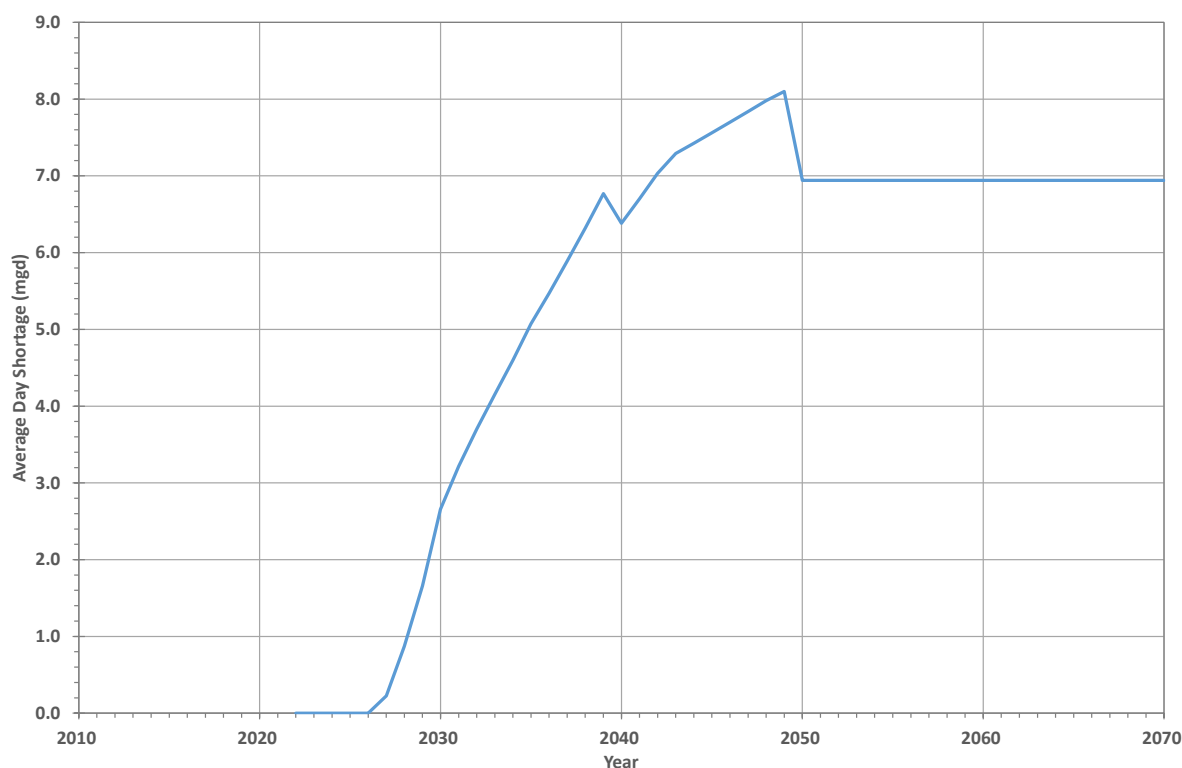


Figure 6-2. Supply Shortages Projected for the City of Manvel

6.4 Future Supply Options

During discussion with City staff, three primary water supply options were identified to consider for future water supplies: Groundwater and two surface water options. Reuse of the City's wastewater was also considered but is not considered economically viable at this time given the relatively small amount of wastewater currently available from a centrally located wastewater plant. However, reuse should be considered in the future as potential wastewater supplies increase.

6.4.1 Groundwater

Groundwater from the Gulf Coast Aquifer System has long been relied upon by municipalities in the area and can be developed relatively inexpensively to provide a long-term reliable water supply. An individual well is anticipated to yield approximately 1,200 gpm, providing 1.73 mgd of maximum-day supply. Assuming a well would be available 95% of the time (5% downtime for maintenance), this would provide roughly 0.82 mgd of average-day supply (920 acft/yr). In order to meet the projected water demands in 2030 (2.66 mgd) and 2040 (6.38 mgd), four new wells would be required by 2030 and eight new wells in 2040. That level of groundwater use concentrated in the Manvel area likely would result in substantial declines in groundwater levels which would reduce well yields and potentially accelerate subsidence. Although no subsidence regulations exist in the area, groundwater use should be increased judiciously to preserve the resource as long as possible.

Based on bids tabulated recently for the Manvel Town Center water plant, a new 1,200 gpm well, 250,000 gal GST, and booster pump would cost approximately \$4.1 million. Annual Operation and Maintenance (O&M) costs were estimated using data from the Uniform Cost Model (UCM) developed by the Texas Water Development Board (TWDB) for use in regional and state water planning. Financing is assumed to be 3.5% for 20 years.

Table 6-3. Estimated Costs for a new Groundwater Plant

Average-Day Capacity (mgd)	Cost (\$ million)	Debt Service (20 yrs @ 3.5%)	O&M (TWDB UCM)	Total Unit Cost (\$/kgal)
0.82	\$4.1	\$288,500	\$133,800	\$1.41

6.4.2 Surface Water

Purchase Supply from City of Pearland

The City of Pearland is nearing completion of a new water treatment plant that will be capable of treating 10 mgd of surface water obtained from the canal system operated by the Gulf Coast Water Authority (GCWA). Pearland has indicated a willingness to provide treated surface water supplies to neighboring utilities.

Pearland has indicated that the overall cost of the first phase of the surface water treatment plant project is \$137.4 million⁹, and is being financed at a discount rate of approximately 2 percent. Expansion of the project could occur in increments of 2 mgd up to an additional 10 mgd of capacity. No costs have been provided for this expansion, so total project costs are estimated to be 60 percent of the initial project costs. Table 6-4 summarizes costs expected for the project. Water would be purchased from Pearland on a “pay as you go” basis, and not a “take or pay.” Therefore, Manvel would only pay for water actually used at the estimated unit costs show in Table 6-4. Transmission and pumping costs from Pearland to Manvel would not be part of the Pearland contract, but would be identified as a separate item in Manvel’s water CIP.

Table 6-4. Estimated Costs for Treated Surface Water Supplies from City of Pearland

Phase	Capacity (mgd)	Cost (\$ million)	Debt Service (\$ million/yr) (20 yrs @ 2%)	O&M (5% of cap cost) (\$ million/yr)	GCWA Raw Water Cost (\$/kgal)	Total Unit Cost (\$/kgal)
1	10	\$137.4	\$8.40	\$6.87	\$0.25	\$4.43
2	10	\$82.4	\$5.80	\$4.12	\$0.25	\$2.97

⁹ Pearland has budgeted \$175 million for the entire water supply project, which includes the new water treatment plant, transmission lines to deliver the water within the City’s system, and a water meter change-out program. Based on conversations with Pearland during December 2021, the costs associated with the water treatment plant are expected to be \$137.4 million. (personal communication, Skipper Jones, City of Pearland, December 2, 2021)

Purchase Supply from Gulf Coast Water Authority (GCWA)

GCWA has indicated a willingness to construct and operate a water treatment plant utilizing surface water supplies delivered through GCWA's canal system. GCWA's supplies are a combination of GCWA-owned water rights in the Brazos and San Jacinto-Brazos Basins and contractual supplies from the BRA. GCWA has indicated that if Manvel were to contract with GCWA for supply that GCWA would incorporate into GCWA supplies Manvel's 3,731 acft/yr (2.77 mgd) of BRA supplies as a "30% backup" and leverage those supplies into a total supply of as much as 12,400 acft/yr (11.1 mgd). GCWA would take over payments to the BRA for the 3,731 acft/yr and Manvel would begin paying GCWA for supplies from the GCWA canal system. Costs from the GCWA canal system are shared among GCWA participants and the method to allocate costs to individual users is complex. For simplicity in evaluating this supply option, it is assumed that raw water costs from GCWA are \$0.25 per thousand gallons, or \$81.43/acft, consistent with values provided by Pearland for their purchase of raw water from GCWA.

Costs for a potential surface water supply from GCWA would include an intake from the GCWA "B Canal", a water treatment plant, and purchase of raw water. Transmission and pumping costs for the treated water would not be included in the GCWA contract but would be shown as a separate item in Manvel's water CIP. Costs estimated to be paid to GCWA for the treated water supply are summarized in Table 6-5. These costs were developed using the TWDB's UCM. Consistent with known GCWA policies, costs would be paid to GCWA on a "take or pay" basis for the full contractual supply. The supplies shown for Phase 1 and Phase 2 of the GCWA supply are based on the options presented in Section 6.5. Financing is assumed to be 3.5% for 20 years.

Table 6-5. Estimated Costs for Treated Surface Water Supplies from GCWA (7 mgd total average-day capacity)

Phase	Capacity (mgd)	Cost (\$ million)	Debt Service (\$ million/yr) (20 yrs @ 3.5%)	O&M (\$ million/yr)	GCWA Raw Water Cost (\$/kgal)	Total Unit Cost (\$/kgal)
1	8	\$64.2	\$4.52	\$3.31	Included ¹	\$5.36
2	6	\$105	\$7.39	\$5.25	included	\$3.09

1. The UCM includes raw water purchase costs in the annual O&M costs.

An alternative "Hybrid Supply" option was evaluated whereby 4 mgd of City of Pearland supplies are utilized first, followed by a supply of 3 mgd from GCWA starting around 2040. Table 6-6 presents costs for 3 mgd of treated water supplies from GCWA under the hybrid option.

Table 6-6. Estimated Costs for Treated Surface Water Supplies from GCWA (3 mgd average-day capacity)

Phase	Capacity (mgd)	Cost (\$ million)	Debt Service (\$ million/yr) (20 yrs @ 3.5%)	O&M (\$ million/yr)	GCWA Raw Water Cost (\$/kgal)	Total Unit Cost (\$/kgal)
1	6	\$48.3	\$3.40	\$2.57	Included ¹	\$5.45

1. The UCM includes raw water purchase costs in the annual O&M costs.

Note that GCWA could develop the water treatment plant as a regional facility to serve other utilities such as Iowa Colony, which would reduce overall costs to project participants. Those options have not been vetted for this study.

6.5 Alternative Plans for Future Supply

There exist many different combinations of future groundwater and surface water options that could be used to meet the future water demands for the City of Manvel. For this water supply plan, three primary optional supply plans were investigated.

Option 1. Balance groundwater and surface water. This option would initially expand groundwater supplies, then incorporate surface water. This option balances groundwater supplies with new surface water supplies, but does not specifically address any future subsidence regulations.

Option 2. Subsidence plan. This option addresses potential subsidence regulations by gradually limiting groundwater use to 40% of total supply.

Option 3. Surface water only. Develop surface water to meet future demands while maximizing use of current groundwater supplies. This option does not address any future subsidence regulations.

Common goals for each option included the following:

- Provide at least 10% annual supply surplus in every year.
- Surface water capacity would be increased at minimum increments of 2 mgd.
- Capacity increases should be sized to last at least 7 years before another capacity increase is required.
- Provide sufficient capacity to meet maximum-day demands. Projects are sized to meet maximum-day demands, but are considered to supply only average-day demands on an annual basis.
- For meeting potential subsidence regulations considered by Option 2, assume that the target groundwater use is phased in by decreasing groundwater use from 100 percent (current) by 6 percent per year starting in 2026, then by 10 percent per year starting in 2030 until a target goal of 40% is reached in 2033. After 2033, a constant target of 40% groundwater use is maintained. Options 1 and 3 do not consider potential limitations on groundwater use from future subsidence regulations.

Option 1 is presented in Table 6-7. This option calls for a new groundwater well to be constructed by each of years 2027, 2028, and 2029 to meet initial supply shortages. This will allow time develop contracts and infrastructure for a new 4 mgd surface water supply, that would be incorporated by 2030. The surface water supply would be expanded to 7 mgd by 2037 to maintain at least a 10 percent supply surplus.

Table 6-7. Option 1 Supply Plan – Balance Groundwater and Surface Water

Year	Average-Day Shortage (mgd)	New Groundwater Supplies (mgd)			Surface Water Supplies (mgd)	Surplus (mgd)	Surplus as % of Demand	% GW Used ¹
		1 st Well	2 nd Well	3 rd Well				
2021	0.00					1.05	143.29%	100%
2022	0.00					0.89	100.12%	100%
2023	0.00					0.63	55.16%	100%
2024	0.00					0.32	21.50%	100%
2025	0.00					0.71	38.74%	100%
2026	0.00					0.27	11.79%	100%
2027	0.23	0.82				0.59	21.34%	100%
2028	0.87	0.82	0.82			0.77	22.54%	100%
2029	1.66	0.82	0.82	0.82		0.81	19.13%	100%
2030	2.66	0.82	0.82	0.82	4.0	3.81	72.99%	23%
2031	3.22	0.82	0.82	0.82	4.0	3.25	56.27%	31%
2032	3.70	0.82	0.82	0.82	4.0	2.76	44.08%	36%
2033	4.15	0.82	0.82	0.82	4.0	2.31	34.44%	40%
2034	4.60	0.82	0.82	0.82	4.0	1.86	26.04%	44%
2035	5.07	0.82	0.82	0.82	4.0	1.39	18.27%	48%
2036	5.47	0.82	0.82	0.82	4.0	0.99	12.37%	50%
2037	5.89	0.82	0.82	0.82	7.0	3.58	42.37%	17%
2038	6.32	0.82	0.82	0.82	7.0	3.15	35.43%	21%
2039	6.77	0.82	0.82	0.82	7.0	2.70	28.91%	25%
2040	6.38	0.82	0.82	0.82	7.0	3.08	26.87%	39%
2041	6.70	0.82	0.82	0.82	7.0	2.76	23.45%	41%
2042	7.03	0.82	0.82	0.82	7.0	2.43	20.07%	42%
2043	7.29	0.82	0.82	0.82	7.0	2.17	17.57%	43%
2044	7.42	0.82	0.82	0.82	7.0	2.04	16.31%	44%
2045	7.56	0.82	0.82	0.82	7.0	1.90	15.06%	45%
2046	7.70	0.82	0.82	0.82	7.0	1.77	13.82%	45%
2047	7.84	0.82	0.82	0.82	7.0	1.63	12.59%	46%
2048	7.98	0.82	0.82	0.82	7.0	1.48	11.37%	46%
2049	8.10	0.82	0.82	0.82	7.0	1.36	10.35%	47%
2050	6.94	0.82	0.82	0.82	7.0	2.52	15.58%	57%

1. % groundwater used assumes surface water supplies are fully utilized.

Option 2 is presented in Table 6-8. This option assumes no new groundwater supplies will be developed and surface water will be incorporated to meet the percent groundwater supply targets in the assumed subsidence regulations. Under this option, maintaining a surplus supply of 10 percent typically controls the timing of the new supplies, except for the first new surface water supply which would be implemented to begin meeting subsidence targets. The ultimate surface water capacity of 10 mgd would only be needed in 2050 and later to meet the subsidence targets.

Table 6-8. Option 2 Supply Plan – Subsidence Plan

Year	Average-Day Shortage (mgd)	Groundwater Target (% of total supply)	Surface Water Needed to Meet Goal (mgd)	Surface Water Supplies (mgd)	Surplus (mgd)	Surplus as % of Demand	% GW Used ¹
2021	0.00	100%	0.00		1.05	143.29%	100.0%
2022	0.00	100%	0.00		0.89	100.12%	100.0%
2023	0.00	100%	0.00		0.63	55.16%	100.0%
2024	0.00	100%	0.00		0.32	21.50%	100.0%
2025	0.00	100%	0.00		0.71	38.74%	100.0%
2026	0.00	94%	0.14	5.0	5.27	230.30%	0.0%
2027	0.23	88%	0.33	5.0	4.77	171.39%	0.0%
2028	0.87	82%	0.62	5.0	4.13	120.48%	0.0%
2029	1.66	76%	1.01	5.0	3.34	79.27%	0.0%
2030	2.66	70%	1.56	5.0	2.34	44.91%	4.1%
2031	3.22	60%	2.31	5.0	1.78	30.90%	13.4%
2032	3.70	50%	3.13	5.0	1.30	20.70%	20.2%
2033	4.15	40%	4.03	8.0	3.85	57.32%	0.0%
2034	4.60	40%	4.29	8.0	3.40	47.49%	0.0%
2035	5.07	40%	4.58	8.0	2.93	38.40%	0.0%
2036	5.47	40%	4.82	8.0	2.53	31.50%	0.4%
2037	5.89	40%	5.07	8.0	2.11	25.03%	5.3%
2038	6.32	40%	5.33	8.0	1.68	18.94%	9.9%
2039	6.77	40%	5.60	8.0	1.23	13.21%	14.2%
2040	6.38	40%	6.88	8.0	1.62	14.10%	30.2%
2041	6.70	40%	7.07	8.0	1.30	11.02%	32.1%
2042	7.03	40%	7.27	10.0	2.97	24.50%	17.5%
2043	7.29	40%	7.42	10.0	2.71	21.90%	19.2%
2044	7.42	40%	7.50	10.0	2.58	20.59%	20.0%
2045	7.56	40%	7.59	10.0	2.44	19.30%	20.9%
2046	7.70	40%	7.67	10.0	2.30	18.01%	21.8%
2047	7.84	40%	7.75	10.0	2.16	16.73%	22.6%
2048	7.98	40%	7.84	10.0	2.02	15.47%	23.4%
2049	8.10	40%	7.91	10.0	1.90	14.41%	24.1%
2050	6.94	40%	9.72	10.0	3.06	18.89%	38.3%

1. % groundwater used assumes surface water supplies are fully utilized.

Option 3 is presented in Table 6-9. This option is similar to Option 2 except that the surface water supply can be delayed by a year because subsidence regulations are not a consideration, and the ultimate capacity of the surface water supply is 0.5 mgd less than Option 2.

Table 6-9. Option 3 Supply Plan – Surface Water Only

Year	Average-Day Shortage (mgd)	Surface Water Supplies (mgd)	Surplus (mgd)	Surplus as % of Demand	% GW Used ¹
2021	0.00		1.05	143.29%	100.0%
2022	0.00		0.89	100.12%	100.0%
2023	0.00		0.63	55.16%	100.0%
2024	0.00		0.32	21.50%	100.0%
2025	0.00		0.71	38.74%	100.0%
2026	0.00	5.0	0.27	11.79%	100.0%
2027	0.23	5.0	4.77	171.39%	0.0%
2028	0.87	5.0	4.13	120.48%	0.0%
2029	1.66	5.0	3.34	79.27%	0.0%
2030	2.66	5.0	2.34	44.91%	4.1%
2031	3.22	5.0	1.78	30.90%	13.4%
2032	3.70	5.0	1.30	20.70%	20.2%
2033	4.15	5.0	0.85	12.62%	25.5%
2034	4.60	8.0	3.40	47.49%	30.1%
2035	5.07	8.0	2.93	38.40%	0.0%
2036	5.47	8.0	2.53	31.50%	0.4%
2037	5.89	8.0	2.11	25.03%	5.3%
2038	6.32	8.0	1.68	18.94%	9.9%
2039	6.77	8.0	1.23	13.21%	14.2%
2040	6.38	8.0	1.62	14.10%	30.2%
2041	6.70	8.0	1.30	11.02%	32.1%
2042	7.03	9.5	2.43	20.07%	21.9%
2043	7.29	9.5	2.17	17.57%	23.5%
2044	7.42	9.5	2.04	16.31%	24.3%
2045	7.56	9.5	1.90	15.06%	25.1%
2046	7.70	9.5	1.77	13.82%	25.9%
2047	7.84	9.5	1.63	12.59%	26.8%
2048	7.98	9.5	1.48	11.37%	27.5%
2049	8.10	9.5	1.36	10.35%	28.2%
2050	6.94	9.5	2.52	15.58%	41.6%

1. % groundwater used assumes surface water supplies are fully utilized.

Water Supply Option 1 is recommended for the City to pursue. It is the most economical by providing cheaper groundwater supplies and reducing the quantity of more expensive surface water. It also provides for additional time to negotiate agreements and to plan and develop new surface water supplies. Finally, it provides the most flexibility because the timing can be adjusted easily if future demands do not develop as projected. Additionally, if subsidence considerations require the City to reduce the portion of their supply met by groundwater, the surface water supplies can be increased, and the additional groundwater supplies already developed can be kept in reserve to help meet

maximum-day water demands or provide a redundant supply if surface water supplies are temporarily interrupted.

Three alternative capital improvement plans were developed based on Water Supply Option 1 and whether new surface water supplies would be purchased from Pearland, from GCWA, or from both Pearland and GCWA (Hybrid Supply). Those are presented in the next section.

7 Capital Improvements Plan (CIP) and Opinion of Probable Construction Cost

HDR prepared 10- and 20-year water capital improvements plans (CIP) to serve as a roadmap of what storage and water supply/booster pumping expansion projects will be required to meet TCEQ requirements, as well as what piping improvements will be necessary to serve areas of growth and development.

It is recommended the City further prioritize these projects in accordance with other implementation needs so that a holistic infrastructure management plan is established to promote overall infrastructure efficiencies and minimize community disruption whenever possible. This process should be considered as an element of annual CIP planning to promote an adaptive infrastructure plan for the City.

Because the projects necessary to provide water service throughout the City's service territory will change depending on what surface water source is pursued (Pearland, GCWA, or both), base CIPs were developed for 2030 and 2040 consisting of projects that are necessary regardless of future water supply sources. Alternative CIPs were then developed considering the water supply sources that could be pursued by the City. A total of three plans were developed for 2030 and three plans for 2040 based on these alternatives.

Complete alternative CIPs are presented in Exhibits 1 through 6. The CIP maps in the exhibits reflect firm capacity of proposed new pumping capacity, but CIP costs include standby capacity that will be required per TCEQ regulations.

7.1 2030 Capital Improvements Plan

7.1.1 Base 2030 CIP

Base 2030 CIP water projects and their associated opinions of probable construction cost¹⁰ are presented in Exhibits 1 through 3. Because of high demand for materials and the high cost of oil, prices of plastic pipe have dramatically increased since 2020. The costs have been escalated to account for recent market trends and volatility, but have

¹⁰ *Any opinions of probable construction cost provided by HDR are made based on information available to HDR and based on the cost estimator's experience and qualifications and represents its judgment as an experienced and qualified professional engineer. HDR has no control over the cost of labor, materials, equipment, or services furnished by others, or over methods of determining prices, or over competitive bidding or market conditions. HDR does not guarantee that proposals, bids, or actual project or construction cost will not vary from opinions of probable cost prepared by HDR.

not been escalated beyond 2021 dollars. The total costs include a 25% contingency for unknowns and 15% for professional services (engineering and survey). The Base 2030 CIP includes expansion of supplies including the new wells and associated water plant improvements.

7.1.2 Additional 2030 CIP for Water Supply

Pearland Supply

If a surface water supply from the City of Pearland is pursued by Manvel, additional CIP projects necessary to utilize the Pearland supply include a 30-inch water line to transfer the supply from Pearland, a 500,000 gallon GST, and a booster pumping station having a combined capital cost of \$17,880,000, shown as project P-1 in Exhibit 1. Annual costs for the additional CIP items and costs to obtain supply from Pearland are summarized in Table 7-1. Costs shown are for Manvel to contract for an average-day supply of 4 mgd and a maximum-day supply of 8 mgd. Supply costs assume Manvel pays for 3.4 mgd (3,800 acft/yr) of supply, which is equivalent to the amount Manvel would need in 2035 assuming that Manvel maximizes its use of groundwater and only utilizes the amount needed to meet the projected shortages with a 10 percent overall supply surplus. Unit costs are based on the unit costs of Pearland supplies of \$4.43/1,000 gals (see Table 6-4) plus the annual costs to amortize the capital costs of the CIP over 20 years at 3.5% interest and estimated O&M costs equal to 5% of the capital cost.

Table 7-1. Annual 2030 CIP and Supply Costs for Pearland Supply (3.4 mgd average-day supply)

Cost Item	Unit Cost (\$/kgal)	Annual Cost
Treated Water Supply	\$4.43	\$5,498,000
CIP Project P-1	\$1.74	\$2,152,000
Total		\$7,650,000

GCWA Supply

If a surface water supply from GCWA is pursued, additional CIP projects necessary to utilize treated water from the proposed GCWA water treatment plant include one 30-inch transmission line that splits into two 24-inch lines, which reduce to 20-inch lines north of SH 6, a 500,000 gallon GST, and a booster pumping station with a combined capital cost of \$14,880,000, as shown in Exhibit 2. Annual costs to obtain the GCWA supply are summarized in Table 7-2. These costs assume a take or pay contract for 4 mgd of supply (8 mgd maximum-day). Unit costs are based on the unit costs for GCWA supplies \$5.36/1,000 gals (see Table 6-5), plus the annual costs to amortize the capital cost of the CIP over 20 years at 3.5% interest and O&M costs estimated by the TWDB's UCM.

Table 7-2. Annual 2030 CIP and Supply Costs for GCWA Supply (4 mgd take or pay contract)

Cost Item	Unit Cost (\$/kgal)	Annual Cost
Treated Water Supply	\$5.36	\$7,827,000
CIP Project G-1	\$1.19	\$1,743,000
Total		\$9,570,000

Hybrid Supply

If the City pursues surface water supplies from both Pearland and GCWA, it is assumed that the Pearland supply would be developed first, to take advantage of the Pearland water treatment plant nearing completion. The Additional 2030 CIP for the Hybrid Supply is identical to the 2030 Pearland supply, costs for which are shown in Table 7-1. The 2030 CIP for the Hybrid Supply is shown in Exhibit 3.

7.2 2040 Capital Improvements Plan

7.2.1 Base 2040 CIP

Base 2040 CIP water projects and their associated opinion of probable construction cost are presented in Exhibits 4 through 6. Because of high demand for materials and the high cost of oil, prices of plastic pipe have dramatically increased since 2020. The costs have been escalated to account for recent market trends and volatility, but have not been escalated beyond 2021 dollars. The total costs include a 25% contingency for unknowns and 15% for professional services (engineering and survey).

7.2.2 Additional 2040 CIP for Water Supply

Note that the projects and costs are shown as “2040” projects, but would appear to be needed by 2037 under the recommended Water Supply Option 1.

Pearland Water Supply

Additional 2040 CIP projects for the Pearland supply include additional 24-inch, 20-inch and 16-inch transmission lines, an additional 500,000 gallon GST, and a booster pumping station, located along the northwest side of the future Manvel system. These projects have a total capital cost of \$22,680,000 as shown for projects P-27, P-28, P-30, and P-31 in Exhibit 4. Annual costs are developed similarly as for the additional 2030 CIP and summarized in Table 7-3, assuming that the full 7 mgd average day supply is taken by 2045 (an additional 3.6 mgd).

Table 7-3. Annual 2040 CIP and Supply Costs for Pearland Supply (additional 3.6 mgd average-day supply)

Cost Item	Unit Cost (\$/kgal)	Annual Cost
Treated Water Supply	\$2.97	\$3,903,000
CIP Projects P-27, P-28, P-30, & P-31	\$2.08	\$2,730,000
Total		\$6,633,000

GCWA Water Supply

Additional 2040 CIP projects for the GCWA supply include multiple additional transmission lines to move water from the south to the north portion of the future Manvel system, an additional 500,000 gallon GST, and an expansion of the finished water booster station. These projects (G-2, G-3, G-4, G-23, G-24, G-25, G-27, G-40, and G-43) have a total combined capital cost of \$29,180,000 as shown in Exhibit 5. Annual costs are summarized in Table 7-4 assuming that an additional 3 mgd average-day supply is contracted for on a take or pay basis.

Table 7-4. Annual 2040 CIP and Supply Costs for GCWA Supply (additional 3 mgd take or pay contract)

Cost Item	Unit Cost (\$/kgal)	Annual Cost
Treated Water Supply	\$3.09	\$3,387,000
CIP Projects P-27, P-28, P-30, & P-31	\$3.21	\$3,512,000
Total		\$6,899,000

Hybrid Water Supply

Additional 2040 CIP projects for the Hybrid Supply option include additional pipeline projects to convey the additional supply throughout the Manvel system, a 500,000 gallon GST, and a booster pump station, as shown in Exhibit 6. These projects (H-2, H-23, H-27, H-40, H-42, and H-43) have a total capital cost of \$32,310,000. Costs for GCWA supplies under the Hybrid Supply option are as shown in Table 6-6. Total annual costs are shown in Table 7-5.

Table 7-5. Annual 2040 CIP and Supply Costs for Hybrid Supply (additional 3 mgd take or pay contract with GCWA)

Cost Item	Unit Cost (\$/kgal)	Annual Cost
Treated Water Supply	\$5.45	\$5,969,000
CIP Projects H-2, H-23, H-27, H-40, H-42 & H-43	\$3.55	\$3,889,000
Total		\$9,858,000

7.3 Recommendations

7.3.1 Adaptive Infrastructure Planning

The City's rapid growth is causing a highly dynamic development environment in which it is difficult to prioritize the large number of capital projects and efficiently utilize the City's capital resources. It is recommended the City further prioritize these projects in accordance with other implementation needs so that a holistic infrastructure management plan is established to promote efficient utilization of capital and minimize community disruption. Based on the rapidly changing development environment, the City should revisit this Master Water Plan at least annually so that the City can adaptively manage its capital investments.

7.3.2 Future Water Supply

It is recommended that the City pursue Water Supply Option 1, in which three additional groundwater wells would be constructed prior to 2030, followed by the incorporation of surface water supplies into the City's water supply portfolio about 2030. This approach will provide the City with flexibility in meeting future demands by allowing these first additional supplies to be delayed or expedited if water demands develop differently than projected.

Based on conversations with City staff the City should obtain surface water utilizing the Hybrid approach, whereby the City would obtain an initial surface water supply from the City of Pearland by 2030. The next increment of supply would be contracted from the GCWA sometime around 2040, depending on future growth. This Hybrid approach initially would take advantage of the relatively less expensive water from Pearland and take advantage of the shorter timeframe needed to obtain the supply. Then, as demands grow and the City has a better understanding of expected water demands, a new water treatment plant on the south side of the system would be developed with GCWA, which would also allow the City to utilize its water contracted from the BRA. This new plant would have the option of serving as a regional supply which would decrease the City's unit costs from those shown here, which assume only the City would be supplied from the new plant. This Hybrid approach also provides the City flexibility if additional supplies from Pearland or another water supplier are more advantageous in the future.

Exhibit 1. Base 2030 Capital Improvements Plan with Additional Pearland Water Supply CIP

LEGEND

Pearland Supply

Pearland Supply

2030 Pearland CIP Pipelines

2030 CIP Plants

Existing Plants

2030 CIP Tanks

EST

GST

Existing Tanks

EST

GST

2030 CIP Water Lines

8"

12"

16"

20"

Existing Water Lines

City Limits

0

Miles

1.5

N

2030 Proposed CIP and Pearland Supply Projects and Escalated OPCC					
CIP No.	Total*	Description			
1	\$ 2,010,000	12" Hwy 6 Water Line			
2	\$ 1,490,000	16" Parallel Manvel Town Center Discharge Line			
3	\$ 3,490,000	20" Manvel Town Center North Discharge Line			
4	\$ 630,600	Cemetery Road Waterline Loop - Phase 2			
5	\$ 3,640,000	16" Manvel City Center Interconnect			
6	\$ 3,620,000	12" Sowell Interconnect			
7	\$ 1,450,000	12" Dogwood Avenue - Phase 1			
8	\$ 4,850,000	20" and 16" Masters Road Water Line			
9	\$ 1,330,000	12" Dogwood Avenue - Phase 2			
10	\$ 3,990,000	12" Bissell Road Loop - Phase 1			
11	\$ 2,570,000	12" Bissell Road Loop - Phase 2			
12	\$ 1,510,000	20" Del Bello Boulevard Water Line Upsize			
13	\$ 4,510,000	16" Del Bello Interconnect			
14	\$ 5,240,000	16" and 12" Del Bello and Masters Road Loop			
15	\$ 1,170,000	Maverick Plant Improvements and 600 gpm pump station expansion			
16	\$ 5,590,000	Del Bello 1 MG EST (2022)			
17	\$ 7,510,000	Manvel Town Center Expansion (Wells, 0.4 MG GST & 2,800 gpm Pump Station)			
18	\$ 3,800,000	School Road Plant Improvements and 1,000 gpm pump station expansion			
19	\$ 7,120,000	1 MG EST (2029)			
P-1	\$ 17,880,000	30" Pearland Supply Transmission Line (including 0.5MG GST and Booster PS)			
	\$ 83,400,600				
*Cost includes 25% contingency and 15% for professional services, except for Del Bello EST (15% cont).					
All costs are shown in 2021 dollars and not inflated for future years costs.					
Costs have been escalated in light of recent material shortages and cost volatility, except					
Del Bello EST (already assumed escalated).					
Opinions of Probable Construction Cost are estimated for planning purposes.					
HDR cannot guarantee that proposals, bids, or actual construction costs will not vary.					

Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS,
AeroGRID, IGN, and the GIS User Community,

CITY OF MANVEL

2022 MASTER WATER PLAN

2030 CIP PROJECTS AND PEARLAND SUPPLY

PATH: C:\USERS\SMABROUK\DOCUMENTS\MANVEL\SHAPEFILES\MASTERPLANUPDATE\WATER_SUPPLY\MANVEL WATER SYSTEM - 2030 PROJECT MAP.MXD - USER: SMABROUK - DATE: 9/30/2021

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Exhibit 2. Base 2030 Capital Improvements Plan with Additional GCWA Water Supply CIP

LEGEND

- GCWA Supply
- GCWA Supply
- 2030 GCWA CIP Pipelines
- 2030 CIP Plants
- Existing Plants

2030 CIP Tanks

- EST
- GST

Existing Tanks

- EST
- GST

2030 CIP Water Lines

- 8"
- 12"
- 16"
- 20"
- Existing Water Lines
- City Limits

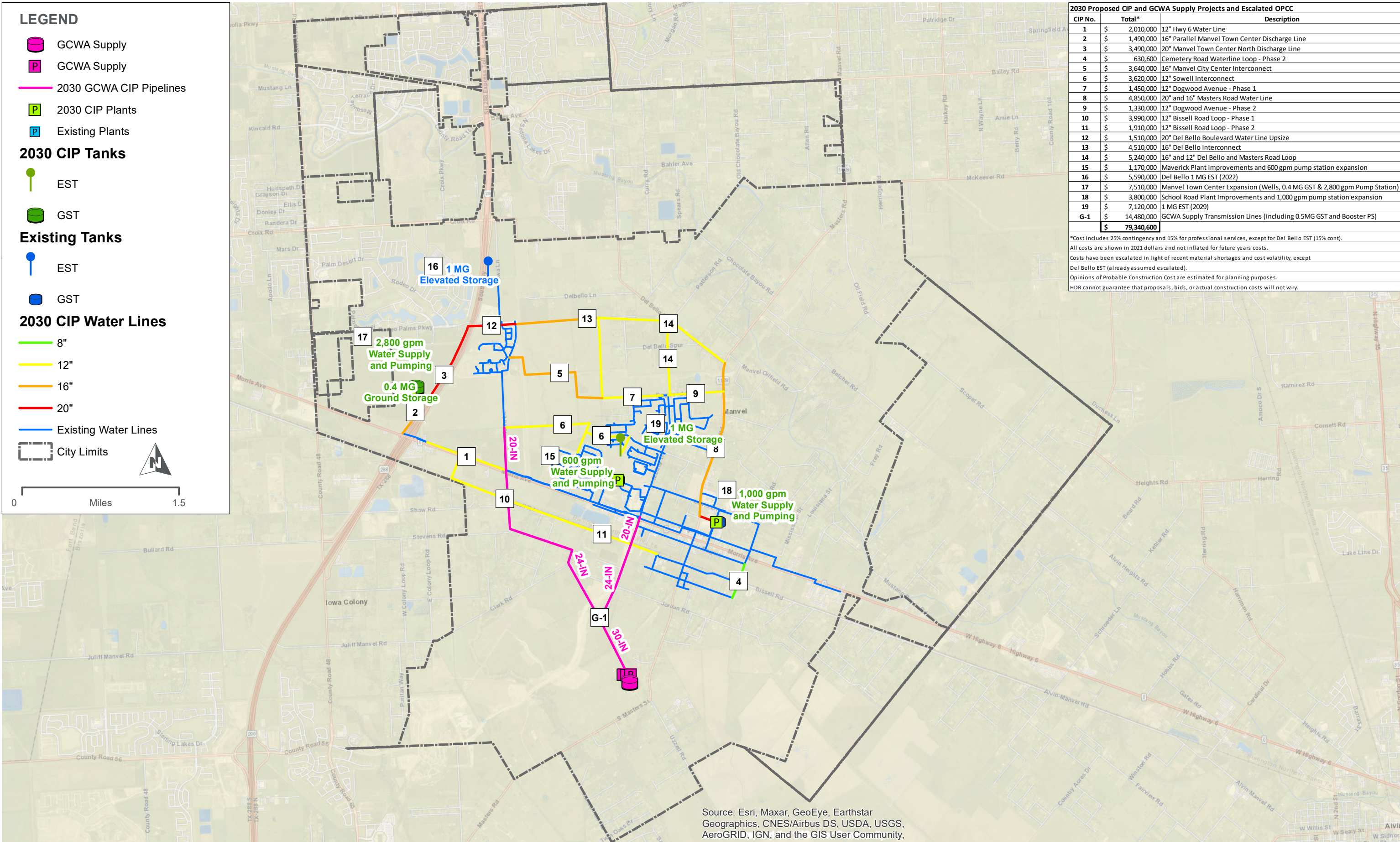


Exhibit 3. Base 2030 Capital Improvements Plan with Additional Hybrid Water Supply CIP

LEGEND

Pearland Supply

Pearland Supply

2030 Hybird CIP Pipelines

2030 CIP Plants

Existing Plants

2030 CIP Tanks

EST

GST

Existing Tanks

EST

GST

2030 CIP Water Lines

8"

12"

16"

20"

Existing Water Lines

City Limits

0

Miles

1.5

N

2030 Proposed CIP and Hybrid Supply Projects and Escalated OPCC			
CIP No.	Total*	Description	
1	\$ 2,010,000	12" Hwy 6 Water Line	
2	\$ 1,490,000	16" Parallel Manvel Town Center Discharge Line	
3	\$ 3,490,000	20" Manvel Town Center North Discharge Line	
4	\$ 630,600	Cemetery Road Waterline Loop - Phase 2	
5	\$ 3,640,000	16" Manvel City Center Interconnect	
6	\$ 3,620,000	12" Sowell Interconnect	
7	\$ 1,450,000	12" Dogwood Avenue - Phase 1	
8	\$ 4,850,000	20" and 16" Masters Road Water Line	
9	\$ 1,330,000	12" Dogwood Avenue - Phase 2	
10	\$ 3,990,000	12" Bissell Road Loop - Phase 1	
11	\$ 2,570,000	12" Bissell Road Loop - Phase 2	
12	\$ 1,510,000	20" Del Bello Boulevard Water Line Upsize	
13	\$ 4,510,000	16" Del Bello Interconnect	
14	\$ 5,240,000	16" and 12" Del Bello and Masters Road Loop	
15	\$ 1,170,000	Maverick Plant Improvements and 600 gpm pump station expansion	
16	\$ 5,590,000	Del Bello 1 MG EST (2022)	
17	\$ 7,510,000	Manvel Town Center Expansion (Wells, 0.4 MG GST & 2,800 gpm Pump Station)	
18	\$ 3,800,000	School Road Plant Improvements and 1,000 gpm pump station expansion	
19	\$ 7,120,000	1 MG EST (2029)	
H-1	\$ 17,880,000	30" Pearland Supply Transmission Line (including 0.5MG GST and Booster PS)	
	\$ 83,400,600		
*Cost includes 25% contingency and 15% for professional services, except for Del Bello EST (15% cont).			
All costs are shown in 2021 dollars and not inflated for future years costs.			
Costs have been escalated in light of recent material shortages and cost volatility, except			
Del Bello EST (already assumed escalated).			
Opinions of Probable Construction Cost are estimated for planning purposes.			
HDR cannot guarantee that proposals, bids, or actual construction costs will not vary.			

HDR

MANVEL CITY OF THE FUTURE

CITY OF MANVEL

2022 MASTER WATER PLAN

2030 CIP PROJECTS AND HYBRID SUPPLY

PATH: C:\USERS\SMABROUK\DOCUMENTS\MANVEL\SHAPEFILES\MASTERPLANUPDATE\WATER_SUPPLY\MANVEL WATER SYSTEM - 2030 PROJECT MAP.MXD - USER: SMABROUK - DATE: 10/27/2021

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Exhibit 4. Base 2040 Capital Improvements Plan with Additional Pearland Water Supply CIP

LEGEND

Pearland Supply

Pearland Supply

2030 and 2040 Pearland CIP Pipelines

Existing and 2030 CIP Plants

2040 CIP Tanks

EST

GST

Existing and 2030 CIP Tanks

EST

GST

2040 CIP Water Lines

12"

16"

20"

30"

Existing and 2030 CIP Water Lines

City Limits

N

0

Miles

1.5

2040 Proposed CIP and Pearland Supply Projects and Escalated OPCC					
CIP No.	Total*	Description			
21	\$ 3,910,000	12" Hwy 6 and CR48 Water Line			
22	\$ 4,330,000	16" Rodeo Palms Parkway			
23	\$ 3,300,000	20" Old Airline Road Water Line			
26	\$ 1,030,000	16" Manvel Parkway Water Line Upsize			
P-27	\$ 4,330,000	16" Pomona Parkway Water Line			
P-28	\$ 2,890,000	16" SH 288 Water Line			
29	\$ 3,230,000	12" County Road 101 Water Line			
P-30	\$ 9,590,000	24" Pearland Supply and 20" Kirby Drive Water Line			
P-31	\$ 5,870,000	16" Northwest Interconnect			
32	\$ 3,260,000	12" Jordan Road Loop - Phase 1			
33	\$ 1,950,000	12" Jordan Road Loop - Phase 2			
34	\$ 3,350,000	12" Bissell Road Loop			
35	\$ 3,230,000	12" Southeast Loop			
36	\$ 4,180,000	12" Cemetery Road Water Line			
37	\$ 3,340,000	12" Markham Road Water Line			
38	\$ 2,490,000	12" Belcher Road Water Line - Phase 1			
39	\$ 4,200,000	12" Belcher Road Water Line - Phase 2			
40	\$ 6,210,000	20" Croix Road Line and 16" CR90 Line			
41	\$ 2,320,000	16" Masters Road Water Line			
42	\$ 3,860,000	12" Patterson Rd Line and 16" Chocolate Bayou Rd Line			
43	\$ 3,590,000	20" Northern System Interconnect			
44	\$ 5,280,000	12" Oil Field Road Water Line			
45	\$ 7,120,000	EST (1 MG)			
\$ 92,860,000					
*Cost includes 25% contingency and 15% for professional services.					
All costs are shown in 2021 dollars and not inflated for future years costs.					
Costs have been escalated in light of recent material shortages and cost volatility.					
Opinions of Probable Construction Cost are estimated for planning purposes.					
HDR cannot guarantee that proposals, bids, or actual construction costs will not vary.					

Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS,
AeroGRID, IGN, and the GIS User Community,

CITY OF MANVEL

2022 MASTER WATER PLAN

2040 CIP PROJECTS AND PEARLAND SUPPLY

PATH: C:\USERS\SMABROUK\DOCUMENTS\MANVEL\SHAPEFILES\MASTERPLANUPDATE\WATER_SUPPLY\MANVEL WATER SYSTEM - 2040 PROJECT MAP.MXD - USER: SMABROUK - DATE: 9/30/2021

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Exhibit 5. Base 2040 Capital Improvements Plan with Additional GCWA Water Supply CIP

Exhibit 6. Base 2040 Capital Improvements Plan with Additional Hybrid Water Supply CIP

LEGEND

GCWA Supply

GCWA Suuply

Pearland Supply

Pearland Supply

2030 Hybrid CIP Pipelines

2040 Hybrid CIP Pipelines

Existing and 2030 CIP Plants

2040 CIP Tanks

EST

GST

Existing and 2030 CIP Tanks

EST

GST

2040 CIP Water Lines

12"

16"

20"

30"

Existing and 2030 CIP Water Lines

City Limits

Miles

1.5

2040 Proposed CIP and Hybrid Supply Projects and Escalated OPCC					
CIP No.	Total*	Description			
21	\$ 3,910,000	12" Hwy 6 and CR48 Water Line			
22	\$ 4,330,000	16" Rodeo Palms Parkway			
H-23	\$ 2,860,000	16" Old Airline Road Water Line			
26	\$ 1,030,000	16" Manvel Parkway Water Line Upsize			
H-27	\$ 3,770,000	12" Pomona Parkway Water Line			
28	\$ 2,520,000	12" SH 288 Water Line			
29	\$ 3,230,000	12" County Road 101 Water Line			
30	\$ 2,200,000	12" Kirby Drive Water Line			
31	\$ 5,120,000	12" Northwest Interconnect			
32	\$ 3,260,000	12" Jordan Road Loop - Phase 1			
33	\$ 1,950,000	12" Jordan Road Loop - Phase 2			
34	\$ 3,350,000	12" Bissell Road Loop			
35	\$ 3,230,000	12" Southeast Loop			
36	\$ 4,180,000	12" Cemetery Road Water Line			
37	\$ 3,340,000	12" Markham Road Water Line			
38	\$ 2,490,000	12" Belcher Road Water Line - Phase 1			
39	\$ 4,200,000	12" Belcher Road Water Line - Phase 2			
H-40	\$ 5,750,000	26" Croix Road Line and 16" CR90 Line			
41	\$ 2,320,000	16" Masters Road Water Line			
H-42	\$ 3,620,000	12" Patterson Rd Line and 12" Chocolate Bayou Rd Line			
H-43	\$ 2,710,000	12" Northern System Interconnect			
44	\$ 5,280,000	12" Oil Field Road Water Line			
45	\$ 7,120,000	EST (1 MG)			
H-2	\$ 13,600,000	GCWA Supply Transmission Lines (including 0.5MG GST and Booster PS)			
	\$ 95,370,000				
*Cost includes 25% contingency and 15% for professional services.					
All costs are shown in 2021 dollars and not inflated for future years costs.					
Costs have been escalated in light of recent material shortages and cost volatility.					
Opinions of Probable Construction Cost are estimated for planning purposes.					
HDR cannot guarantee that proposals, bids, or actual construction costs will not vary.					

Source: Esri, Maxar, GeoEye, Earthstar
Geographics, CNES/Airbus DS, USDA, USGS,
AeroGRID, IGN, and the GIS User Community,

CITY OF MANVEL

2022 MASTER WATER PLAN

2040 CIP PROJECTS AND HYBRID SUPPLY

PATH: C:\USERS\SMABROUK\DOCUMENTS\MANVEL\SHAPEFILES\MASTERPLANUPDATE\WATER_SUPPLY\MANVEL WATER SYSTEM - 2040 PROJECT MAP.MXD - USER: SMABROUK - DATE: 10/27/2021

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10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPELS No. 10092300

NOVEMBER 9, 2021

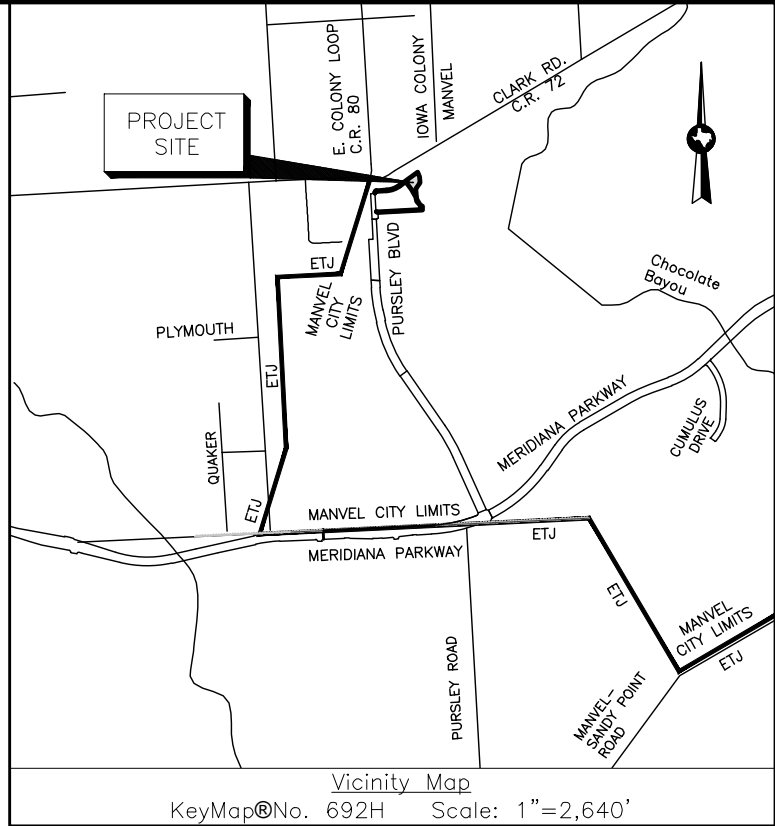
OWNER
GR-M1, LTD.,
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863

1 BLOCK 1 RESERVE (1074 Acres)

BEING A SUBDIVISION OF 1074 ACRES OUT OF
THE H. T. & B. R.R. COMPANY SURVEY,
SECTION 61, ABSTRACT 282, AND
THE OLIVER HALL SURVEY, ABSTRACT 203,
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

BENCHMARK:

NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT



I, Robert Boelsche, a Registered Professional Land Surveyor of the State of Texas, hereby certify that this subdivision is true and correct; was prepared from an actual boundary survey of the property made on the ground under my supervision according to the standards of practice of the Texas Board of Professional Land Surveyors; that the plat boundary corners have been tied to the nearest street intersection; that the boundary corners, angle points, points of curvature/tangency and interior corners of this subdivision were not set at the time this plat was signed by me and that these corners are to be set after construction of the public infrastructure and final lot grading within the subdivision; and that all previously existing property markers are sufficiently described on this document as found and all set markers are a minimum of 5/8- inch diameter iron rod with surveyor's cap.

Robert Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446

STATE OF TEXAS:

COUNTY OF BRAZORIA:

We, GR-M1, LTD., a Texas Limited Partnership, acting by and through Matt Lawson, President of Rise Communities, LLC, A Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, owner of the property subdivided in this plat, MERIDIANA DETENTION RESERVE V PHASE 2, do hereby make subdivision of said property for and on behalf of said GR-M1, LTD., a Texas Limited Partnership, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public utility purposes forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11'-6") for ten feet (10'-0") perimeter easements or seven feet, six inches (7'-6") for fourteen feet (14'-0") perimeter easements or five feet, six inches (5'-6") for sixteen feet (16'-0") perimeter easements from a plane sixteen feet (16'-0") above the ground level upward, located adjacent to and adjoining said public utility easement that are designated with aerial easements (U.E. & A.E.) as indicated and depicted, hereon, whereby the aerial easement totals twenty one feet, six inches (21'-6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10'-0") for ten feet (10'-0") back-to-back easements, or eight feet (8'-0") for fourteen feet (14'-0") back-to-back easements or seven feet (7'-0") for sixteen feet (16'-0") back-to-back easements, from a plane sixteen feet (16'-0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. & A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30'-0") in width.

IN TESTIMONY WHEREOF, GR-M1, LTD., a Texas limited partnership, has caused these presents to be signed by Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, thereunto authorized by this _____ day of _____, 2021.

OWNER
GR-M1, LTD., A Texas Limited Partnership
By: Rise Communities, LLC,
A Nevada Limited Liability Company,
Authorized Agent

BY: _____
Print Name: Matt Lawson
Title: President

STATE OF TEXAS }
COUNTY OF HARRIS }

BEFORE ME, the undersigned authority, on this day personally appeared Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2021.

Notary Public in and for the
State of Texas
My Notary Commission Expires _____

This is to certify that the Planning, Development and Zoning Commission of the City of Manvel, Texas, has recommended approval of this plat of MERIDIANA DETENTION RESERVE V PHASE 2 in conformance with laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this plat this _____ day of _____, 2021.

Planning, Development and Zoning Commission

This is to certify that the City Council of the City of Manvel, Texas, has approved this plat of MERIDIANA DETENTION RESERVE V PHASE 2 in conformance with laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this plat this _____ day of _____, 2021.

City Council

METES AND BOUNDS DESCRIPTION
MERIDIANA
DETENTION RESERVE V PHASE 2
BEING A 1.074 ACRE TRACT OF LAND SITUATED IN
THE H. T. & B. R.R. COMPANY SURVEY, SECTION 61, ABSTRACT 282
AND THE OLIVER HALL SURVEY, ABSTRACT 203
BRAZORIA COUNTY, TEXAS

A DESCRIPTION OF A 1.074 ACRE TRACT OF LAND IN THE H. T. & B. R.R. COMPANY SURVEY, SECTION 61, ABSTRACT 282 AND THE OLIVER HALL SURVEY, ABSTRACT 203, BRAZORIA COUNTY, TEXAS, BEING OUT OF THOSE CERTAIN TRACTS CALLED 56.69 ACRES DESCRIBED IN DEED TO GR-M1, LTD, RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. NO.) 2008047179, AND A CALLED 884.331 ACRES RECORDED UNDER B.C.C.F. NO. 2006035182; THE SAID 1.074 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a magnetized spike stamped "MAG SPIKE SURVEY MARK" found at the northerly common corner of said Oliver Hall Survey and the H. T. & B. R.R. Co. Survey, same being the northwest corner of the said 884.331 acre tract and the northeast corner of the said 56.69 acre tract of land;

THENCE, South 29°59'58" East, along the common line of said 884.331 and said 56.69 acre tract, same being the common line of the Oliver Hall Survey and the H.T. & B. R.R. Co. Survey, for a distance of 499.08 feet to a point for corner;

THENCE, South 60°00'02" West, a distance of 277.57 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northwesterly corner and the POINT OF BEGINNING of the herein described tract of land;

1) THENCE, North 86°56'36" East, for a distance of 140.56 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for curvature;

2) THENCE, in a northeasterly direction along the arc of said curve to the left having a radius of 300.00 feet, a central angle of 32°24'46", an arc length of 169.71 feet, and a chord bearing of North 70°44'13" East, for a distance of 167.46 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for tangency;

3) THENCE, North 54°31'50" East, for a distance of 327.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the northeasterly corner of the herein described tract of land;

4) THENCE, South 22°23'04" East, for a distance of 69.59 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

5) THENCE, South 02°58'03" East, for a distance of 80.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

6) THENCE, South 34°13'05" West, for a distance of 100.42 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

7) THENCE, South 03°18'27" East, for a distance of 140.55 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

8) THENCE, South 31°29'48" East, for a distance of 90.92 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

9) THENCE, South 55°24'50" East, for a distance of 37.48 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

10) THENCE, South 03°03'24" East, for a distance of 52.80 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the southeasterly corner of the herein described tract of land;

11) THENCE, South 86°56'36" West, for a distance of 613.11 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for curvature;

12) THENCE, in a northwesterly direction along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 53°07'48", an arc length of 23.18 feet, and a chord bearing of North 66°29'30" West, for a distance of 22.36 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

13) THENCE, North 86°56'36" East, for a distance of 606.64 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

14) THENCE, North 03°03'24" West, for a distance of 52.92 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

15) THENCE, North 39°27'07" West, for a distance of 75.78 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

16) THENCE, North 14°53'27" West, for a distance of 62.32 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

17) THENCE, North 29°20'20" West, for a distance of 120.30 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

18) THENCE, North 37°41'09" West, for a distance of 130.00 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

19) THENCE, South 52°18'51" West, for a distance of 96.07 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for curvature;

20) THENCE, in a southwesterly direction along the arc of said curve to the right having a radius of 330.00 feet, a central angle of 34°37'45", an arc length of 199.45 feet, and a chord bearing of South 69°37'44" West, for a distance of 196.43 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for tangency;

21) THENCE, South 86°56'36" West, for a distance of 135.18 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for curvature;

22) THENCE, in a southwesterly direction along the arc of said curve to the left having a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and a chord bearing of South 41°56'36" West, for a distance of 35.36 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for tangency;

23) THENCE, North 03°03'24" West, for a distance of 13.05 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for curvature;

24) THENCE, in a northeasterly direction along the arc of said curve to the right having a radius of 25.00 feet, a central angle of 90°00'00", an arc length of 39.27 feet, and a chord bearing of North 41°56'36" East, for a distance of 35.36 feet to the POINT OF BEGINNING and containing 1.074 acres of land.

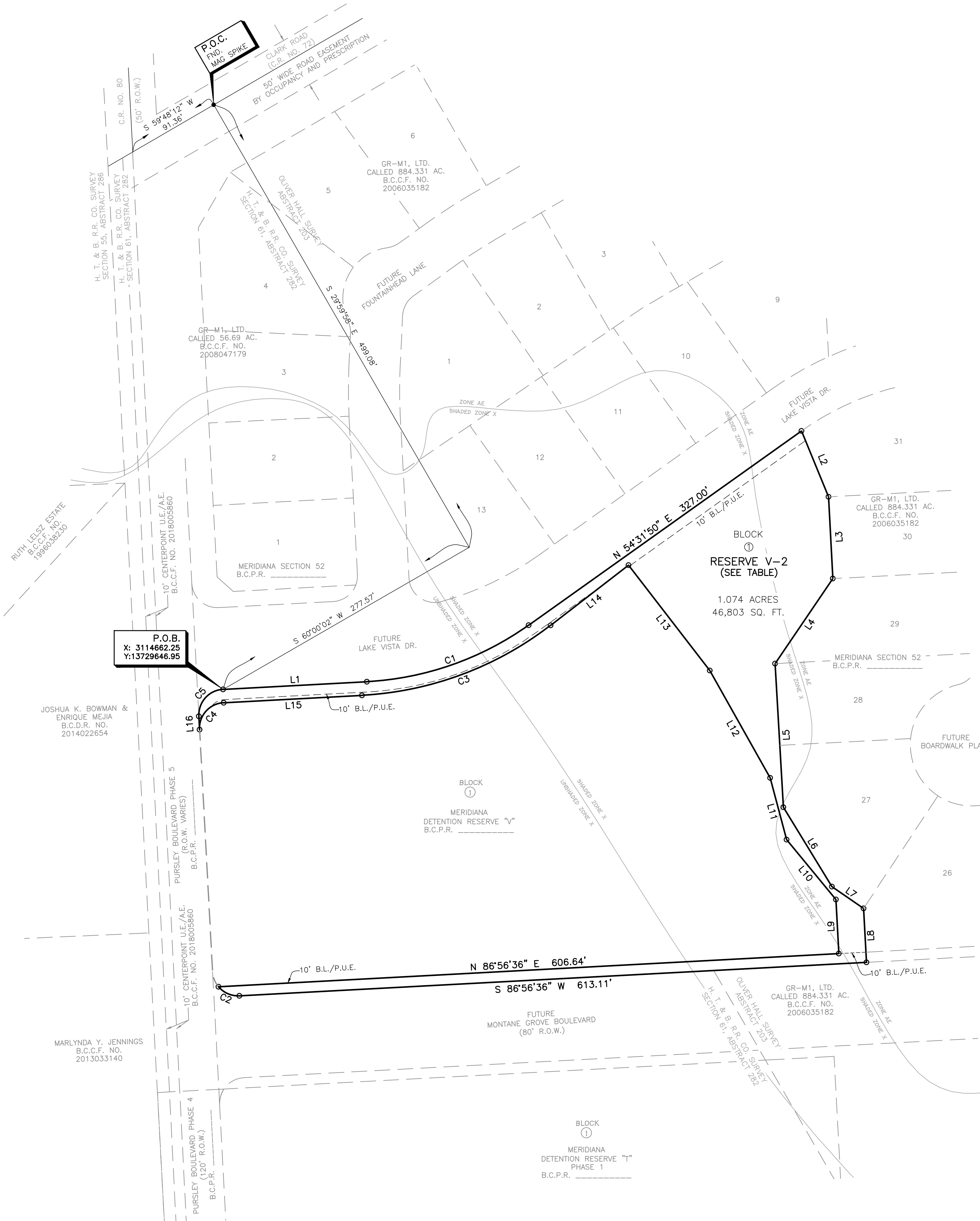
GENERAL NOTES:

1. Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor: 0.99986742185.
2. All boundary corners for the plat shown hereon are set 5/8-inch iron rods with cap stamped "E.H.R.A. 713-784-4500", unless otherwise noted.
3. According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 48039C0110K, dated December 30, 2020. The southeasterly portion of the property lies within "Zone AE" (areas determined to be within the 100-year floodplain with base flood elevation determined) an easterly portion lies within Shaded Zone "X" (areas determined to be subject to the 500-year flood plain with depths determined less than 1 foot) and the remaining portion lies within Unshaded Zone "X" (areas determined to be outside of the 500-year flood plain) and the remaining portion of the property.
- This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.
4. AC, indicates Acres.
B.C.C.F. NO. indicates Brazoria County Clerk's File Number.
B.C.D.R. indicates Brazoria County Deed Records.
B.C.P.R. indicates Brazoria County Plat Records.
B.L. indicates Building Line.
C.R. No. indicates County Road Number.
FND, indicates Found.
P.O.B. indicates Point Of Beginning.
P.O.C. indicates Point Of Commencing.
P.U.E. indicates Public Utility Easement.
SQ. FT. indicates Square Feet.
R.O.W. indicates Right-Of-Way.
U.E./A.E. indicates Utility Easement/Aerial Easement.
5. The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 56, Alvin Independent School District, and Brazoria County Drainage District #5.
6. Property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of any fences, buildings, plantings, or other obstructions.
7. The Developer/Municipal Utility District/Homeowners' Association shall be responsible for maintenance of all reserves.
8. The terms and conditions of Ordinance numbers 2009-0-03, 2009-0-04, and 2009-0-05 of the City of Manvel, Texas dated February 23, 2009, may affect this plat.
9. All sidewalks shall be constructed in accordance with City of Manvel Ordinance No. 2009-0-04.
10. No residential, commercial, or industrial structure, other than structures necessary to operate the pipeline, shall be erected or moved to a location nearer than 50 feet to any pipeline, except for low pressure distribution system pipeline as defined in section 62-2, as per Manvel Ordinance Sec. 62-116a.
11. No residential, commercial, or industrial structures shall be permitted to be erected nearer than 150 feet from any oil or gas well or related facility other than structures necessary to operate the oil or gas well or facility, as per Manvel Ordinance Sec. 62-116b.
12. No permit shall be issued by the city for the new construction or substantial improvement to any building, structure or improvement on a lot, tract, or parcel of land for which a plat has not been approved by the city and filed of record or certificate of exemption issued. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot, tract, or parcel of land within a subdivision in which the required storm drainage improvements have not been constructed and the permanent public improvements have not been approved and accepted by the city. This Section applies to the placement or construction of a permitted structure, included manufactured homes as allowed in Chapter 38, Manufactured Housing, other city ordinances, or by State law.
13. This final plat will expire two (2) years after final approval by City Council, if construction of the improvements has not commenced within the two-year initial period or the one-year extension period granted by Council.
14. A one-year maintenance bond in the amount of 100 percent of the total cost of the infrastructure improvements or a one-year letter of credit in the amount of 50 percent of the total cost of the infrastructure improvements shall be required for the public improvements being dedicated to the city.
15. Building permits will not be issued until all storm drainage improvements, which may include detention ponds, have been constructed.
16. The Development Regulations and City Permits of the City of Manvel are required on all property.
17. Reserve "V-2" provides a total of 0.37 acres of unencumbered open space within the boundary of this plat.
18. The boundary for this plat has a closure in excess of 1:15,000.
19. The drainage on adjacent property will not be impacted by this development.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 86°56'36" E	140.56'
L2	S 22°23'44" E	69.59'
L3	S 02°58'08" E	80.00'
L4	S 34°13'27" W	100.43'
L5	S 03°18'07" E	140.56'
L6	S 31°29'48" E	90.92'
L7	S 55°24'50" E	37.48'
L8	S 03°03'24" E	52.92'
L9	N 03°03'24" W	52.92'
L10	N 39°27'07" W	75.78'
L11	N 14°53'27" W	62.32'
L12	N 29°20'20" W	120.30'
L13	N 37°41'09" W	130.00'
L14	S 52°18'51" W	96.07'
L15	S 86°56'36" W	135.18'
L16	N 53°03'24" W	13.05'

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD	CHORD LENGTH
C1	300.00'	32°24'48"	169.71'	N 70°44'13" E	167.48'
C2	25.00'	53°07'48"	23.18'	N 66°29'30" W	22.36'
C3	330.00'	34°37'45"	199.45'	S 69°37'44" W	196.43'
C4	25.00'	90°00'00"	39.27'	S 41°56'36" W	35.36'
C5	25.00'	90°00'00"	39.27'	N 41°56'36" E	35.36'

RESERVE TABLE		
RESERVE	RESTRICTED TO	AREA
V-2	DETENTION, LANDSCAPE, OPEN SPACE, RECREATION & UTILITY PURPOSES	46,803 SQ.FT. / 1.074 ACRES



BENCHMARK:

NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT

FINAL PLAT
MERIDIANA
DETENTION RESERVE V
PHASE 2

BEING A SUBDIVISION OF 1074 ACRES OUT OF
THE H. T. & B. R.R. COMPANY SURVEY,
SECTION 61, ABSTRACT 282, AND
THE OLIVER HALL SURVEY, ABSTRACT 203,
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

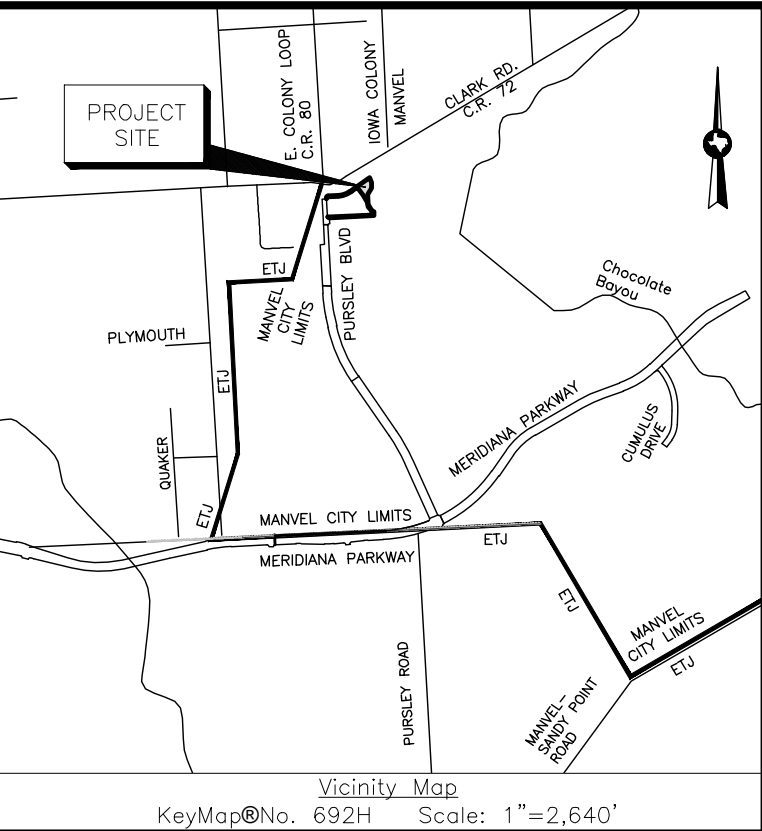
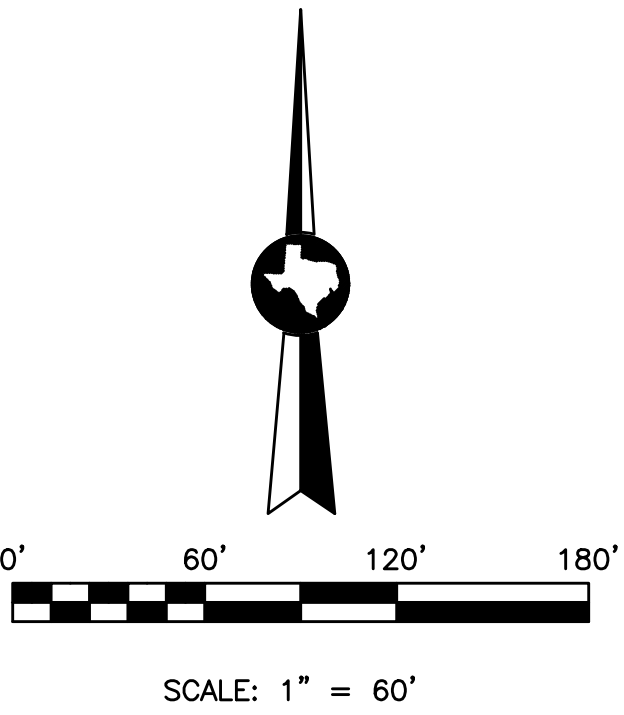
1 BLOCK 1 RESERVE (1074 Acres)

OWNER
GR-M1, LTD.,
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863

NOVEMBER 9, 2021



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPESL No. 10092300



BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5:

1. Slab elevations (finished floor) shall be a minimum of 2 feet above finished grade.
2. All drainage easements shown hereon shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of drainage facilities.
3. All property shall drain into the drainage easement only through an approved drainage structure.
4. All drainage easements and detention pond reserves shown on this plat will be maintained by the property owners and/or business owners; provided, however, and governmental entity have jurisdiction, including, without limitation, Brazoria County, Texas and Brazoria County Drainage District #5, shall have the right, but not the obligation to enter upon the drainage easements to perform maintenance operations at any time after the date hereof.
5. The property identified in the foregoing plat lies within Brazoria County Drainage District #5.
6. This rural commercial site employs a natural drainage system, which is intended to provide drainage for the site that is similar to that which existed under pre-development conditions. Thus, during large storm events, ponding of water should be expected to occur on the site to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
7. Land use within the subdivision is limited to an average imperviousness of no more than 72 percent. The drainage and/or detention system has been designed with the assumption that this average percent, imperviousness will not be exceeded. If this percentage is to be exceeded, a replat and/or redesign of the system may be necessary.
8. Other than shown hereon, there are no pipeline easements or pipelines within the boundaries of this plan.
9. All storm water drainage pipes, culverts, tiles or other (includes driveway culverts) will be minimum 24" I.D. or equal.
10. Dedicated drainage easement(s) granted to Brazoria County Drainage District #5 for drainage maintenance purposes shall include 45 feet top of bank, plus the sum (footage) of both ditch side slopes and channel bottom and 45 feet of bank on the opposite bank.
11. Dedicated ingress/egress accesses are granted to Brazoria County Drainage District #5 (see District Resolution No 2007-06 & 2007-07). Access will be gated and locked with Brazoria County Drainage District #5's lock.
12. Prohibited use of "metal" pipe in storm water/sewer applications (See District Resolution No. 2007-08).
13. Prohibited use of "rip rap" in storm water/sewer applications. (District Policy).
14. Pipelines, utility lines and other crossing under any Brazoria County Drainage District #5 ditch require approval and permitting prior to construction.
15. All dedicated storm sewer drainage and/or access easements to be granted to Brazoria County Drainage District #5 by the property owner will be initiated and recorded, at the property owner's expense, in Brazoria County, Texas with a "Recorded Document Number" affixed to said easement prior to final approval granted by Brazoria County Drainage District #5 Board of Commissioners.
16. It will be the property owner's responsibility to verify if any Brazoria County Drainage District #5 "Dedicated" drainage easements are on or cross their property. If so, the property owner will comply as stated within the recorded easement.
17. Project field start-up will start within 365 calendar days from date shown here. Continuous and reasonable field site work is expected. See Brazoria County drainage criteria manual section 1, Introduction; Sub-Section 1.5. Plat and Plan approval process, and drainage acceptance procedures; time limit for approval and Brazoria County Drainage District #5 Resolution 2011-1, allowable time(s) and procedures for starting-up approved projects.



City Council Plat Report

Plat Name	Meridiana Detention Reserve V Phase 2 Final Plat
Applicant	Lacey Bell, EHRA
City Council Meeting Date	February 7, 2022
Recommendation	Denial
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

The City staff does not recommend approval of the Meridiana Detention Reserve V Phase 2 Final Plat nor the 30-day plat extension request from the applicant (Texas Local Gov't Code Section 212.009). The applicant did not submit the appropriate requirements to enable staff to make a positive recommendation to the Planning, Development and Zoning Commission at their January 24, 2022, meeting.

Background

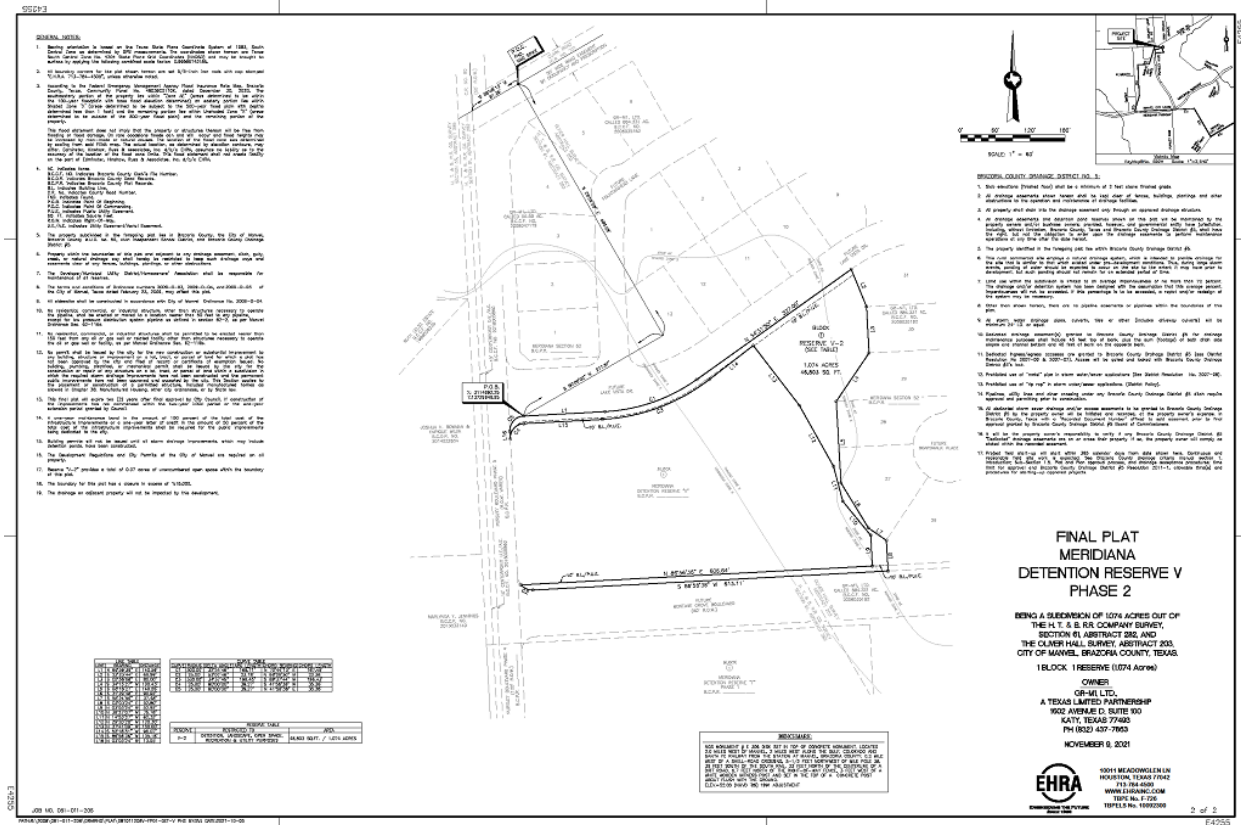
On January 24, 2022, the Planning, Development and Zoning Commission did not recommend approval of the 30-day plat extension request per (Texas Local Gov't Code Section 212.009) for the Meridiana Detention Reserve V Phase 2 Final Plat. The applicant requested a 30-day plat extension on January 14, 2022, in order to address comments. The applicant stated that Drainage District No. 5 will be approving Pursley Boulevard Phase 7 at their February Board meeting which will allow Meridiana Detention Reserve V Phase 2 to move forward. Because the above-mentioned plats have not been submitted, the 30-day plat extension clock will run out before action can be taken at City Council. Also, City staff does not recommend approval of this final plat because it does not meet the following criteria:

1. Applicant to provide land surveyor's certificate upon final submittal (Section 62-41 (b) (5)).
2. Applicant to provide drainage district signatures upon final submittal (Section 62-41 (b) (20)).
3. Applicant to provide signed and notarized lienholder subordination upon final submittal (Section 62-41 (b) (7)).
4. Applicant to submit a set of construction plans approved by City Engineer (Section 62-41 (b) (27 and Section 62-40)).

Plat Exhibit

[illegible]

Plat Exhibit





Land Use Table

Use	Scale Area	%
Single Family (SF)	+/- 300 A/c	30%
Multi-Family (MF)	+/- 50 A/c	10%
Townhome (TH)	+/- 100 A/c	10%
Village Center (VC)	+/- 100 A/c	10%
Commercial (C)	+/- 100 A/c	10%
Institutional (I)	+/- 100 A/c	10%
Office (O)	+/- 100 A/c	10%
Parks & Open Space (POS)	+/- 100 A/c	10%

Legend

- Private Street Section
- Public Section
- Standard Entry

Notes

- A divided or divided entry consisting of two (2) or more lanes separated by a median strip of 10 feet or more shall be considered two points of access.
- Public sections may include private gated sections and/or additional subdivision road construction. However, private gated sections and public sections shall not be required.

Scale: 1" = 2,640'

Vicinity Map: Shows the project location relative to surrounding roads and landmarks.



City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☐	Both	☒
--------------------------------	--------------------------	--------------	--------------------------	------	-------------------------------------

Date of Request: January 24, 2022 & February 7, 2022

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Lacey Bell, EHRA

Daytime Phone: 713-784-4500 Fax Number: N/A

E-mail Address: lbelle@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to forward a 30-day plat extension to City Council, Final Plat for Meridiana Detention Reserve V Phase 2, being a subdivision of 1.074 acres out of the H.T. & B.R.R. Company Survey, Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel, Brazoria County, Texas.

Plats:

Preliminary

Final X

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM, I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

January 14, 2022

SIGNATURE

DATE

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
Patio Home (PH)	+/- 55 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 73 Ac.	4%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 408 Ac.	25%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

Legend

Private Gated Section

Public Section

Divided or Boulevard Entry
(See Note 1)

Standard Entry
(See Note 2)

- Notes**

1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

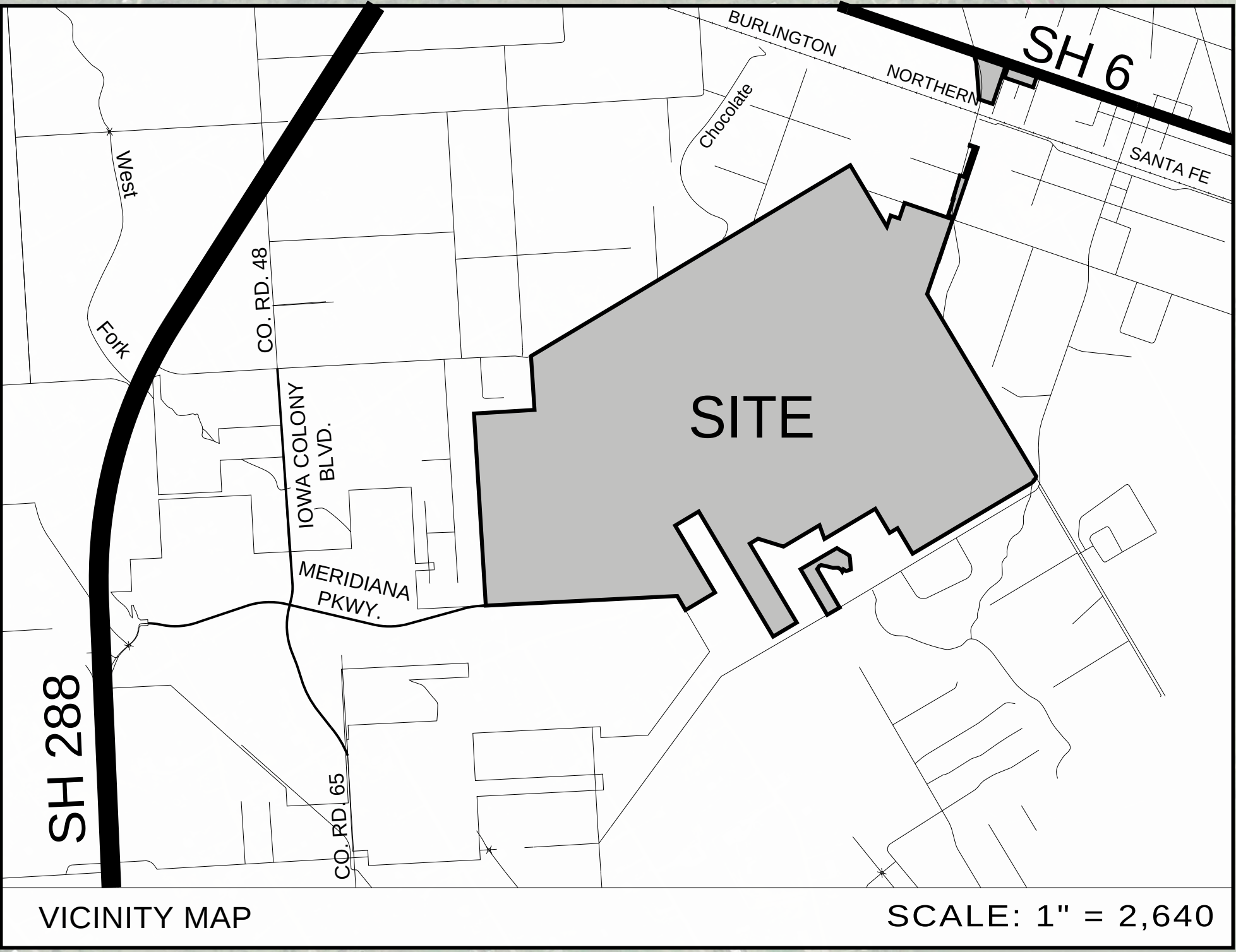
4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON _____

PLANNING, DEVELOPMENT AND ZONING COMMISSION



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2018
Amendment #3 Tabled:	07/09/2018
Amendment #4 Tabled:	07/23/2018
Amendment #5 Approved:	10/09/2018
Amendment #6 Approved:	10/22/2018
Amendment #7 Approved:	11/26/2018
Amendment #8 Approved:	01/28/2019
Amendment #9 Approved:	05/13/2019
Amendment #10 Not Approved:	06/10/2019
Amendment #11 Approved:	07/08/2019
Amendment #12 Not Approved:	08/12/2019
Amendment #13 Approved:	09/09/2019
Amendment #14 Approved:	12/09/2019
Amendment #15 Approved:	02/24/2020
Amendment #16 Approved:	11/09/2020
Amendment #17 Approved:	12/14/2020
Amendment #18 Not Approved:	04/12/2021
Amendment #19 Not Approved:	06/14/2021
Amendment #20 Withdrawn:	11/16/2021



Meridiana General Development Plan: Amendment #21

Brazoria County, TX

November 19, 2021

SCALE: 1" = 600'



10211 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.368.4500
WWW.EHRAINC.COM
TYPE No. F-726
TGPL No. 10092300

EHRA JOB NO.
081-011-150

No warranty or representation of intended use, design or proposed improvements are made herein. All plans for land or facilities are subject to change without notice.



City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☒	Both	☐
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Date of Request: February 7, 2022

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Jared Bowlin or Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: 713-784-4577

E-mail Address: jbowlin@ehrainc.com or bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve, Final Plat for Meridiana Section 52,
being a subdivision of 21.88 acres out of the H.T. & B.R.R. Company Survey,
Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel,
Brazoria County, Texas.

Plats:

Preliminary _____

Final x

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jessica Rodriguez Digitally signed by Jessica Rodriguez
Date: 2022.01.25 12:40:34 -06'00'

SIGNATURE

January 25, 2022

DATE

**DEVELOPMENT SERVICES DEPARTMENT**

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

City Council Plat Report

Plat Name	Meridiana Section 52 Final Plat
Applicant	Lacey Bell, EHRA
City Council Meeting Date	February 7, 2022
Recommendation	Denial
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

The City staff does not recommend approval of the Meridiana Section 52 Final Plat nor the 30-day plat extension request from the applicant (Texas Local Gov't Code Section 212.009). The applicant did not submit the appropriate requirements to enable staff to make a positive recommendation to the Planning, Development and Zoning Commission at their January 24, 2022 meeting.

Background

On January 24, 2022, the Planning, Development and Zoning Commission did not recommend approval of the 30-day plat extension request per (Texas Local Gov't Code Section 212.009) for the Meridiana Detention Section 52 Final Plat. The applicant requested a 30-day plat extension on January 14, 2022, in order to address comments. The applicant stated that Drainage District No. 5 will be approving Pursley Boulevard Phase 7 at their February Board meeting which will allow Meridiana Section 52 Final Plat to move forward. Because the above-mentioned plats have not been submitted, the 30-day plat extension clock will run out before action can be taken at City Council. Also, City staff does not recommend approval of this final plat because it does not meet the following criteria:

1. Applicant to provide land surveyor's certificate upon final submittal (Section 62-41 (b) (5)).
2. Applicant to provide drainage district signatures upon final submittal (Section 62-41 (b) (20)).
3. Applicant to provide signed and notarized lienholder subordination upon final submittal (Section 62-41 (b) (7)).
4. Applicant to submit a set of construction plans approved by City Engineer (Section 62-41 (b) (27 and Section 62-40)).

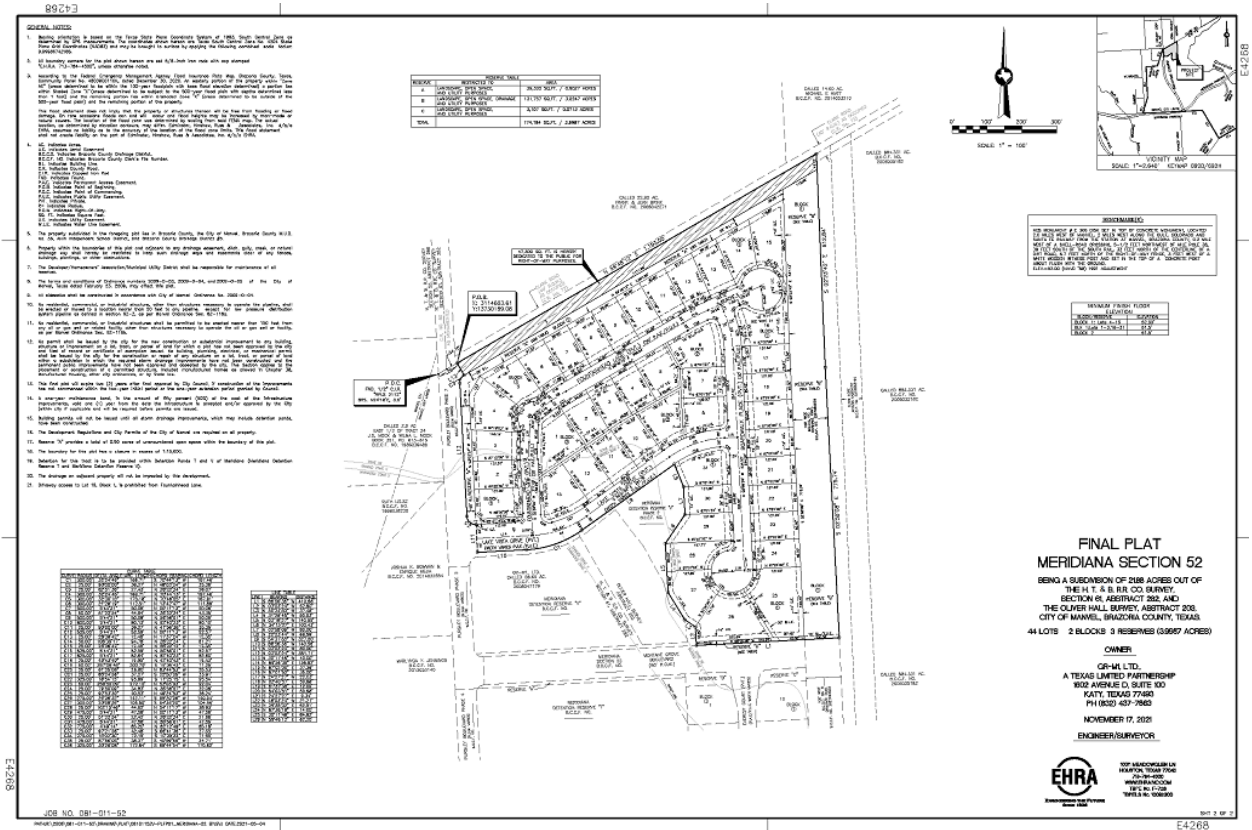
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DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

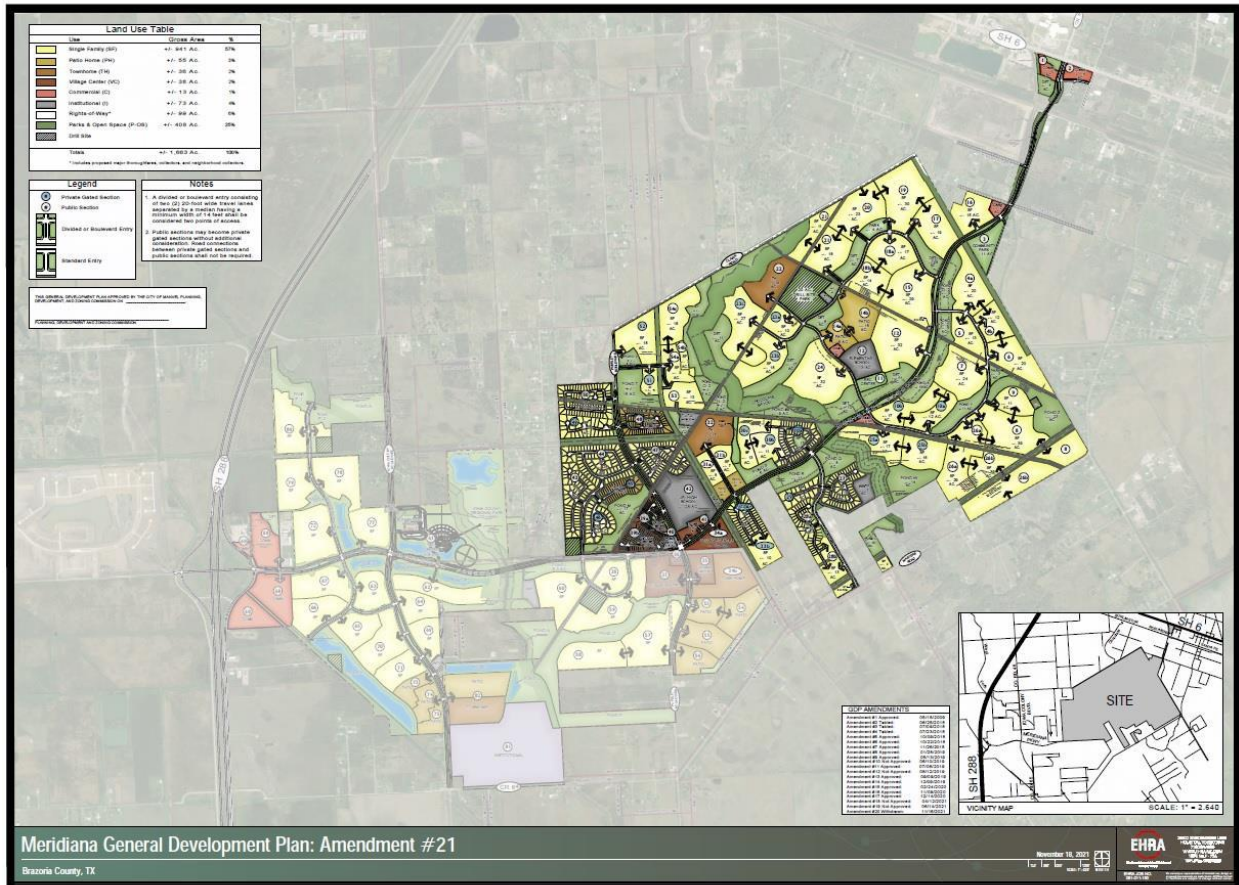
Plat Exhibit





DEVELOPMENT SERVICES DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Meridiana General Development Plan Amendment No. 21 (dated November 19, 2021)



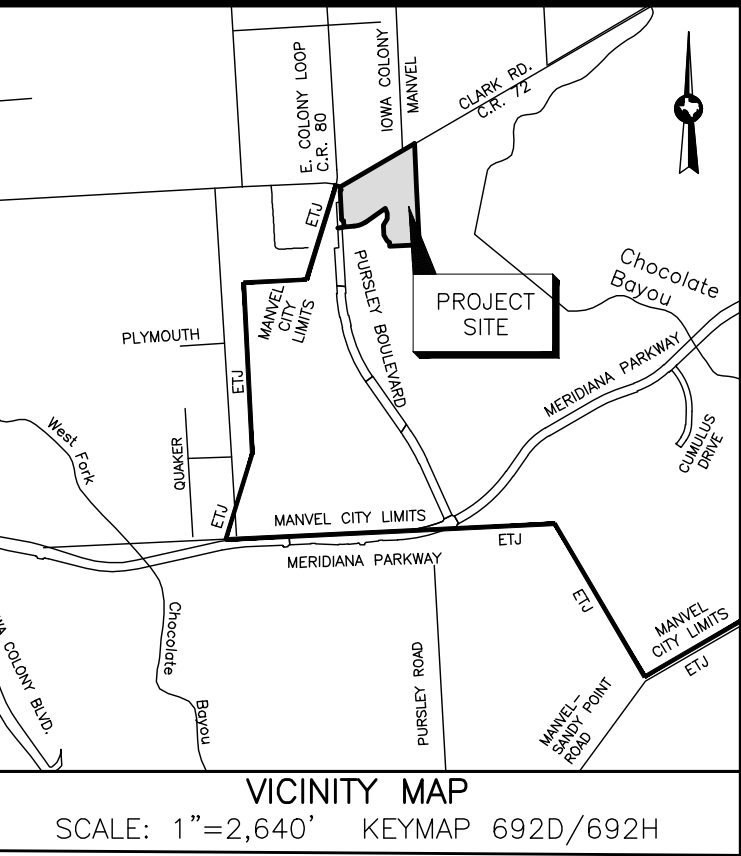
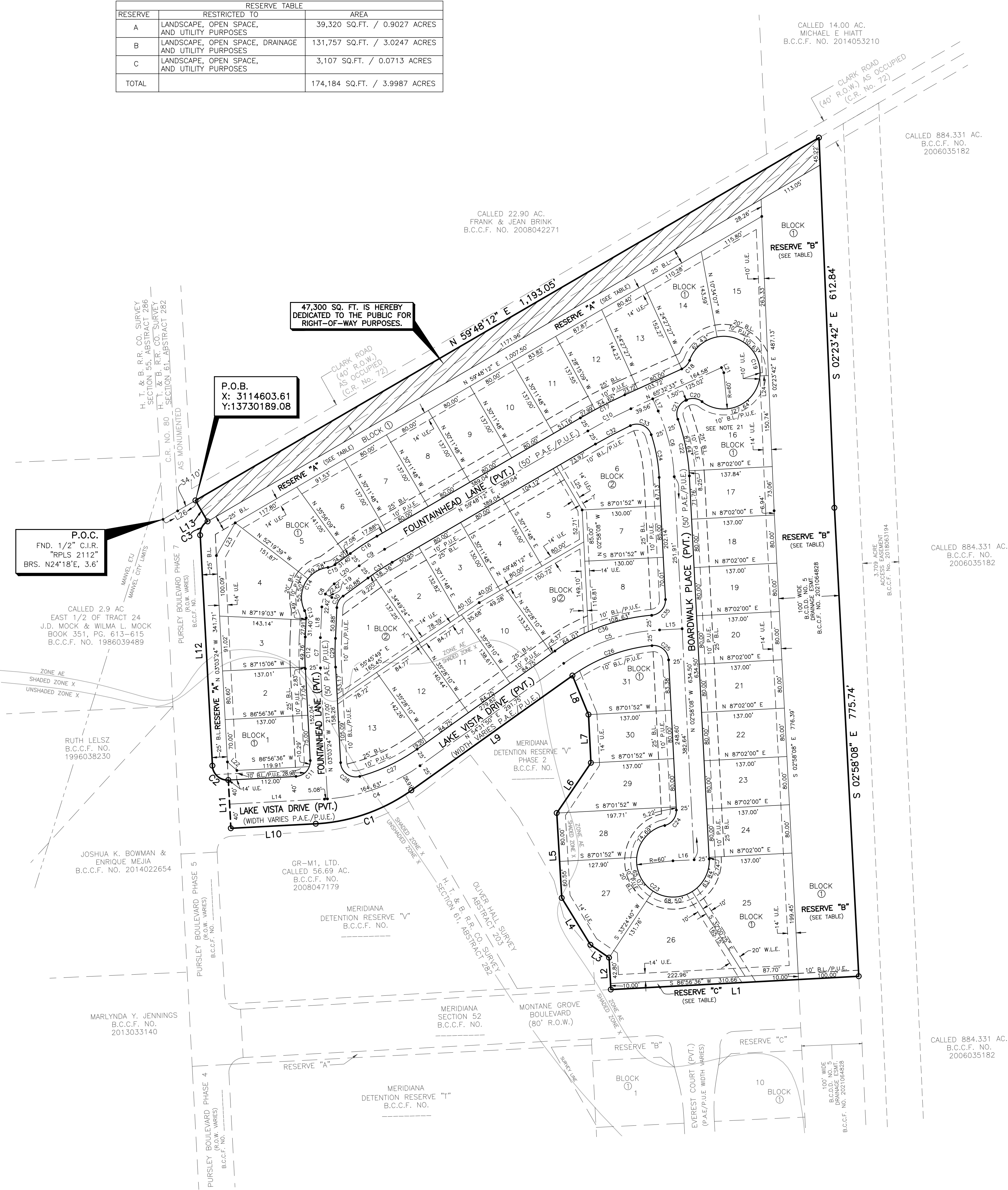
GENERAL NOTES:

- Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor: 0.99986742185.
- All boundary corners for the plat shown hereon are set 5/8-inch iron rods with cap stamped "E.H.R.A. 713-784-4500", unless otherwise noted.
- According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 48039C0110K, dated December 30, 2020. An easterly portion of the property within "Zone AE" (areas determined to be within the 100-year floodplain with base flood elevation determined) a portion lies within Shaded Zone "X" (areas determined to be subject to the 500-year flood plain with depths determined less than 1 foot) and the remaining portion lies within Unshaded Zone "X" (areas determined to be outside of the 500-year flood plain) and the remaining portion of the property.

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.
- AC. indicates Acres.
A.E. indicates Aerial Easement
B.C.C.F. indicates Brazoria County Drainage District.
B.C.C.F. NO. indicates Brazoria County Clerk's File Number.
B.L. indicates Building Line.
C.R. indicates County Road.
C.I.R. indicates Capped Iron Rod
FND. indicates Found.
P.A.E. indicates Permanent Access Easement.
P.O.B. indicates Point of Beginning.
P.O.C. indicates Point of Commencing.
P.U.E. indicates Public Utility Easement.
P.V.T. indicates Private.
R= indicates Radius.
R.O.W. indicates Right-Of-Way.
SQ. FT. indicates Square Feet.
U.E. indicates Utility Easement.
W.L.E. indicates Water Line Easement.
- The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 56, Alvin Independent School District, and Brazoria County Drainage District #5.
- Property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to be restricted to keep such drainage ways and easements clear of any fences, buildings, plantings, or other obstructions.
- The Developer/Homeowners' Association/Municipal Utility District shall be responsible for maintenance of all reserves.
- The terms and conditions of Ordinance numbers 2009-0-03, 2009-0-04, and 2009-0-05 of the City of Manvel, Texas dated February 23, 2009, may affect this plat.
- All sidewalks shall be constructed in accordance with City of Manvel Ordinance No. 2009-0-04.
- No residential, commercial, or industrial structure, other than structures necessary to operate the pipeline, shall be erected or moved to a location nearer than 50 feet to any pipeline, except for low pressure distribution system pipeline as defined in section 62-2, as per Manvel Ordinance Sec. 62-116a.
- No residential, commercial, or industrial structures shall be permitted to be erected nearer than 150 feet from any oil or gas well or related facility other than structures necessary to operate the oil or gas well or facility, as per Manvel Ordinance Sec. 62-116b.
- No permit shall be issued by the city for the new construction or substantial improvement to any building, structure or improvement on a lot, tract, or parcel of land for which a plat has not been approved by the city and filed of record or certificate of exemption issued. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot, tract, or parcel of land within a subdivision in which the required storm drainage improvements have not been constructed and the permanent public improvements have not been approved and accepted by the city. This Section applies to the placement or construction of a permitted structure, included manufactured homes as allowed in Chapter 38, Manufactured Housing, other city ordinances, or by State law.
- This final plat will expire two (2) years after final approval by City Council, if construction of the improvements has not commenced within the two-year initial period or the one-year extension period granted by Council.
- A one-year maintenance bond, in the amount of fifty percent (50%) of the cost of the infrastructure improvements, valid one (1) year from the date the infrastructure is accepted and/or approved by the City (within city if applicable and will be required before permits are issued).
- Building permits will not be issued until all storm drainage improvements, which may include detention ponds, have been constructed.
- The Development Regulations and City Permits of the City of Manvel are required on all property.
- Reserve "A" provides a total of 0.90 acres of unencumbered open space within the boundary of this plat.
- The boundary for this plat has a closure in excess of 1:15,000.
- Detention for this tract is to be provided within Detention Ponds T and V of Meridiana (Meridiana Detention Reserve T and Meridiana Detention Reserve V).
- The drainage on adjacent property will not be impacted by this development.
- Driveway access to Lot 16, Block 1, is prohibited from Fountainehead Lane.

CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	300.00	32°24'46"	169.71	S 70°44'13" W	167.46
C2	25.00	90°00'00"	39.27	N 48°03'24" W	35.36
C3	25.00	62°51'36"	27.43	N 28°22'24" E	26.07
C4	300.00	32°24'46"	169.71	N 70°44'13" E	167.46
C5	300.00	32°24'46"	170.16	N 70°46'58" E	167.91
C6	300.00	21°29'19"	112.51	N 13°42'47" W	111.86
C7	500.00	5°44'21"	50.08	N 00°11'13" W	50.06
C8	50.00	5°12'54"	42.11	N 28°20'06" E	43.35
C9	500.00	5°44'21"	50.08	N 56°56'01" E	50.06
C10	800.00	5°44'21"	80.13	N 62°40'23" E	80.10
C11	25.00	90°00'00"	39.27	N 41°56'36" E	35.36
C12	525.00	5°44'21"	52.59	N 00°11'13" W	52.57
C13	25.00	28°36'42"	12.48	N 11°37'24" W	12.35
C14	50.00	108°36'17"	94.78	N 28°22'24" E	81.21
C15	25.00	28°36'42"	12.48	N 68°22'12" E	12.35
C16	525.00	5°44'21"	52.59	N 56°56'01" E	52.57
C17	825.00	5°44'21"	82.64	N 62°40'23" E	82.60
C18	25.00	45°43'40"	19.95	N 42°40'43" E	19.43
C19	60.00	28°08'48"	300.70	S 16°36'43" E	71.26
C20	25.00	61°25'08"	26.80	N 83°44'53" W	25.53
C21	25.00	85°24'56"	37.27	S 22°50'05" W	33.91
C22	325.00	1°55'15"	95.89	S 11°25'15" E	96.54
C23	50.00	2°59'50.09"	272.10	N 53°03'03" W	92.04
C24	25.00	79°50'09"	34.83	N 36°56'57" E	32.08
C25	25.00	92°53'30"	40.53	N 49°24'53" W	36.24
C26	275.00	29°36'32"	142.11	S 69°20'06" W	140.54
C27	300.00	20°08'59"	105.50	S 64°36'20" W	104.98
C28	25.00	102°15'46"	44.62	N 54°11'17" W	38.93
C29	475.00	5°44'21"	47.58	N 00°11'13" W	47.56
C30	25.00	5°12'54"	22.42	N 28°20'06" E	21.68
C31	475.00	5°44'21"	47.58	N 56°56'01" E	47.56
C32	775.00	4°49'14"	65.20	N 62°12'49" E	65.18
C33	25.00	87°21'56"	42.48	S 66°41'36" E	37.55
C34	275.00	15°02'30"	72.19	S 10°29'23" E	71.99
C35	25.00	87°56'06"	38.37	S 40°59'55" W	34.71
C36	325.00	30°26'08"	172.64	S 69°44'54" W	170.62

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 86°56'36" W	410.66
L2	N 03°03'24" W	52.80
L3	N 55°24'50" W	37.48
L4	N 31°29'48" W	90.92
L5	N 03°18'27" W	140.55
L6	N 34°13'27" E	100.43
L7	N 02°58'08" W	80.00
L8	N 22°23'44" W	69.59
L9	S 54°31'50" W	327.00
L10	S 86°56'36" W	140.56
L11	N 03°03'24" W	80.00
L12	N 03°03'24" W	381.71
L13	N 30°11'48" W	40.00
L14	N 86°56'36" E	156.92
L15	N 87°02'00" E	37.38
L16	N 87°01'52" E	35.00
L17	N 24°27'27" W	22.03
L18	N 02°40'57" E	50.88
L19	S 61°37'36" E	12.09
L20	N 54°03'51" E	50.89
L21	S 24°27'27" E	9.34
L22	N 48°03'24" W	21.21
L23	N 29°55'02" E	62.51
L24	N 87°56'18" E	14.00
L25	S 30°11'48" E	84.82
L26	N 59°48'12" E	62.20



BENCHMARK(S):	
NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND. ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT	

MINIMUM FINISH FLOOR ELEVATION	
BLOCK/RESERVE	ELEVATION
BLOCK 1: Lots 4-15	52.00'
BLK 1: Lots 1-3, 16-31	51.5'
BLOCK 2	51.5'

FINAL PLAT MERIDIANA SECTION 52

BEING A SUBDIVISION OF 21.88 ACRES OUT OF
THE H. T. & B. RR. CO. SURVEY,
SECTION 61, ABSTRACT 282, AND
THE OLIVER HALL SURVEY, ABSTRACT 203,
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

44 LOTS 2 BLOCKS 3 RESERVES (3.9987 ACRES)

OWNER

GR-M1, LTD.,
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863

NOVEMBER 17, 2021

ENGINEER/SURVEYOR



1001 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINC.COM
TBPE No. F-726
TBPELS No. 10092300

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
Patio Home (PH)	+/- 55 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 73 Ac.	4%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 408 Ac.	25%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

Legend

Private Gated Section

Public Section

Divided or Boulevard Entry
(See Note 1)

Standard Entry
(See Note 2)

- Notes**
1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON _____

PLANNING, DEVELOPMENT AND ZONING COMMISSION



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2018
Amendment #3 Tabled:	07/09/2018
Amendment #4 Tabled:	07/23/2018
Amendment #5 Approved:	10/09/2018
Amendment #6 Approved:	10/22/2018
Amendment #7 Approved:	11/26/2018
Amendment #8 Approved:	01/28/2019
Amendment #9 Approved:	05/13/2019
Amendment #10 Not Approved:	06/10/2019
Amendment #11 Approved:	07/08/2019
Amendment #12 Not Approved:	08/12/2019
Amendment #13 Approved:	09/09/2019
Amendment #14 Approved:	12/09/2019
Amendment #15 Approved:	02/24/2020
Amendment #16 Approved:	11/09/2020
Amendment #17 Approved:	12/14/2020
Amendment #18 Not Approved:	04/12/2021
Amendment #19 Not Approved:	06/14/2021
Amendment #20 Withdrawn:	11/16/2021





City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☒	Both	☐
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Date of Request: February 7, 2022

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Jared Bowlin or Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: 713-784-4577

E-mail Address: jbowlin@ehrainc.com or bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve, Final Plat for Meridiana Detention Reserve
M-2, being a subdivision of 4.644 acres out of the H.T. & B.R.R. Company Survey,
Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel,
Brazoria County, Texas.

Plats:

Preliminary _____

Final x

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jessica Rodriguez Digitally signed by Jessica Rodriguez
Date: 2022.01.25 12:44:06 -06'00'

SIGNATURE

January 25, 2022

DATE

**DEVELOPMENT SERVICES DEPARTMENT**

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

City Council Plat Report

Plat Name	Meridiana Detention Reserve M-2 Final Plat
Applicant	Lacey Bell, EHRA
City Council Meeting Date	February 7, 2022
Recommendation	Denial
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

The City staff does not recommend approval of the Meridiana Detention Reserve M-2 Final Plat nor the 30-day plat extension request from the applicant (Texas Local Gov't Code Section 212.009). The applicant did not submit the appropriate requirements to enable staff to make a positive recommendation to the Planning, Development and Zoning Commission at their January 24, 2022, meeting.

Background

On January 24, 2022, the Planning, Development and Zoning Commission did not recommend approval of the 30-day plat extension request per (Texas Local Gov't Code Section 212.009) for the Meridiana Detention Reserve M-2 Final Plat. The applicant requested a 30-day plat extension on January 14, 2022, in order to address comments. Staff does not recommend approval of the 30-day plat extension or the plat because Meridiana Detention Reserve M-2 Final Plat takes access from Meridiana Section 53 Final Plat and Meridiana Section 54A Final Plat. The applicant stated that Meridiana Section 53 Final Plat and Meridiana Section 54A Final Plat will be submitted on January 31, 2022. Because the above-mentioned plats have not been submitted, the 30-day plat extension clock will run out before action can be taken at City Council. Also, City staff does not recommend approval of this final plat because it does not meet the following criteria:

1. Applicant to provide land surveyor's certificate upon final submittal (Section 62-41 (b) (5)).
2. Applicant to provide drainage district signatures upon final submittal (Section 62-41 (b) (20)).
3. Applicant to provide signed and notarized lienholder subordination upon final submittal (Section 62-41 (b) (7)).
4. Applicant to submit a set of construction plans approved by City Engineer (Section 62-41 (b) (27) and Section 62-40).



DEVELOPMENT SERVICES DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Plat Exhibit

MANVEL CITY OF TEXAS
COUNTY OF BRAZORIA
SECTION 28, T. 8 N., R. 6 E., CO. SURVEY, SECTION 28, ABSTRACT 282, AND THE OLIVER HALL SURVEY, ABSTRACT 200, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

BEING A SUBDIVISION OF 4844 ACRES OUT OF THE H. T. & B. R. CO. SURVEY, SECTION 28, ABSTRACT 282, AND THE OLIVER HALL SURVEY, ABSTRACT 200, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

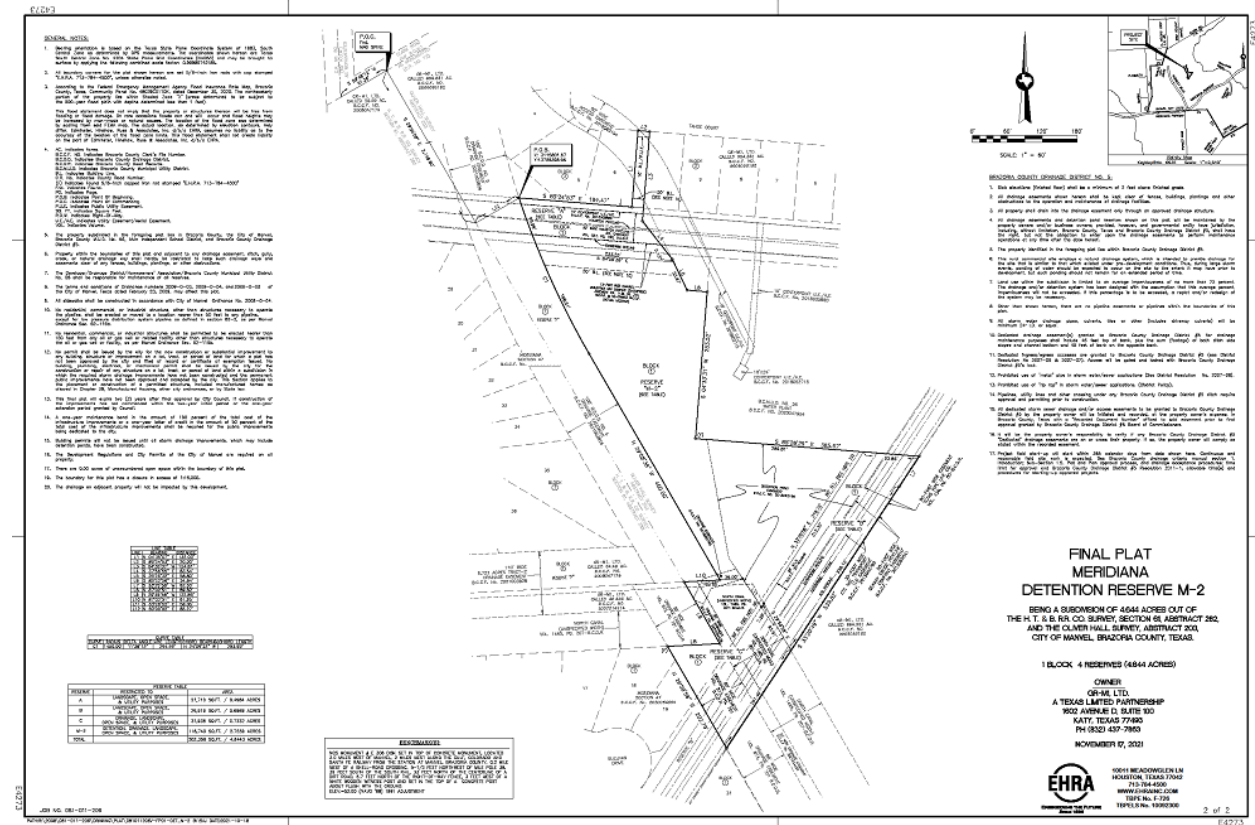
1 BLOCK 4 RESERVE (4844 ACRES)

CORNER
Q.M. LTD.
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77449
PH (281) 432-7963
NOVEMBER 07, 2021

EHRA
10011 MEADOWS DR. #100
HOUSTON, TEXAS 77056
713-361-0399
WWW.EHRA-INC.COM
TSPS No. 1226
TSPS No. 13097300

1 of 2
P.2571

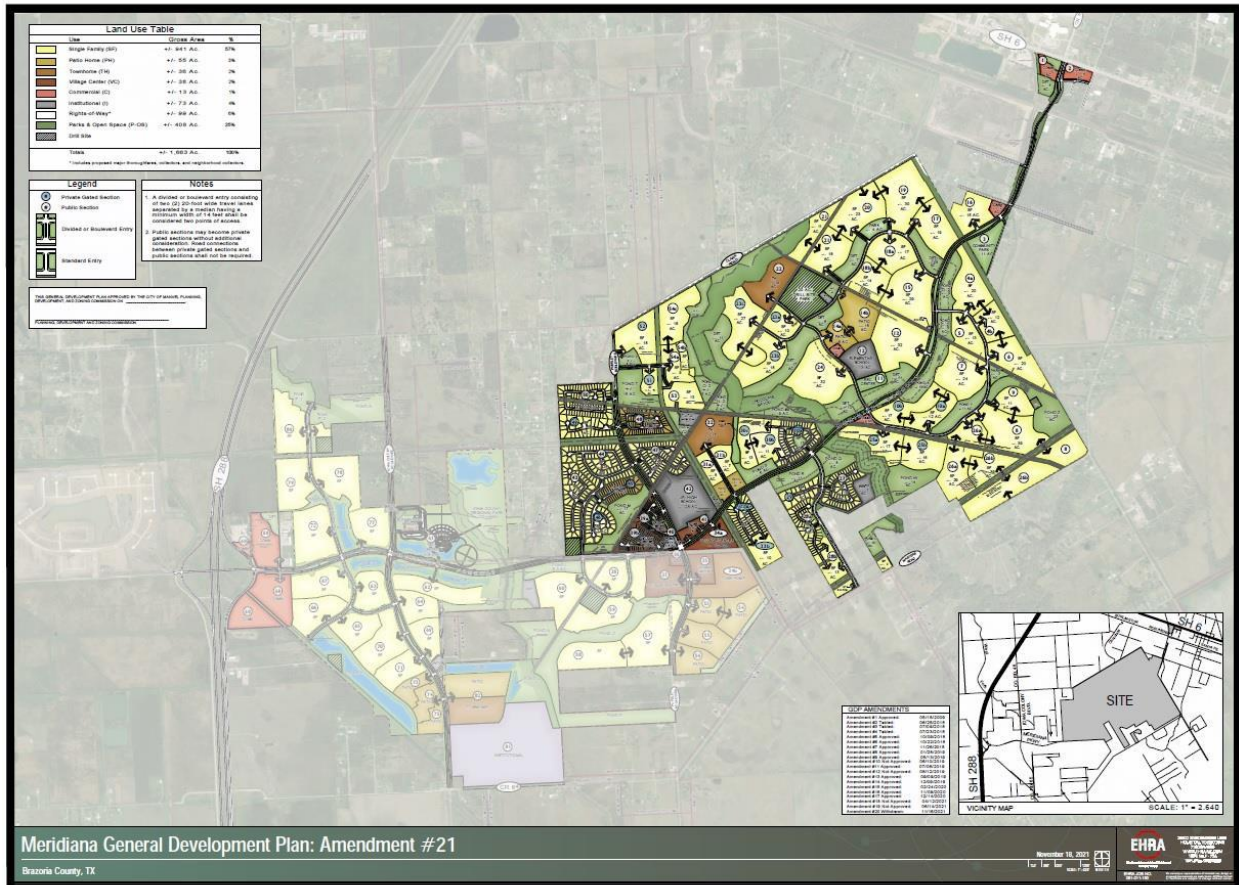
Plat Exhibit





DEVELOPMENT SERVICES DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Meridiana General Development Plan Amendment No. 21 (dated November 19, 2021)



Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
Patio Home (PH)	+/- 55 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 73 Ac.	4%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 408 Ac.	25%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

Legend

Private Gated Section

Public Section

Divided or Boulevard Entry
(See Note 1)

Standard Entry
(See Note 2)

- Notes**

1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON _____

PLANNING, DEVELOPMENT AND ZONING COMMISSION



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2018
Amendment #3 Tabled:	07/09/2018
Amendment #4 Tabled:	07/23/2018
Amendment #5 Approved:	10/09/2018
Amendment #6 Approved:	10/22/2018
Amendment #7 Approved:	11/26/2018
Amendment #8 Approved:	01/28/2019
Amendment #9 Approved:	05/13/2019
Amendment #10 Not Approved:	06/10/2019
Amendment #11 Approved:	07/08/2019
Amendment #12 Not Approved:	08/12/2019
Amendment #13 Approved:	09/09/2019
Amendment #14 Approved:	12/09/2019
Amendment #15 Approved:	02/24/2020
Amendment #16 Approved:	11/09/2020
Amendment #17 Approved:	12/14/2020
Amendment #18 Not Approved:	04/12/2021
Amendment #19 Not Approved:	06/14/2021
Amendment #20 Withdrawn:	11/16/2021



Meridiana General Development Plan: Amendment #21

Brazoria County, TX

November 19, 2021

SCALE: 1" = 600'



10211 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.368.4500
WWW.EHRAINC.COM
TYPE No. F-726
TGPL No. 10092300

EHRA JOB NO.
081-011-150

No warranty or representation of intended use, design or proposed improvements are made herein. All plans for land or facilities are subject to change without notice.

METES AND BOUNDS DESCRIPTION
MERIDIANA
DETENTION RESERVE N-2
BEING A 7.081 ACRE TRACT OF LAND SITUATED IN
THE OLIVER HALL SURVEY, ABSTRACT 203
BRAZORIA COUNTY, TEXAS

A DESCRIPTION OF A 7.081 ACRE TRACT OF LAND IN THE OLIVER HALL SURVEY, ABSTRACT 203, BRAZORIA COUNTY, TEXAS, BEING OUT OF THAT CERTAIN TRACT CALLED 884.331 ACRES DESCRIBED IN DEED TO GR-M1, LTD, RECORDED UNDER BRAZORIA COUNTY CLERK'S FILE NUMBER (B.C.C.F. NO.) 2006035182; THE SAID 7.081 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS BASED ON TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 SOUTH CENTRAL ZONE AS DETERMINED BY GPS MEASUREMENTS):

COMMENCING at a magnetized spike stamped "MAG SPIKE SURVEY MARK" found at the northerly common corner of said Oliver Hall Survey and the H. T. & B. R.R. Co. Survey, Section 61, Abstract 282, same being the northwest corner of the said 884.331 acre tract and the northeast corner of that certain tract called 56.69 acres described in deed to GR-M1, LTD, recorded under B.C.C.F. NO. 2008047179;

THENCE, South 29°59'58" East, along the common line of said 884.331 and said 56.69 acre tract, same being the common line of the Oliver Hall Survey and the H.T. & B. R.R. Co. Survey, for a distance of 2,421.66 feet to a point for corner;

THENCE, North 60°00'02" East, a distance of 899.35 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the most westerly northwest corner and the POINT OF BEGINNING of the herein described tract of land;

1) THENCE, South 71°26'51" East, for a distance of 63.48 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

2) THENCE, South 21°50'54" East, for a distance of 97.32 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

3) THENCE, North 33°24'32" East, for a distance of 568.40 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the most northerly corner of the herein described tract of land;

4) THENCE, South 79°01'02" East, for a distance of 51.34 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

5) THENCE, South 45°22'14" East, for a distance of 112.12 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

6) THENCE, South 19°47'56" East, for a distance of 163.34 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

7) THENCE, South 03°18'59" West, for a distance of 295.24 feet to 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

8) THENCE, South 56°46'50" East, for a distance of 313.46 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the southwesterly corner of a 350 foot Drainage Easement recorded under B.C.C.F. NO. 2020011218;

9) THENCE, South 04°33'31" West, for a distance of 46.36 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner in the southeasterly corner of the herein described tract of land;

10) THENCE, North 85°26'29" West, for a distance of 801.41 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set marking the southwesterly corner of the herein described tract of land;

11) THENCE, North 33°25'58" East, for a distance of 85.55 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

12) THENCE, North 56°34'02" West, for a distance of 20.77 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

13) THENCE, North 85°24'53" West, for a distance of 56.41 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

14) THENCE, North 33°24'32" East, for a distance of 118.50 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

15) THENCE, North 21°50'54" West, for a distance of 104.27 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner;

16) THENCE, North 71°26'51" West, for a distance of 41.58 feet to a 5/8-inch capped iron rod stamped "E.H.R.A. 713-784-4500" set for corner in the arc of a curve to the left;

17) THENCE, in a northerly direction along the arc of said curve to the left having a radius of 601.00 feet, a central angle of 30°00'00", an arc length of 31.42 feet, and a chord bearing of North 03°33'09" East, for a distance of 31.06 feet to the POINT OF BEGINNING and containing 7.081 acres of land.

This is to certify that the Planning, Development and Zoning Commission of the City of Manvel, Texas, has recommended approval of this plat of MERIDIANA DETENTION RESERVE N-2 in conformance with laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this plat this _____ day of _____, 2021.

Planning, Development and Zoning Commission

This is to certify that the City Council of the City of Manvel, Texas, has approved this plat of MERIDIANA DETENTION RESERVE N-2 in conformance with laws of the State of Texas and the ordinances of the City of Manvel as shown hereon and authorizes the recording of this plat this _____ day of _____, 2021.

City Council

STATE OF TEXAS:

COUNTY OF BRAZORIA:

We, GR-M1, LTD., a Texas Limited Partnership, acting by and through Matt Lawson, President of Rise Communities, LLC, A Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, owner of the property subdivided in this plat, MERIDIANA DETENTION RESERVE N-2, do hereby make subdivision of said property for and on behalf of said GR-M1, LTD., a Texas Limited Partnership, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

IN TESTIMONY WHEREOF, GR-M1, LTD., a Texas limited partnership, has caused these presents to be signed by Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, therunto authorized by this day of _____, 2021.

OWNER
GR-M1, LTD., A Texas Limited Partnership
By: Rise Communities, LLC,
A Nevada Limited Liability Company,
Authorized Agent

BY: _____
Print Name: Matt Lawson
Title: President

STATE OF TEXAS }
COUNTY OF HARRIS }

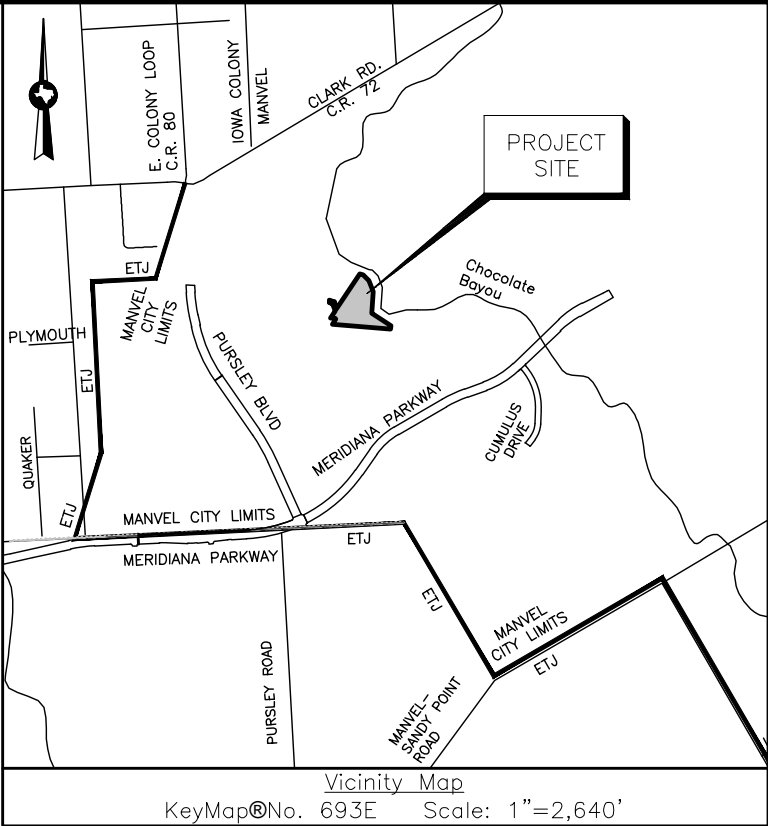
BEFORE ME, the undersigned authority, on this day personally appeared Matt Lawson, President of Rise Communities, LLC, a Nevada Limited Liability Company, Authorized Agent for GR-M1, LTD., a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and as the act and deed of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this _____ day of _____, 2021.

Notary Public in and for the
State of Texas
My Notary Commission Expires _____

I, Robert Boelsche, a Registered Professional Land Surveyor of the State of Texas, hereby certify that this subdivision is true and correct; was prepared from an actual boundary survey of the property made on the ground under my supervision according to the standards of practice of the Texas Board of Professional Land Surveyors; that the plat boundary corners have been tied to the nearest street intersection; that the boundary corners, angle points, points of curvature/tangency and interior corners of this subdivision were not set at the time this plat was signed by me and that these corners are to be set after construction of the public infrastructure and final lot grading within the subdivision; and that all previously existing property markers are sufficiently described on this document as found and all set markers are a minimum of 5/8- inch diameter iron rod with surveyor's cap.

Robert Boelsche, Registered Professional Land Surveyor
Texas Registration No. 4446



BENCHMARK(S):

NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT

APPROVED BY BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5

_____ Lee Walden, P.E., President	Date	_____ Kerry L. Osburn Vice President	Date
---	------	--	------

_____ Brandon Middleton Secretary/Treasurer	Date	_____ Jarrod D. Aden, P.E., C.F.M. District Engineer	Date
---	------	--	------

Note: Project field startup will start within 365 calendar days from date here shown. Continuous and reasonable field site work is expected.

BCDD5 REF ID# B210058

FINAL PLAT MERIDIANA DETENTION RESERVE N-2

BEING A SUBDIVISION OF 7.081 ACRES OUT OF
THE OLIVER HALL SURVEY, ABSTRACT 203,
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

1 BLOCK 3 RESERVES (7.081 ACRES)

OWNER
GR-M1, LTD.
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863

NOVEMBER 17, 2021



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPELS No. 10092300

GENERAL NOTES:

1. Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements. The coordinates shown hereon are Texas South Central Zone No. 4204 State Plane Grid Coordinates (NAD83) and may be brought to surface by applying the following combined scale factor: 0.99986742185.
2. All boundary corners for the plat shown hereon are set 5/8-inch iron rods with cap stamped "E.H.R.A. 713-784-4500", unless otherwise noted.
3. According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 48039C0110K, dated December 30, 2020, a portion of the property lies within "Zone AE" (areas determined to be within the 100-year floodplain with base flood elevation determined) a portion lies within Shaded Zone "X" (areas determined to be subject to the 500-year flood plain with depths determined less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100 year flood.) and the remaining portion lies within Unshaded Zone "X" (areas determined to be outside the 500-year floodplain)..
- This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.
4. AC, indicates Acres.
B.C.C.F. NO, indicates Brazoria County Clerk's File Number.
B.C.D.R. indicates Brazoria County Deed Records.
B.L. indicates Building Line.
C.R. No. indicates County Road Number.
ESMT indicates Easement
Fnd. indicates Found.
PG. indicates Page.
P.O.B. indicates Point Of Beginning.
P.O.C. indicates Point Of Commencing.
P.U.E. indicates Public Utility Easement.
SQ. FT. indicates Square Feet.
R.O.W. indicates Right-Of-Way.
U.E./A.E. indicates Utility Easement/Aerial Easement.
VOL. indicates Volume.

5. The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 56, Alvin Independent School District, and Brazoria County Drainage District #5.
6. Property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of any fences, buildings, plantings, or other obstructions.
7. The Developer/Homeowners' Association/Brazoria County Municipal Utility District No. 56 shall be responsible for maintenance of all reserves.
8. The terms and conditions of Ordinance numbers 2009-0-03, 2009-0-04, and 2009-0-05 of the City of Manvel, Texas dated February 23, 2009, may affect this plat.
9. All sidewalks shall be constructed in accordance with City of Manvel Ordinance No. 2009-0-04.
10. No residential, commercial, or industrial structure, other than structures necessary to operate the pipeline, shall be erected or moved to a location nearer than 50 feet to any pipeline, except for low pressure distribution system pipeline as defined in section 62-2, as per Manvel Ordinance Sec. 62-116a.
11. No residential, commercial, or industrial structures shall be permitted to be erected nearer than 150 feet from any oil or gas well or related facility other than structures necessary to operate the oil or gas well or facility, as per Manvel Ordinance Sec. 62-116b.
12. No permit shall be issued by the city for the new construction or substantial improvement to any building, structure or improvement on a lot, tract, or parcel of land for which a plat has not been approved by the city and filed of record or certificate of exemption issued. No building, plumbing, electrical, or mechanical permit shall be issued by the city for the construction or repair of any structure on a lot, tract, or parcel of land within a subdivision in which the required storm drainage improvements have not been constructed and the permanent public improvements have not been approved and accepted by the city. This Section applies to the placement or construction of a permitted structure, included manufactured homes as allowed in Chapter 38, Manufactured Housing, other city ordinances, or by State law.
13. This final plat will expire two (2) years after final approval by City Council, if construction of the improvements has not commenced within the two-year initial period or the one-year extension period granted by Council.
14. A one-year maintenance bond in the amount of 100 percent of the total cost of the infrastructure improvements or a one-year letter of credit in the amount of 50 percent of the total cost of the infrastructure improvements shall be required for the public improvements being dedicated to the city.
15. Building permits will not be issued until all storm drainage improvements, which may include detention ponds, have been constructed.
16. The Development Regulations and City Permits of the City of Manvel are required on all property.
17. Reserve "N-2" provides a total of 1.44 acres of unencumbered open space within the boundary of this plat.
19. The boundary for this plat has a closure in excess of 1:15,000.
20. The drainage on adjacent property will not be impacted by this development.

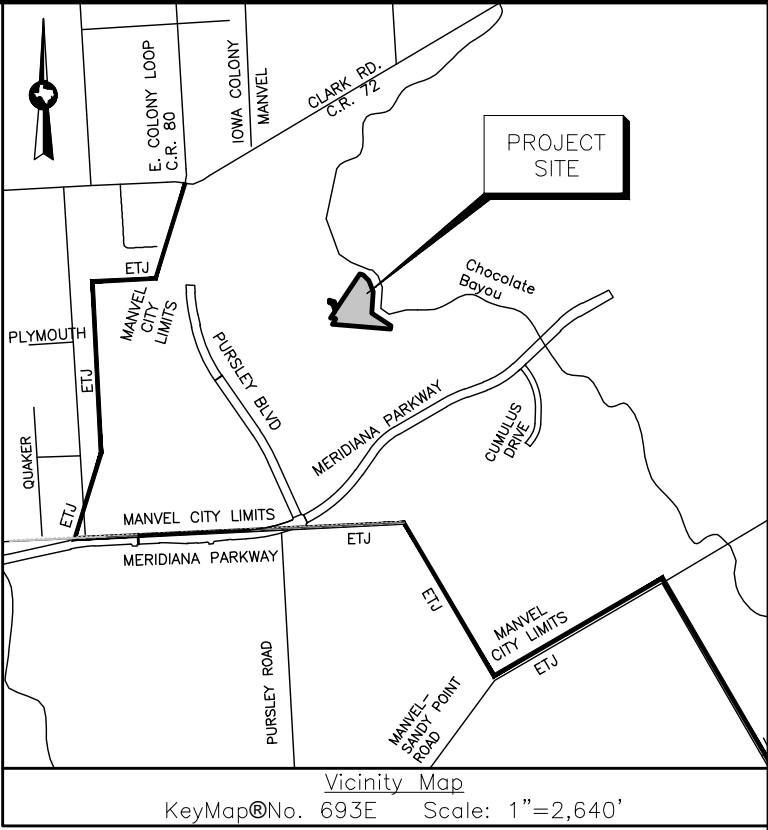
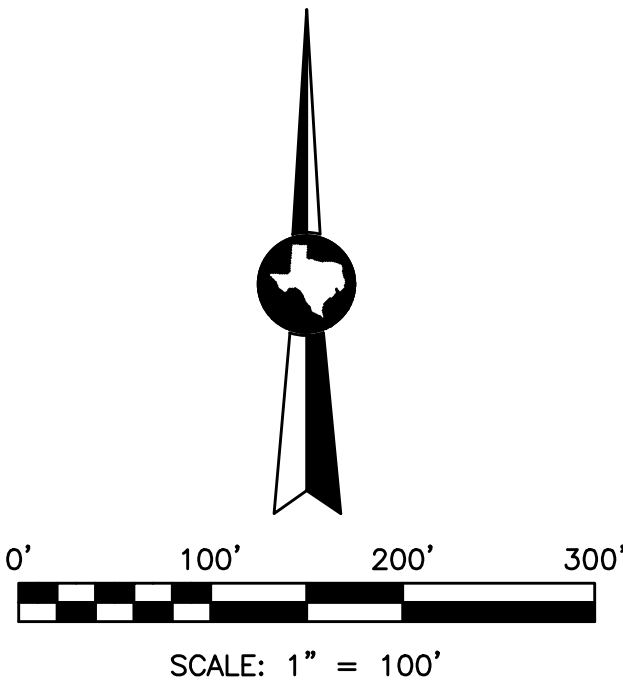
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 71°26'51" E	63.48'
L2	S 21°50'54" E	97.32'
L3	S 79°01'02" E	51.34'
L4	S 45°22'14" E	112.12'
L5	S 19°47'56" E	163.34'
L6	S 03°18'59" W	295.24'
L7	S 04°33'31" W	46.36'
L8	N 33°25'58" E	85.55'
L9	N 56°34'02" W	20.77'
L10	N 85°24'53" W	56.41'
L11	N 33°24'52" E	118.50'
L12	N 21°50'54" W	104.27'
L13	N 71°26'51" W	41.58'

CURVE TABLE				
CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING
G1	60.00'	30°00'00"	31.42'	N 53°33'59" E
				31.06'

RESERVE TABLE		
RESERVE	RESTRICTED TO	AREA
A	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	55,065 SQ.FT. / 1.2641 ACRES
B	LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	57,743 SQ.FT. / 1.3256 ACRES
N-2	RECREATION, DETENTION, LANDSCAPE, OPEN SPACE, & UTILITY PURPOSES	195,655 SQ.FT. / 4.4916 ACRES
TOTAL		308,463 SQ.FT. / 7.0813 ACRES

BENCHMARK(S):

NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT



BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5:

1. Slab elevations (finished floor) shall be a minimum of 2 feet above finished grade.
2. All drainage easements shown hereon shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of drainage facilities.
3. All property shall drain into the drainage easement only through an approved drainage structure.
4. All drainage easements and detention pond reserves shown on this plat will be maintained by the property owners and/or business owners; provided, however, and governmental entity have jurisdiction, including, without limitation, Brazoria County, Texas and Brazoria County Drainage District #5, shall have the right, but not the obligation to enter upon the drainage easements to perform maintenance operations at any time after the date hereof.
5. The property identified in the foregoing plat lies within Brazoria County Drainage District #5.
6. This rural commercial site employs a natural drainage system, which is intended to provide drainage for the site that is similar to that which existed under pre-development conditions. Thus, during large storm events, ponding of water should be expected to occur on the site to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
7. Land use within the subdivision is limited to an average imperviousness of no more than 72 percent. The drainage and/or detention system has been designed with the assumption that this average percent, imperviousness will not be exceeded. If this percentage is to be exceeded, a replat and/or redesign of the system may be necessary.
8. Other than shown hereon, there are no pipeline easements or pipelines within the boundaries of this plan.
9. All storm water drainage pipes, culverts, tiles or other (includes driveway culverts) will be minimum 24" I.D. or equal.
10. Dedicated drainage easement(s) granted to Brazoria County Drainage District #5 for drainage maintenance purposes shall include 45 feet top of bank, plus the sum (footage) of both ditch side slopes and channel bottom and 45 feet of bank on the opposite bank.
11. Dedicated ingress/egress accesses are granted to Brazoria County Drainage District #5 (see District Resolution No 2007-06 & 2007-07). Access will be gated and locked with Brazoria County Drainage District #5's lock.
12. Prohibited use of "metal" pipe in storm water/sewer applications (See District Resolution No. 2007-08).
13. Prohibited use of "rip rap" in storm water/sewer applications. (District Policy).
14. Pipelines, utility lines and other crossing under any Brazoria County Drainage District #5 ditch require approval and permitting prior to construction.
15. All dedicated storm sewer drainage and/or access easements to be granted to Brazoria County Drainage District #5 by the property owner will be initiated and recorded, at the property owner's expense, in Brazoria County, Texas with a "Recorded Document Number" affixed to said easement prior to final approval granted by Brazoria County Drainage District #5 Board of Commissioners.
16. It will be the property owner's responsibility to verify if any Brazoria County Drainage District #5 "Dedicated" drainage easements are on or cross their property. If so, the property owner will comply as stated within the recorded easement.
17. Project field start-up will start within 365 calendar days from date shown here. Continuous and reasonable field site work is expected. See Brazoria County drainage criteria manual section 1, Introduction; Sub-Section 1.5, Plat and Plan approval process, and drainage acceptance procedures; time limit for approval and Brazoria County Drainage District #5 Resolution 2011-1, allowable time(s) and procedures for starting-up approved projects.

FINAL PLAT
MERIDIANA
DETENTION RESERVE N-2

BEING A SUBDIVISION OF 7.081 ACRES OUT OF
THE OLIVER HALL SURVEY, ABSTRACT 203:
CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.

1 BLOCK 3 RESERVES (7.081 ACRES)

OWNER

GR-M1, LTD.
A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, SUITE 100
KATY, TEXAS 77493
PH (832) 437-7863

NOVEMBER 17, 2021



10011 MEADOWGLEN LN
HOUSTON, TEXAS 77042
713-784-4500
WWW.EHRAINCO.COM
TBPE No. F-726
TBPESL No. 10092300



City Council Plat Report

Plat Name	Meridiana Detention Reserve N-2 Final Plat
Applicant	Lacey Bell, EHRA
City Council Meeting Date	February 7, 2022
Recommendation	Denial
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

The City staff does not recommend approval of the Meridiana Detention Reserve N-2 Final Plat nor the 30-day plat extension request from the applicant (Texas Local Gov't Code Section 212.009). The applicant did not submit the appropriate requirements to enable staff to make a positive recommendation to the Planning, Development and Zoning Commission at their January 24, 2022, meeting.

Background

On January 24, 2022, the Planning, Development and Zoning Commission did not recommend approval of the 30-day plat extension request per (Texas Local Gov't Code Section 212.009) for the Meridiana Detention Reserve N-2 Final Plat. The applicant requested a 30-day plat extension on January 14, 2022, in order to address comments. Staff does not recommend approval of the 30-day plat extension or the plat because Meridiana Detention Reserve N-2 Final Plat takes access from Meridiana Section 53 Final Plat and Meridiana Section 54A Final Plat. The applicant stated that Meridiana Section 53 Final Plat and Meridiana Section 54A Final Plat will be submitted on January 31, 2022. Because the above-mentioned plats have not been submitted, the 30-day plat extension clock will run out before action can be taken at City Council. Also, City staff does not recommend approval of this final plat because it does not meet the following criteria:

1. Applicant to provide land surveyor's certificate upon final submittal (Section 62-41 (b) (5).
2. Applicant to provide drainage district signatures upon final submittal (Section 62-41 (b) (20).
3. Applicant to provide signed and notarized lienholder subordination upon final submittal (Section 62-41 (b) (7).
4. Applicant to submit a set of construction plans approved by City Engineer (Section 62-41 (b) (27 and Section 62-40).

[illegible]

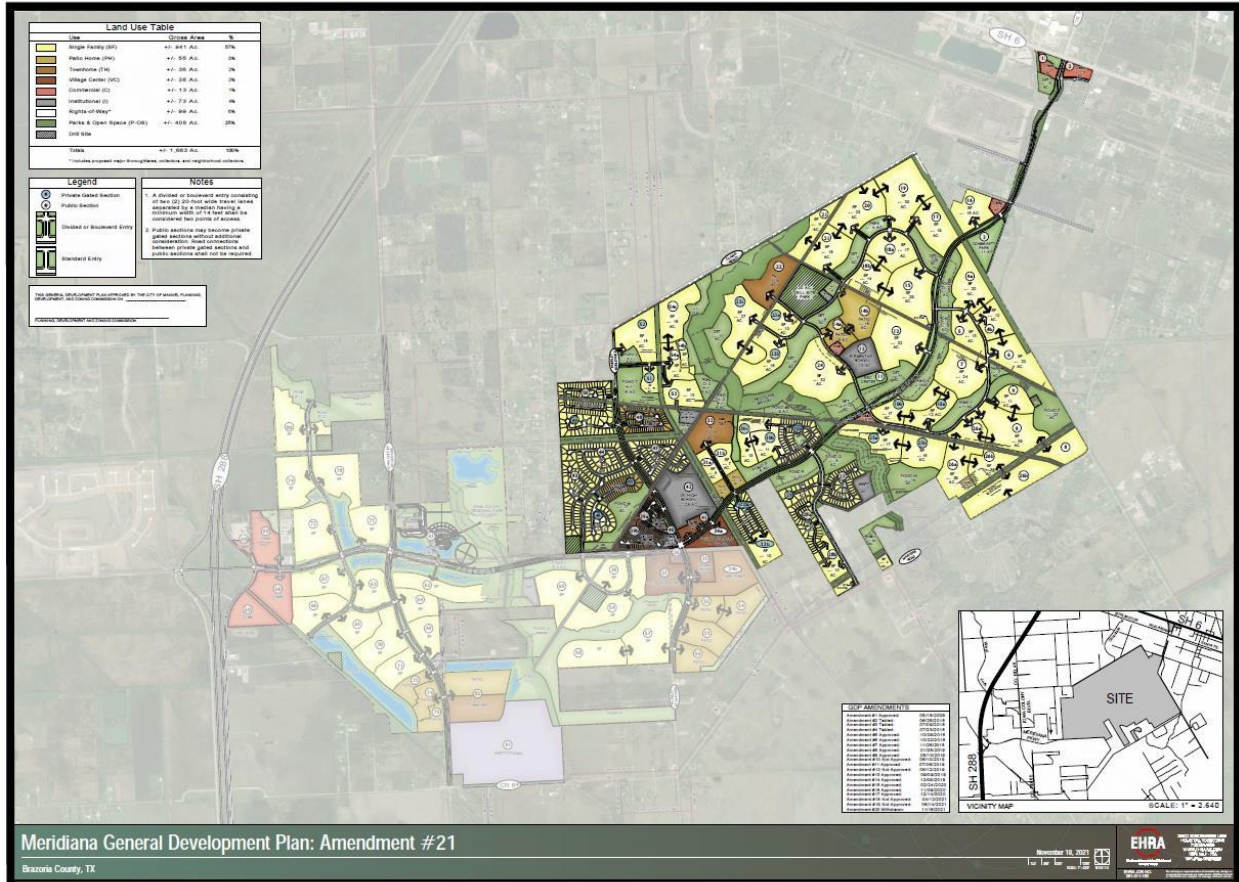
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DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Meridiana General Development Plan Amendment No. 21 (dated November 19, 2021)





City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☒	Both	☐
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Date of Request: February 7, 2022

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Jared Bowlin or Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: 713-784-4577

E-mail Address: jbowlin@ehrainc.com or bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve, Final Plat for Meridiana Detention Reserve
N-2, being a subdivision of 7.081 acres out of the H.T. & B.R.R. Company Survey,
Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel,
Brazoria County, Texas.

Plats:

Preliminary _____

Final x

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Jessica Rodriguez Digitally signed by Jessica Rodriguez
Date: 2022.01.25 12:42:10 -06'00'

SIGNATURE

January 25, 2022

DATE

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
Patio Home (PH)	+/- 55 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 73 Ac.	4%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 408 Ac.	25%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

Legend

Private Gated Section

Public Section

Divided or Boulevard Entry
(See Note 1)

Standard Entry
(See Note 2)

- Notes**
1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

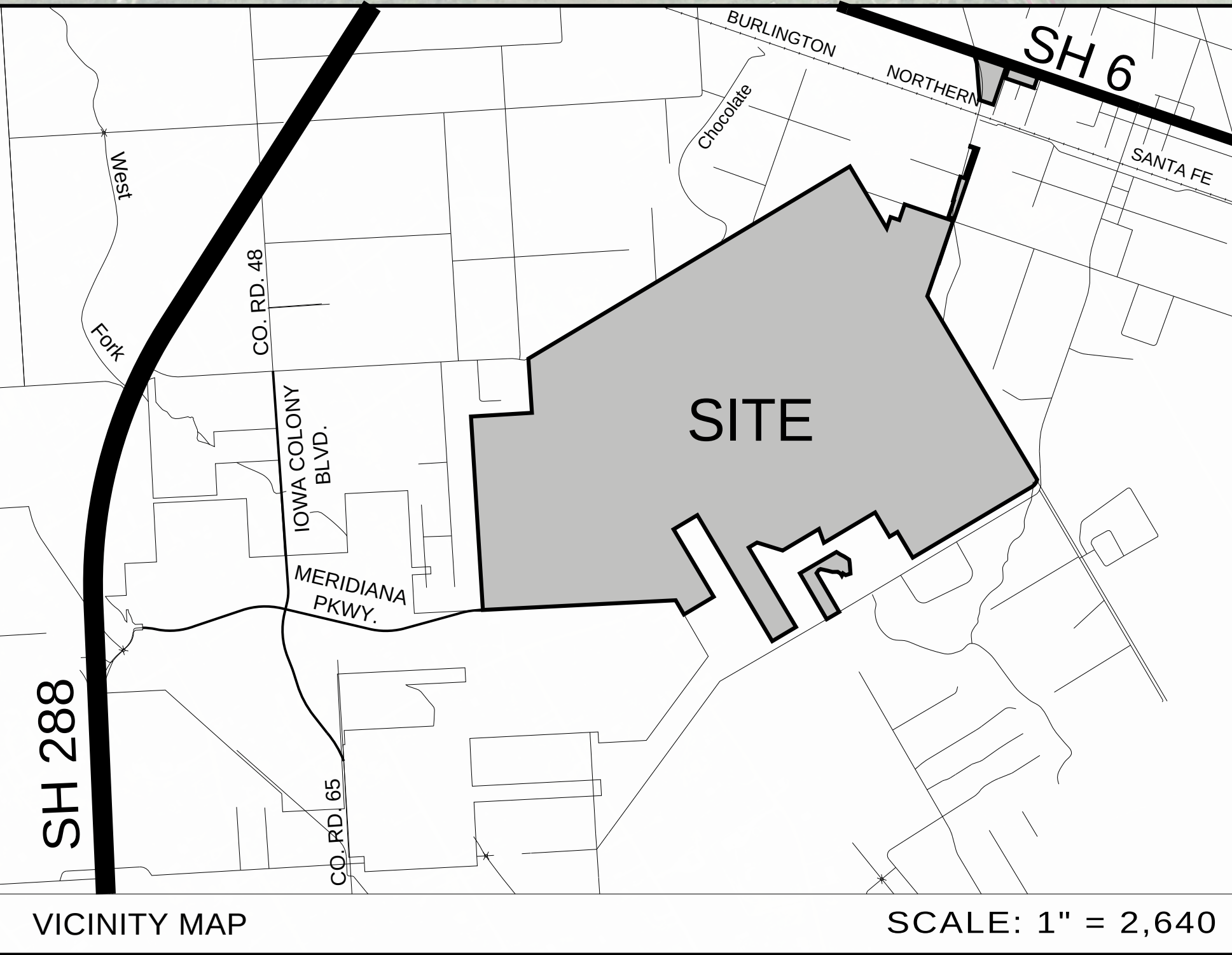
4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON _____

PLANNING, DEVELOPMENT AND ZONING COMMISSION



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2018
Amendment #3 Tabled:	07/09/2018
Amendment #4 Tabled:	07/23/2018
Amendment #5 Approved:	10/09/2018
Amendment #6 Approved:	10/22/2018
Amendment #7 Approved:	11/26/2018
Amendment #8 Approved:	01/28/2019
Amendment #9 Approved:	05/13/2019
Amendment #10 Not Approved:	06/10/2019
Amendment #11 Approved:	07/08/2019
Amendment #12 Not Approved:	08/12/2019
Amendment #13 Approved:	09/09/2019
Amendment #14 Approved:	12/09/2019
Amendment #15 Approved:	02/24/2020
Amendment #16 Approved:	11/09/2020
Amendment #17 Approved:	12/14/2020
Amendment #18 Not Approved:	04/12/2021
Amendment #19 Not Approved:	06/14/2021
Amendment #20 Withdrawn:	11/16/2021





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: February 7, 2022

TOPIC: Public hearing regarding amending the zoning classification of 21,000 square feet leased area located at 7507 Masters Road, Manvel, Texas, from Light Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) authorizing NAICS use 621111 as a “Medical Office”.

BACKGROUND: The property is a 21,000 square foot land area located on 7507 Masters Road, Manvel, Texas. The vicinity includes commercial uses located on SH6. Due to a need for small town clinics to provide healthcare services in rural communities, the owner, Manvel Development Co. Inc., and applicant, Infinity Family Clinic LLC, would like to operate a small-town family health care practice. The objective is to bring medical care closer to the Manvel community. In order to operate from the said location, the applicants have applied for a Special Use Permit to give flexibility and allow for a medical office use within the Light Commercial District/State Highway 6 Overlay District (LC/SH6) zoning. The applicant will use the entire property for the medical office and plans to operate from Monday to Friday 8:00 a.m. to 4: 30 p.m. The applicant will be required to provide light fixtures and unobstructed view from outside the property. Staff reviewed the application, conducted site visits, and prepared a report to the Planning, Development and Zoning Commission. Staff recommended the application to be approved with nine conditions. During the Commission’s discussion, the condition of parking lot improvements was the main topic. Staff recommended the parking lot be improved to an asphalt surface with striped parking spaces. The existing parking lot consists of asphalt and crushed concrete. Both the asphalt and crushed concrete have not been properly maintained because it had pot holes and cracks which have puddles forming when it rains. The property owner did not agree with the recommendation to improve the parking lot due to financial costs. The Commissioners discussed the importance of parking lot maintenance because it plays a significant role in improving the safety patients in a wheel chair and for drivers and pedestrians. The Commission concurred with all of staff’s proposed conditions, including parking lot improvement to asphalt and parking stall striping.

PD&Z RECOMMENDATION: The Planning, Development, and Zoning Commission recommended approval of Ordinance No. 2022-O-03 (7507 Masters Road Specific Use Permit) with a vote of 4 yeas to 1 nay.

STAFF RECOMMENDATION: City staff recommends approval of the proposed SUP with nine conditions (Ordinance No. 2022-O-03).

ATTACHMENTS: Staff report and Ordinance No. 2022-O-03

FUNDING ISSUES

- ☒ Not applicable
☐ Not budgeted
☐ Full amount already budgeted
☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Kwasi Bosompem

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____



City Council Specific Use Permit Request

Agenda of:	February 7, 2022	Initiated By:	Kwasi Bosompem City Planner
Department:	Planning Division	Presented By:	Kwasi Bosompem City Planner

Subject/Proceeding

Specific Use Permit (SUP) to establish a medical office in 21,000 square feet lot area addressed at 7507 Masters Road in the Light Commercial District/State Highway 6 Overlay District (LC/SH6) to allow use of the Property for NAICS Use No.6211 – Medical Office.

Exhibits

Staff Report, Location Map, Subject Property Zoning Map, Subject Property and Surrounding Area Map, Application Documents, Authorization Letter, Application Letter Site Plans and Subject Property Exhibits and Site Photographs, and Public Hearing Notice.

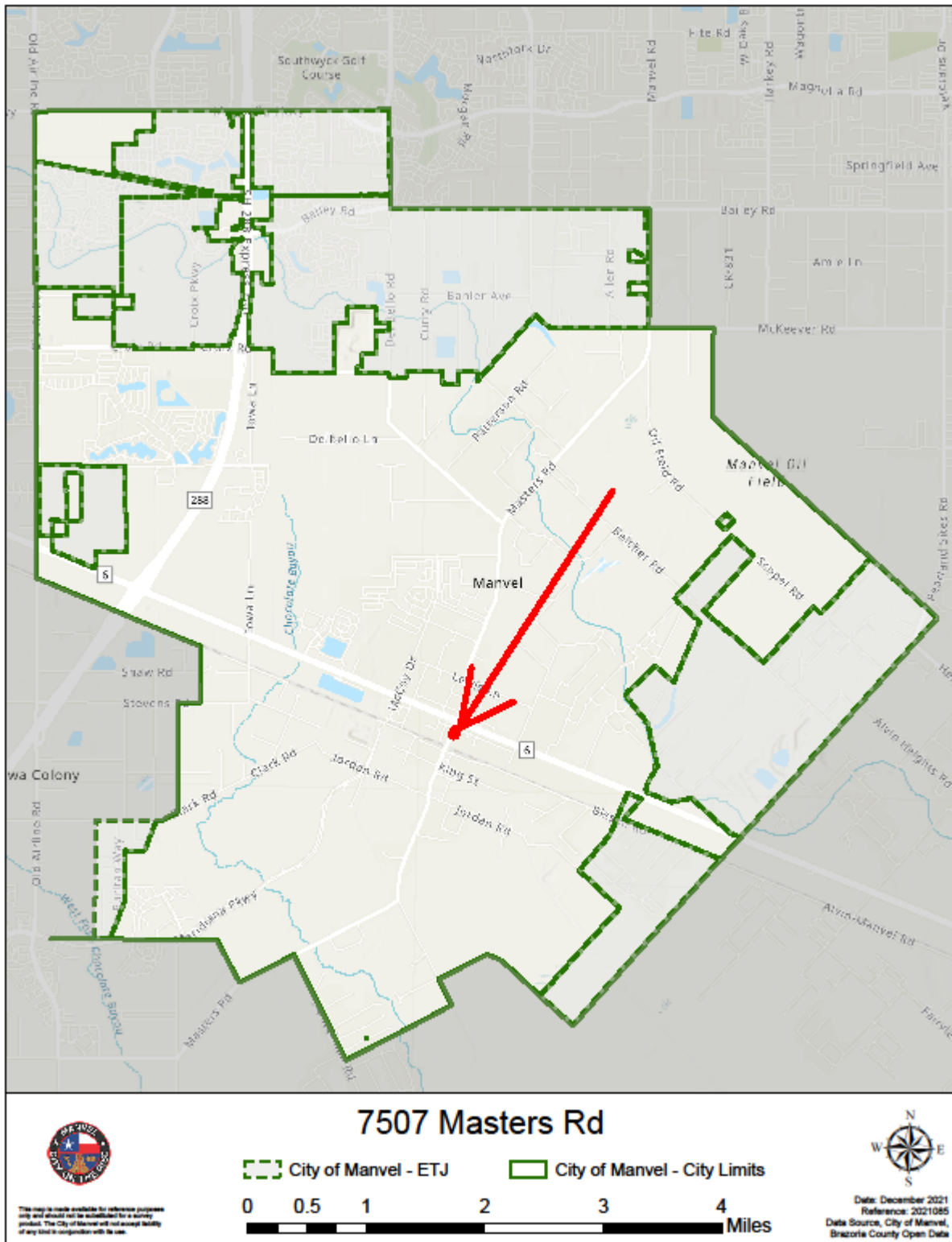
Recommended Action

A Public Hearing following by Consideration and Action from the City Council.

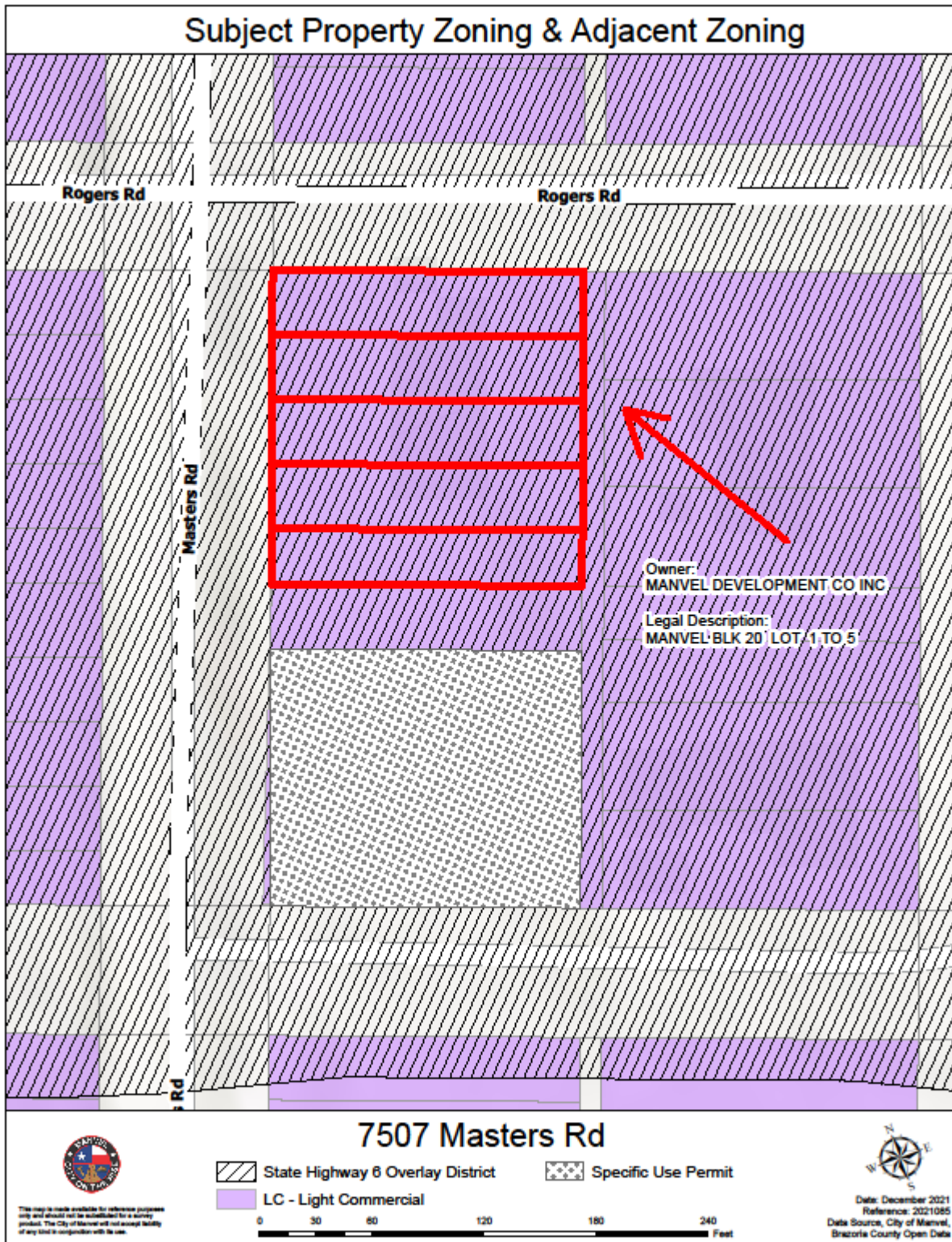
Executive Summary

A SUP provides a means to develop certain uses on a property while ensuring that the use is compatible with adjacent property and consistent with the character of the neighborhood. Approval of a SUP may establish reasonable conditions on the operation or location of the business with regulations as per the Ordinance of the City of Manvel. This is a proposed Special Use Permit (SUP) for a new medical office within the Light Commercial District/State Highway 6 Overlay District (LC/SH6). The proposed project site is developed at 7507 Masters Road. The proposed medical office use requires an SUP in the LC district. According to the City's Zoning Ordinance, NAICS use number 6211 requires a SUP in the Light Commercial District (LC). The draft exhibits included in the staff report are proposed to be incorporated into the SUP to support the analysis, review and more certainty to a recommendation. Staff overview of the proposed SUP is contained in the attached Staff Report section.

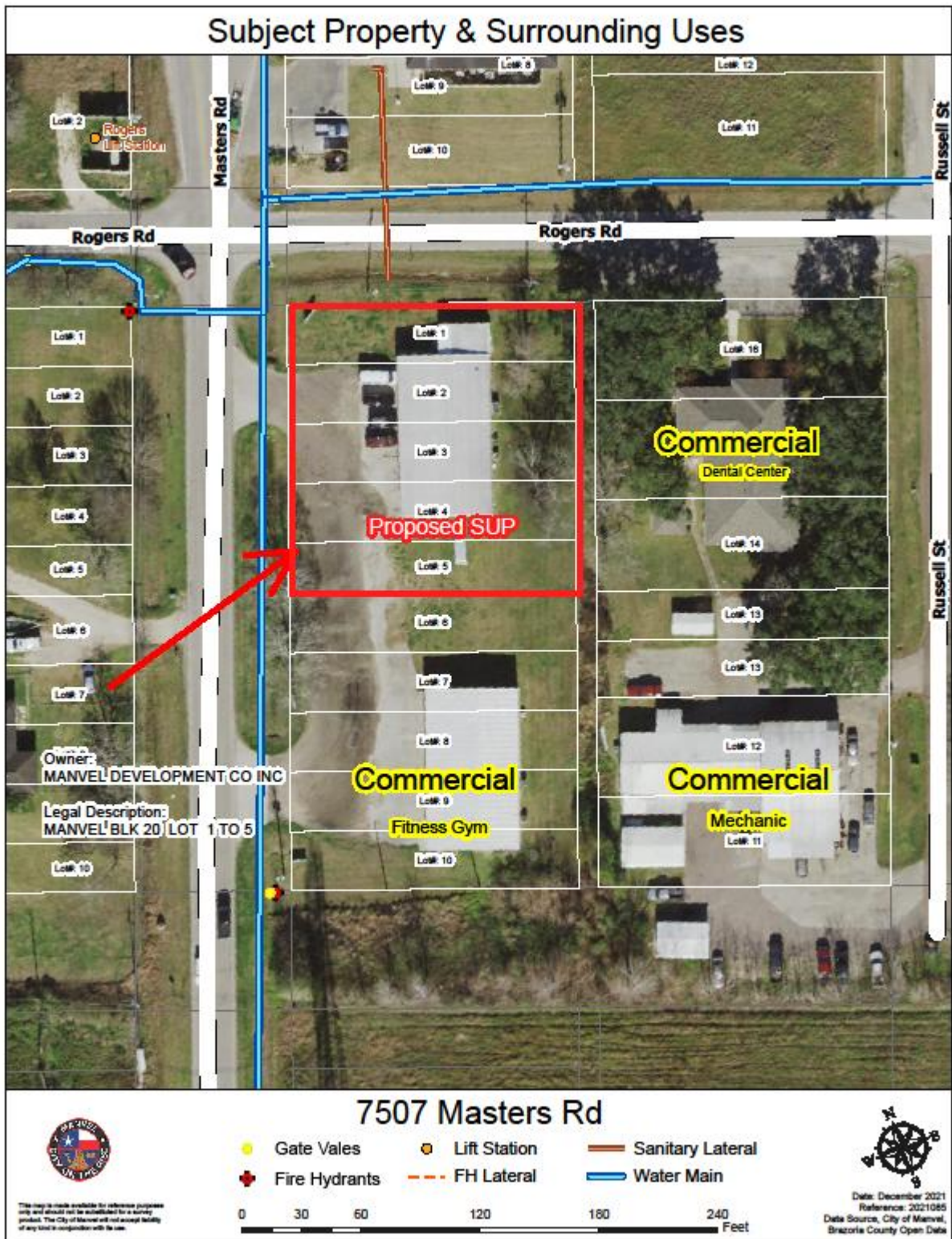
Location Map



Subject Property Zoning



Subject Property and Surrounding Uses



Staff Report

Zoning Ordinance Provisions for Specific Use Permits

Sec. 77-50. Uses requiring specific use permit (SUP). from City of Manvel Zoning Ordinance, Code of Ordinances

- “(a) Certain uses of land, buildings or structures may not be appropriate under all circumstances in any given zoning district, but may be appropriate where adequate precautions can be taken to assure compatibility with surrounding uses, public need, and the orderly development of the city as a whole. This section provides council and planning commission the opportunity to deny or to conditionally approve those uses for which specific use permits are required. These uses generally have unusual characteristics or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community. Due to the nature of use, the importance of the use's relationship to the comprehensive plan, or possible adverse impact on neighboring properties of the use, review, evaluation, and exercise of planning commission judgment relative to the location and site plan of the proposed use are required.
- (b) In Section 77-50 of the Zoning Ordinance (b), it states that “The City council, after receiving the recommendation of the planning commission, may by ordinance, grant a specific use permit for the permitted uses, as herein qualified by the permitted use table, in locations and zoning districts to permit a use where they are not otherwise permitted by this article, and may impose any appropriate conditions and safeguards to protect property and property values, and in the interest of health, safety or welfare.”

General Site Information The following is a summary of general site information.

Surrounding Property Zoning	North: Light Commercial District/State Highway 6 Overlay District (LC/SH6) South: Light Commercial District (LC) East: Light Commercial District/State Highway 6 Overlay District (LC/SH6) West: Light Commercial District/State Highway 6 Overlay District (LC/SH6)
Surrounding Land Use	North: Commercial South: Commercial East: Commercial West: Commercial

In the 2018, a Special Use Permit Application for NAICS Use 813110 “Religious Organizations” was approved on Lots 7, 8 ,9, and 10 being located at 7515 South Masters Road and adjacent to the subject property for the proposed SUP This old SUP has since expired.

NAICS Classification of Medical Office (621111) (Offices of Physicians (except Mental Health Specialists)

The NAICS code of use proposed in this application describes medical practitioners as those who operate independent private or group practices in their own offices.

Staff Analysis

The applicant has requested to establish a medical office with a NAICS code of 6211 on a 21,000 square feet land area on Masters Road. The analysis of the application is undertaken with consideration of the vision statement of the Comprehensive Plan and Zoning Ordinance applicable sections as well as the June 7, 2021, edition of the City of Manvel's Design Criteria Manual (DCM). Analysis of the application will be guided by Section 77-50, *Uses requiring specific use permit*, Sections 71-31 of the Zoning Ordinance under Light Commercial zoning requirements, and Section 77-36, (State Highway 6 Overlay (SH-6) District.

Comprehensive Plan

The vision statement in the 2015 Comprehensive Plan seeks to maintain its rural character and small-town values while managing its growth by: "Benefiting from our strategic location by encouraging well planned quality retail, commercial and residential development that reflects and enhances our small-town quality of life. The proposed use is consistent with the Comprehensive Plan. The applicant proposes to use the existing office building for medical office uses. The proposal complements or is compatible with the surrounding uses and community facilities; and contributes to, enhances, or promotes the welfare of the area and adjacent properties. This request for a SUP is in not any potential conflict with the 2015 City of Manvel Comprehensive Plan. The proposed use is compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values in the vicinity.

Zoning Ordinance Requirements

The proposed zoning classification shall be changed from the Light Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP) for uses permitted within such zone classification and Specific Use Permit, to allow use of the Property for NAICS Use No.6211-Medical Office. A medical office is subject to the regulations, restrictions and conditions defined in Section 77-50 (g) (4) of the Zoning Ordinance. This Section requires the following conditions:

- a) The facility is only permitted to operate during the hours of 8:00 a.m. to 10:00 p.m. each day, unless authorized by an approved SUP;
- b) All waiting and/or lobby areas shall maintain an unobstructed view from the outside; and
- c) All doors shall remain unlocked and accessible during normal business hours.

State Highway 6 Overlay (SH-6) District

According to the Zoning Ordinance, the purpose of the State Highway 6 (SH6) Overlay District is to manage critical visual elements and to promote future development that showcases S.H. 6 as a high-quality, mixed-use, multi-modal transportation corridor in Manvel. This overlay is intended to direct development in the corridor toward compliance with its requirements if there is redevelopment or substantial improvement.

Landscaping

The applicant is not proposing landscaping upgrades. The site has no existing green space and partially paved with asphalt. As per the applicable Section of 77-51, *Plan Review, Landscaping requirements*, shall apply to the proposed development if there is redevelopment or substantial improvement to the site.

Access and Traffic

The site is located on a commercial corridor, South Master Road characterized by a variety of commercial uses. This generates activities all day creating a need for conditions to maintain commercial areas with a wide range of character and functions to serve the needs of current and proposed uses. Secondly, access to the site is by the main driveway on Masters Road to the partially paved area of the property. As noted in Exhibits 8, 9, and 10, the parking lot is made up of crushed concrete and asphalt surface, and has no striped

parking spaces for customers and employees. According to Section 77-45., *Parking*, of the Zoning Ordinance, the number of parking spaces required for medical office is one parking space for 300 square feet gross floor area. The applicant will be made to meet the parking requirement and pave with an asphalt surface.

Trip generation estimates for the proposed medical office can be calculated from the use of the average daily and peak hour trip generation rates published in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition, 2021, under Land Use Code 720 (Medical-Dental Office Building). As a small medical office, it can be estimated from industry standards that a space for small medical office in rural setting is 2,000 gross floor area. ITE uses an estimate of 2.8 peak hour trips for a 1,000 sq. ft. of space. It can be estimated that the proposed medical office will have less than 5 peak hour trips and possibly less than 15 trips per day from 7:30 a.m. to 4:30 p.m. The proposed facility therefore will generate very minimal trips per day.

Summary

The property is located on Masters Road, which is identified as a "parkway" (120-foot wide) on the City's Major Thoroughfare Plan. The site is also zoned Light Commercial (LC) District and surrounded by other properties zoned LC and used commercially. Due to the property's access to a major thoroughfare and surrounding commercially used and zoned property, the use of a medical office is not out of character. However, some site conditions such as the parking lot are proposed for improvement. The existing parking lot consists of asphalt and crushed concrete with no striped parking spaces. The Design Criteria Manual (DCM) requires all parking lots to be concrete. Since the existing parking lot is partially asphalt and crushed concrete, staff is making a recommendation to pave the entire parking lot to asphalt as approved by the City Engineer. An asphalt surface parking lot will give stability for emergency vehicles as compared to crushed concrete. Staff is also making a recommendation to stripe the required parking spaces since no striped parking lot exist. Staff has also made recommendations for building façade, landscaping, and lighting improvements if new lighting is installed or if substantial improvement and/or redevelopment occur on site since the site is located in the State Highway 6 Overlay (SH6) District.

Report Update After Planning, Development and Zoning Commission Meeting

The main topic of discussion at the Planning, Development and Zoning Commission meeting focused on the existing condition of the parking lot. The existing parking lot is made up of crushed concrete and asphalt surface which is in need of maintenance. The existing parking lot does not have striped parking spaces or a fire lane. Because of the existing parking lot conditions, the Commission expressed concern for the health clinic customers, specifically handicapped customers. The existing condition of the parking lot will pose a challenge for any health clinic customer due to pot holes and an unstable paving surface. The site picture below was taken on the evening of the Commission meeting. It illustrates standing water in pot holes and tracking of wet, crushed concrete material. This supports the staff's recommended condition to improve the existing parking lot to an asphalt surface for the safety of patrons at 7507 Masters Road.



Staff Recommendation

Staff recommends approval of the Specific Use Permit (SUP) to the Planning, Development and Zoning Commission based on the following conditions:

1. The property and facility will be governed by all the requirements in Section 77-50 of the Zoning Ordinance. These conditions are found in Section 77-50 (g) (4) and relates to hours of operation, lighting and safety.
2. The parking lot shall be improved with an asphalt surface approved by the City Engineer, before a Certificate of Occupancy is issued.
3. Provide striped parking spaces per Section 77-45, *Parking*, before a Certificate of Occupancy is issued.
4. The property owner shall comply with Section 77-51, *Plan Review, Landscaping, and Building Façade Requirements*, façade requirements when redevelopment or substantial improvement occurs on site.
5. The property owner shall comply with Section 77-36, *State Highway 6 Overlay (SH-6) District requirements*, when redevelopment or substantial improvement occurs on site.
6. No new freestanding light fixture shall be greater than 25-feet in height.
7. All new outdoor lighting shall be designated so that no light spillover onto abutting property exceeds 0.3 foot-candle when measured vertically.
8. A clear path for emergency vehicles shall be maintained at all times.
9. The request is for the use of internal space with no exterior modifications, any interior modifications will require life safety reviews by the Fire Marshal and Inspections through the Building Permit process.

Planning, Development and Zoning Commission Public Hearing

The Planning, Development and Zoning Commission held a public hearing on January 24, 2022. There was one speaker during the public hearing. Ms. Tanya Salinas, the applicant spoke in favor of her application. She stated the need for a small medical office at the location in the City of Manvel. She spoke about putting citizens health care as a number one priority and requested approval of the application. She aimed at increasing access to quality and available health care for the community.

Planning, Development and Zoning Commission Meeting Discussion

At the January 24, 2022, Planning, Development and Zoning Commission meeting, the discussion focused on the staff recommendations. This included the existing conditions of the parking lot and the need for an improved striped parking spaces. Commissioner Miller inquired whether staff discussed the recommendations with the applicant and staff responded that the recommendations were not discussed with the applicant. Other Commissioners also asked about the previous tenants of the building. Staff explained that the recommendations are based the pre-determined conditions for the type of SUP based on the Zoning Ordinance. A Commissioner stated that as a health care facility, the need for better paving conditions for wheel chairs is also necessary and important for this application. During the discussion, the Commission allowed Mr. Mark Lowe, property owner, to speak. Mr. Lowe questioned why he and the applicant were not informed of the staff recommendations ahead of time before the meeting, He questioned the staff recommendations for an improved parking lot with asphalt surface and cited the huge cost of asphalt improvement. He stated that staff is asking him to bear a huge cost for asphalt pavement and stressed his opposition to the recommendations.

Planning, Development, and Zoning Commission Recommendation

The Planning, Development and Zoning Commission voted four yeas to one nay in favor of the staff recommendations as proposed in Ordinance No. 2022-O-03.

City Council Public Hearing

The Notice of Public Hearing was published in the newspaper of general circulation. All property owners within 200 feet of the property were notified. At the time of writing this report, no information inquiries have been received and staff is not aware of opposition.

Exhibit 1
Application

001 21-2707



DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

SPECIFIC USE PERMIT APPLICATION

PROJECT INFORMATION

Project Name: Infinity Family Clinic, PLLC
Project Location/Address: 7507 Midsters Rd Ste B Manvel TX 77578
Legal Description: lots 1, 2, 3, 4 and 5 of Block 20, Manvel Township, Brazoria County
Current Zoning: Light commercial Proposed Land Use: Medical office NAICS No.: 0211
Parcel/Tax ID#(s): 228029 Total Acreage: 21,000 square ft

APPLICANT INFORMATION

Applicant Name: Tanaya Salinas
Company Name: Infinity Family Clinic, PLLC
Address: 7014 Limestone Cir City: Manvel State: TX Zip: 77578
Phone #: 950-432-7805 (cell) Email: infinityfamilyclinic21@gmail.com

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT, and I, the undersigned, am authorized to make this application on behalf of the owner(s). I understand that this application will expire one year from the date submitted.

[Signature] 12/21/2021
Applicant Signature (REQUIRED) Date

PROPERTY OWNER INFORMATION

Owner(s) Name: Mark Lowe / Manvel Development Co. Inc.
Address: 20351 Highway 6, P.O. Box 155 City: Manvel State: TX Zip: 77578
Phone #: 281-489-9444 Email: manvelrealty1@gmail.com

PROPERTY OWNER'S AUTHORIZATION (Required - If owner is also the applicant, must sign as both):

I am the owner of the property for which this application is being made. I authorize the above person (Applicant) to submit this application and to correspond with the City of Manvel regarding this application on my behalf.

[Signature] 12/21/2021
Owner's Signature (REQUIRED) Date

Plat thereof recorded in Volume 1, page 69 of the Plat records of Brazoria County, Texas. According to the map of

Exhibit 2 Application



DEVELOPMENT SERVICES

20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

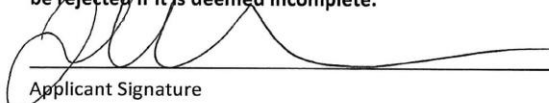
SUBMITTAL CHECKLIST

So that we may efficiently review your project in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the development; however, it is incumbent upon the applicant to inquire about these exceptions for your project **before** submitting an application. Answers to specific use permit applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a formal application. Please call the phone number on the application to schedule an appointment. Submit application and accompanying documents to the Permits and Inspections at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

SPECIFIC USE PERMIT SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Specific Use Permit Application (with all signatures)	✓
Two (2) Copies of a Conceptual Plan (building, parking, landscaping, etc. locations)	✓ PICS
Two (2) Legal Descriptions of Property (metes & bounds description if not platted)	✓
Two (2) Copies of Recorded Plat (if platted)	NA
Two (2) Applicant Letters of Request	✓
Traffic Impact Analysis, (if applicable)	NA
Paid Application Fee	✓

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


Applicant Signature

12/21/2021
Date

Exhibit 3
Authorization Letter



DEVELOPMENT SERVICES
20025 HIGHWAY 6
MANVEL, TX 77578
P: 281-489-0630
F: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Mark Lowe / Manvel Development Co. Inc.
Owner Name

20351 Hwy 6 - P.O. Box 155
Owner Address

Manvel TX 77578
Owner City, State Zip

12/06/2021
Date

Building and Inspections
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Permits and Inspections,

I, Mark Lowe, certify that I am the owner of the project property located at 1507 Masters Rd Ste B and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Tanya Salinas with the company Infinity Family Clinic (if applicable) to act as my representative for this project. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this project – up to and including rejecting the project and forfeiting any fees paid.

Please contact me directly at 281-489-9444 if you have any questions.

Sincerely,

Owner Name Mark Lowe
Owner Signature [Signature]

Exhibit 4
Applicant's Letter

12/06/2021

My name is Tanya Salinas and I am a licensed family nurse practitioner as well as a resident of Manvel, TX. I am requesting approval from the city to open a family practice at 7507 Masters Rd. Ste B. with my hours being Monday through Friday, 7:30 a.m. to 4:30 p.m.

I feel Manvel would greatly benefit from the healthcare services that I can provide as well as that bond and communication that will create lasting relationships of the patients in this community. Putting patient's health and wellbeing is my number one priority. What better place to have that small town family practice than the city of Manvel.

Thank you for your time and consideration as I look forward to serving the community for years to come.

Sincerely,

Tanya Salinas, FNP

A handwritten signature in black ink, appearing to read 'Tanya Salinas', with a stylized flourish at the end.

12/06/2021

To whom it may concern;

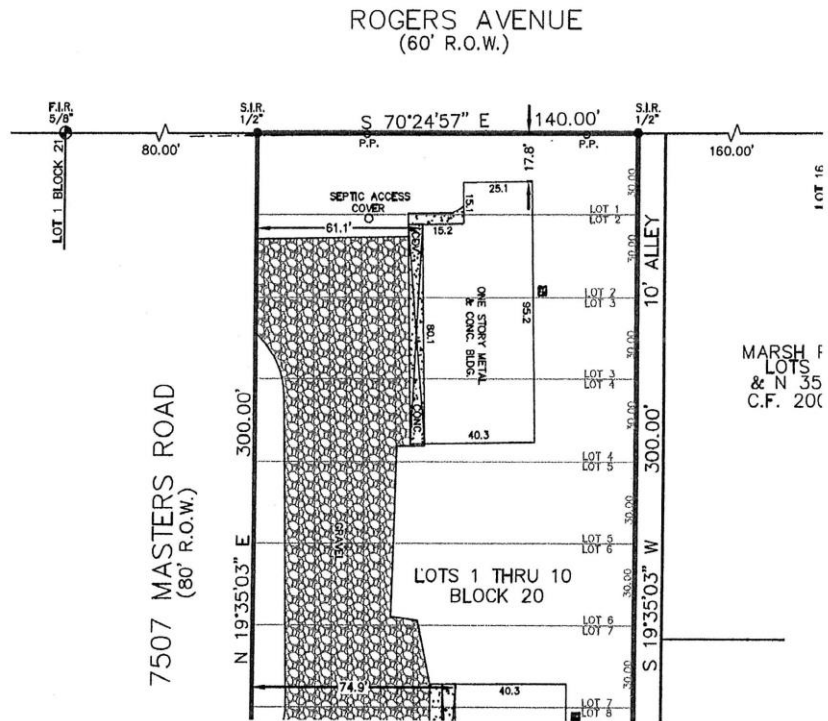
My name is Julie Rodriguez and I am employed for Tanya Salinas, FNP as her office manager. I am kindly asking the city of Manvel to allow Tanya to open a family practice. Being from a small town in Alabama myself, I think Manvel would be the perfect spot. There is something about having that one on one connection with your healthcare provider rather than on office owned by a corporation. Tanya can provide that to this community.

I hope you consider and allow her to be an asset to Manvel and provide optimal care to everyone here.

Thank you.

Julie Rodriguez

Exhibit 5
Site Plan



MARSH F
LOTS
& N 35
C.F. 200

Exhibit 6

Site Plan

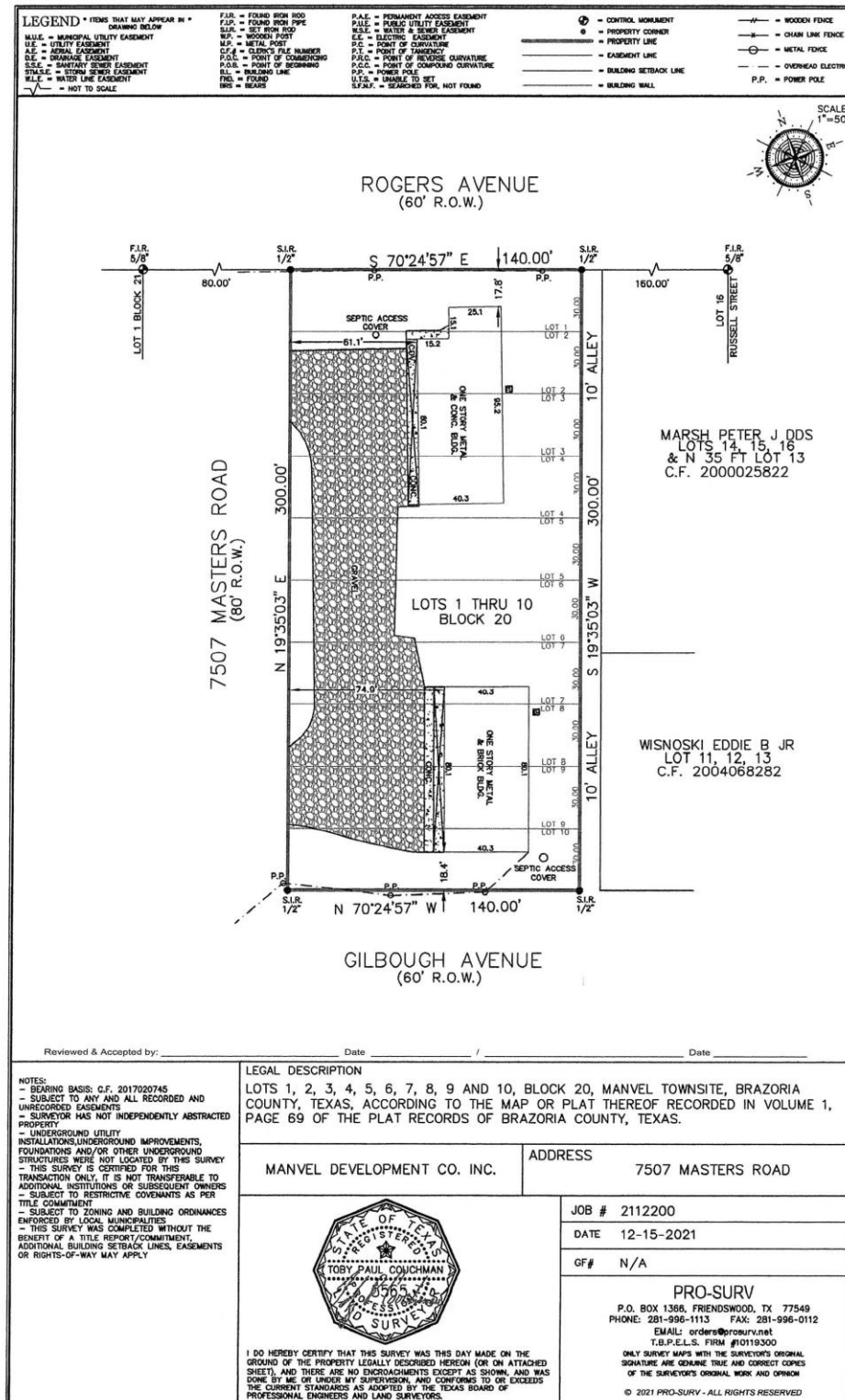


Exhibit 7
Subject Property



Exhibit 8
Subject Property and Adjacent Property



Exhibit 9
Unpaved frontage of Subject Property



Exhibit 10
Access to Subject Property



Exhibit 11
Subject Property and Surrounding Use



Exhibit 12
Public Hearing Notice

Public Hearing Notice on Sunday 01/09/2022

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL, TX 77578 AT 7:00 P.M. ON MONDAY, JANUARY 24, 2022, BEFORE THE MANVEL PLANNING, DEVELOPMENT AND ZONING COMMISSION AND AT 7:00 P.M. ON MONDAY, FEBRUARY 7, 2022, BEFORE THE MANVEL CITY COUNCIL TO HEAR INPUT FROM THE PUBLIC AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING CLASSIFICATION OF 21,000 SQUARE FEET LOCATED AT 7507 MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621111 “OFFICES OF PHYSICIANS (EXCEPT MENTAL HEALTH SPECIALISTS”); PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

ORDINANCE NO. 2022-O-03

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, BY AMENDING THE ZONING CLASSIFICATION OF 21,000 SQUARE FEET LOCATED AT 7507 MASTERS ROAD, MANVEL, TEXAS, FROM LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT (LC/SH6) TO LIGHT COMMERCIAL DISTRICT/STATE HIGHWAY 6 OVERLAY DISTRICT WITH SPECIFIC USE PERMIT (LC/SH6-SUP); PROVIDING FOR THE GRANTING OF A SPECIFIC USE PERMIT WITH CONDITIONS TO AUTHORIZE THE USE OF PROPERTY FOR NAICS USE 621111 “OFFICES OF PHYSICIANS (EXCEPT MENTAL HEALTH SPECIALISTS)”; PROVIDING FOR THE AMENDMENT OF THE CITY’S OFFICIAL ZONING MAP; PROVIDING SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Manvel Development Co. Inc. is the owner (the "Owner") of a certain 12,000 square foot tract of land located at 7507 Masters Road, Manvel, Texas, such tracts being Lots 1, 2, 3, 4, and 5, Block 20, Manvel Townsite, Brazoria County, Texas; a map and description of which is attached hereto as Exhibit "A"; and

WHEREAS, the 21,000 square foot tract is currently zoned Light Commercial District/State Highway 6 Overlay District (LC/SH6); and

WHEREAS, Infinity Family Clinic LLC, the property lessee, has filed an application to change the zoning classification of the 21,000 square foot tract Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP), allowing use of the Property for NAICS Use No. 621111 – “Offices of Physicians (Except Mental Health Specialist”;

WHEREAS, the Planning, Development, and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on such request; and

WHEREAS, the Planning, Development, and Zoning Commission has recommended in its report the approval of such request, and the City Council deems it appropriate to approve said amendment to the rezoning and specific use permit; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of a certain 21,000 square foot tract of land located at 7507 Masters Road, Manvel, Texas, being a tract of land containing 21,000 square feet situated in the Lots 1, 2, 3, 4, and 5, Block 20, Manvel Townsite, Brazoria County, Texas, as more particularly described in Exhibit “A” attached hereto, shall be changed from Light Commercial District/State Highway 6 Overlay District (LC/SH6) to Light Commercial District/State Highway 6 Overlay District with Specific Use Permit (LC/SH6-SUP), for uses as permitted within such zone classification, subject to the regulations, regulations, and conditions hereinafter set forth:

1. Office of Physicians (Except Mental Health Specialists) - (NAICS 621111)

Section 3. The request meets the criteria set forth in Section 77-50 of the City of Manvel Zoning Ordinance for a Specific Use Permit. The City of Manvel Zoning Ordinance is hereby further amended by granting an amended Specific Use Permit authorizing use of the Property for the additional NAICS use listed in Section 2, above.

Section 4. The City Council hereby finds it appropriate to impose the conditions to the granting of the Specific Use Permit as shown in Exhibit “B”, attached hereto and incorporated herein as if set out in full. Use and Development of the Property shall comply with the conditions and with the site plan as shown in Exhibit “C”, attached hereto. The use and site may not be changed or expanded except by amendment of this Specific Use Permit.

Section 5. The Specific Use Permit issued under this ordinance, or a specific use listed herein, shall expire one year after its date of issuance if construction or if the listed use authorized hereunder is not substantially under way or in use prior to the expiration of said one-year period. If, prior to the expiration of such one-year period, the owner of the property to which the Specific Use Permit applies in writing, for an extension, the City Council may, after recommendation from the Planning, Development, and Zoning Commission, grant such extension for one additional year.

Section 6. The Zoning District Map of the City of Manvel shall be revised and amended to show the designation of said multiple tracts, as described and as provided in Section 2, above, with the appropriate reference thereon to the number and effective date of this Ordinance and a brief description of the nature of the change.

Section 7. The City Council hereby finds and determines that said rezoning comports to the City’s Comprehensive Land Use Plan. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Manvel, save and except the change in zoning classification of said tract(s) as described above.

Section 8. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent

jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 10. Revocation. This Specific Use Permit may be revoked or modified by the City Council, in whole or in part, after notice and hearing, for either of the following reasons:

- (1) The Specific Use Permit was obtained or extended by misrepresentation, fraud or deception: or
- (2) That one of more of the conditions imposed by the permit has not been met or has been violated.

PASSED AND APPROVED on first reading this _____ day of _____,
2022.

**PASSED, APPROVED, AND ADOPTED on second and final reading this _____
day of _____, 2022.**

Debra Davison, Mayor

ATTEST:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney

Exhibit A

Being a tract of land containing Lots 1, 2, 3, 4, and 5, Block 20, Manvel Townsite, Brazoria County Texas.

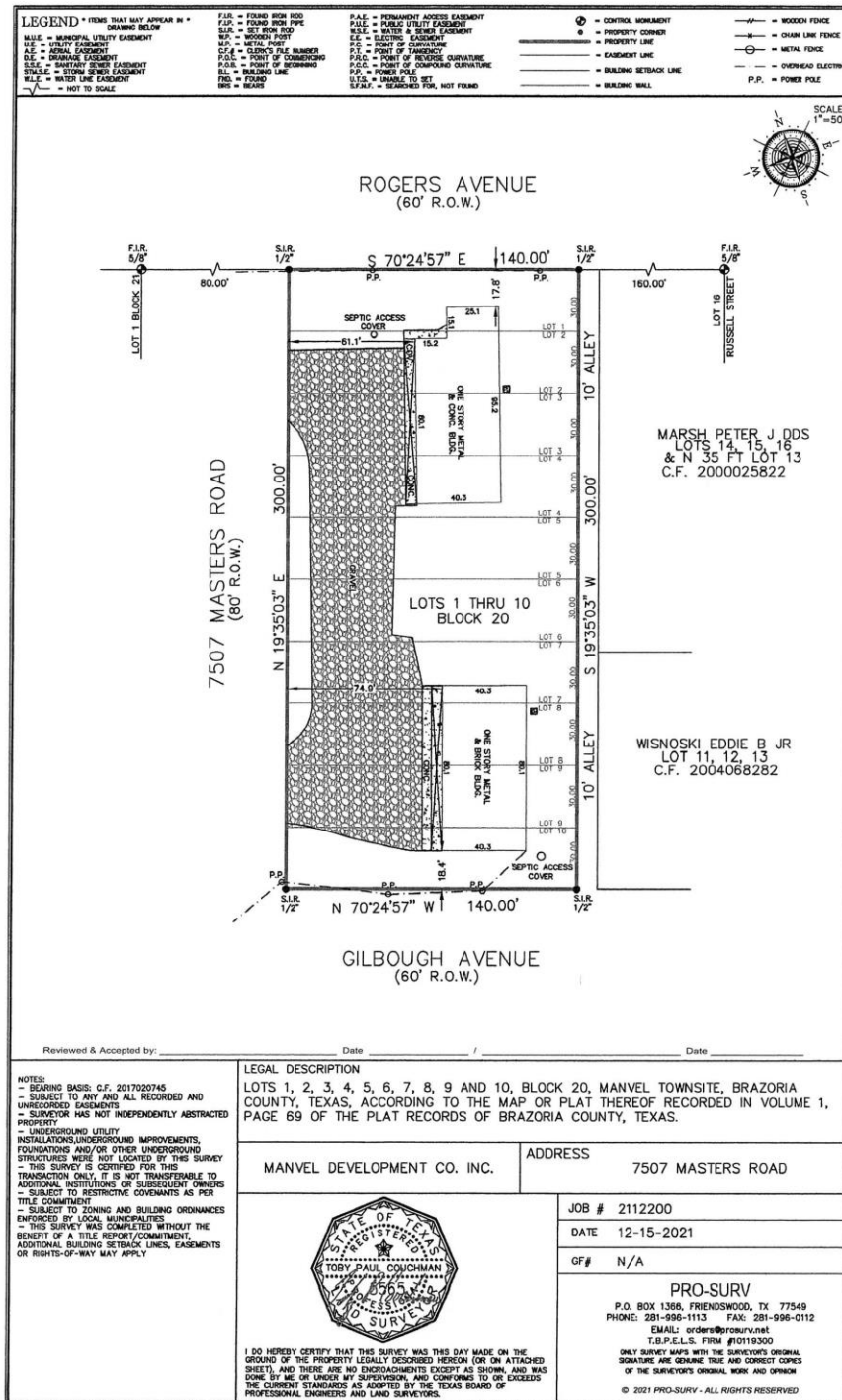


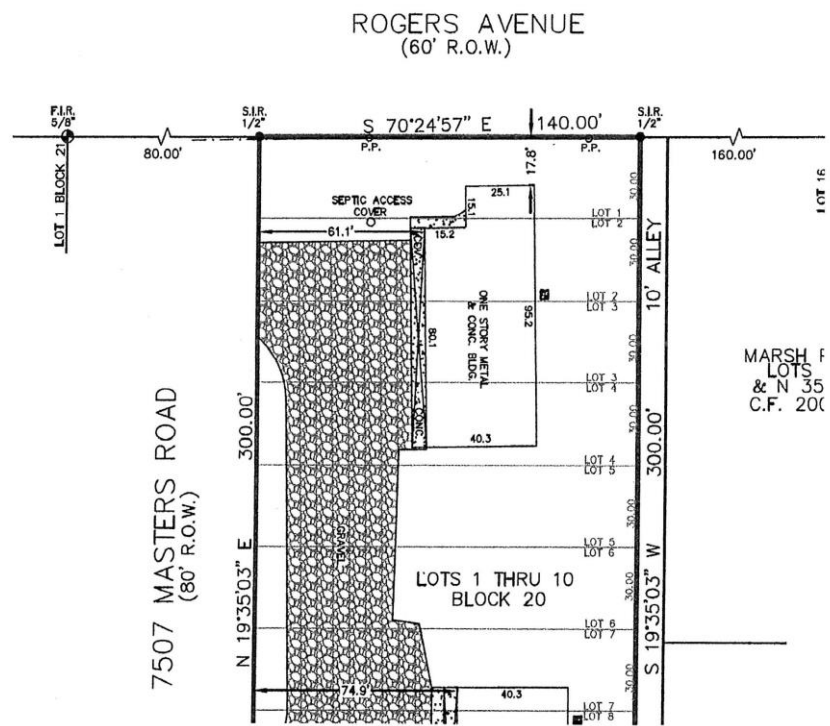
Exhibit B

CONDITIONS FOR MEDICAL OFFICE USE

GENERAL:

1. The property and facility will be governed by all the requirements in Section 77-50 of the Zoning Ordinance. These conditions are found in Section 77-50 (g) (4) and relates to hours of operation, lighting and safety.
2. The parking lot shall be improved with an asphalt surface approved by the City Engineer, before a Certificate of Occupancy is issued.
3. Provide striped parking spaces per Section 77-45, Parking, before a Certificate of Occupancy is issued.
4. The property owner shall comply with Section 77-51, *Plan Review, Landscaping, and Building Façade Requirements*, façade requirements when redevelopment or substantial improvement occurs on site.
5. The property owner shall comply with Section 77-36, *State Highway 6 Overlay (SH-6) District requirements*, when redevelopment or substantial improvement occurs on site.
6. No new freestanding light fixture shall be greater than 25-feet in height.
7. All new outdoor lighting shall be designated so that no light spillover onto abutting property exceeds 0.3 foot-candle when measured vertically.
8. A clear path for emergency vehicles shall be maintained at all times.
9. The request is for the use of internal space with no exterior modifications, any interior modifications will require life safety reviews by the Fire Marshal and Inspections through the Building Permit process.

Exhibit C



ORDINANCE NO. 2022-O-05

AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, AMENDING CHAPTER 50. *PLANNING AND DEVELOPMENT*, ARTICLE III. *COMPREHENSIVE PLAN*, BY APPROVING THE 2022 MASTER WASTEWATER PLAN UPDATE DOCUMENT AS THE 2022 MASTER WASTEWATER PLAN; AMENDING SECTION 50-55. *MASTER WASTEWATER PLAN* INTEGRATING THE CITY'S 2022 MASTER WASTEWATER PLAN INTO THE CITY'S COMPREHENSIVE PLANS; PROVIDING FOR CONFORMITY OF ALL WASTEWATER REGULATIONS TO THE MASTER WASTEWATER PLAN; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

WHEREAS, in 2017 the City of Manvel approved a new master wastewater plan for the city; and

WHEREAS, in 2020 the city commissioned a master wastewater plan update to be prepared by Freese & Nichols; and

WHEREAS, the master wastewater plan update is now in final form and has been presented to the City for adoption; and

WHEREAS, the City Council hereby adopts the 2022 Master Wastewater Plan Update document prepared by Freese & Nichols as the new 2022 Master Wastewater Plan, and integrates it into Chapter 50 of The City Code as a plan and policy for the city; **now, therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS:

Section 1. Chapter 50. *Planning and Development* of the Code of Ordinances of the City of Manvel is hereby amended by adopting a new master wastewater plan and amending section 50-55. *Master wastewater plan* in Article III to read and provide as follows:

“CHAPTER 50. PLANNING AND DEVELOPMENT

...

ARTICLE III. COMPREHENSIVE PLAN

...

Sec. 50-55. Master wastewater plan.

(a) The city council hereby adopts the [2017] 2022 Master Wastewater Plan (“Master Wastewater Plan”), a true and correct copy of which shall remain on file in the office of the city secretary. The Master Wastewater Plan shall be the plan and policy for wastewater matters within the city and, to the extent permitted by law, the extra-territorial jurisdiction of the City of Manvel.

(b) All wastewater and related regulations and requirements of The City Code, including, but not limited to, Chapter 62. *Subdivisions*, shall conform to the Master Wastewater Plan. If there is any conflict between an ordinance, rule or regulation of The City Code and the Master Wastewater Plan, the Master Wastewater Plan shall control.”

Section 2. **Penalty.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 3. **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall

not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Manvel, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this ____ day of _____, 2022.

PASSED, APPROVED, AND ADOPTED on second and final reading this _____, 2022.

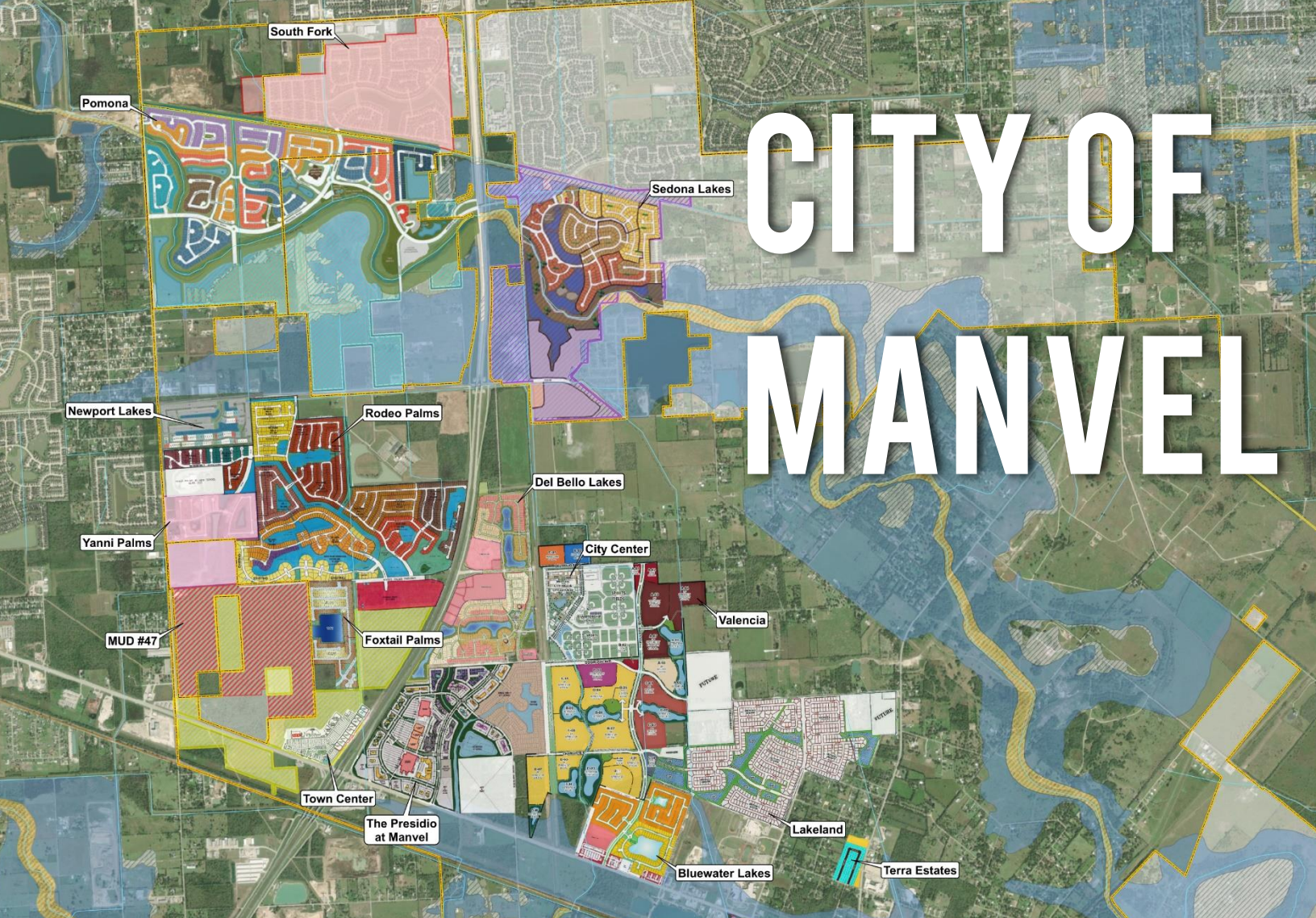
Debra Davison, Mayor

Attest:

Tammy Bell, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney



2022 MASTER WASTEWATER PLAN UPDATE

PREPARED FOR:

City of Manvel

PREPARED BY:

Freese and Nichols, Inc.
11200 Broadway St., Suite 2320
Pearland, Texas 77584
832-456-4700



2022 MASTER WASTEWATER PLAN UPDATE

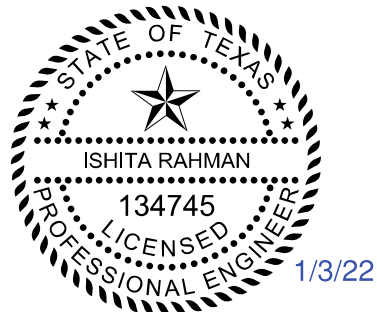
Prepared for:

City of Manvel



Richard Weatherly

FREESE AND NICHOLS, INC.
TEXAS REGISTERED
ENGINEERING FIRM
F-2144



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TEXAS REGISTERED
ENGINEERING FIRM
F-2144

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EXECUTIVE SUMMARY

1.0 INTRODUCTION

The City of Manvel (City) is located on Highway 6 east of State Highway (SH) 288, in northern Brazoria County, Texas. The City currently provides wastewater service to 1,635 equivalent single family connections (ESFCs) within the city limits. There are also approximately 5,148 existing ESFCs outside the City's existing wastewater served area. Manvel is experiencing a rapid growth within the city limits and extraterritorial jurisdiction (ETJ) and is anticipating an increase in the wastewater service area ESFCs to approximately 32,000. This will result in approximately 10 MGD of total average daily flow in the future wastewater service area.

The City completed a *Master Wastewater Plan* in 2017 that developed wastewater system improvements recommendations. As the growth and development patterns change in the City, Manvel identified the need to update to the *2017 Master Wastewater Plan*. Freese and Nichols, Inc. (FNI) was retained by the City of Manvel in 2020 to update the City's existing *Master Wastewater Plan* incorporating recent updates to the City's land use projections. The purpose of this *2022 Master Wastewater Plan Update* is to provide the City of Manvel with an updated planning tool that will serve as a guide for short-term and long-term (20-year) improvements to the wastewater collection system and treatment infrastructure. The results from this study were utilized during the 2021 water and wastewater impact fee update study for Manvel.

2.0 EXISTING WASTEWATER SYSTEM INFRASTRUCTURE

The City of Manvel owns and operates a wastewater collection system consisting of eight lift stations and associated force mains, a network of manholes and gravity mains, and one wastewater treatment plant (at Corporate Drive). The City recently constructed an expansion to increase the total average annual daily flow (AADF) treatment capacity at this plant to 0.5 MGD, and to increase the peak 2-hour flow capacity to 1,389 gpm (2.0 MGD). This expansion is permitted under the City's current Texas Pollutant Discharge Elimination System (TPDES) permit no. WQ0013872001.

In addition to the City of Manvel (Corporate Drive) wastewater treatment plant, there are four existing Municipal Utility District (MUD) WWTPs within the city limits and ETJ that serve the **Southfork**, **Sedona Lakes**, **Pomona**, **Rodeo Palms**, **Foxtail Palms**, **Newport Lake Estates**, and **Yanni Palms** developments.

3.0 LAND USE AND GROWTH PROJECTIONS

As of 2021, there are approximately 1,635 wastewater equivalent single family connections (ESFCs) currently served by the City's wastewater collection system. These represent residential and commercial wastewater customers. Each ESFC represents a wastewater flow (gallons/day) that must be conveyed and treated by the wastewater system. The City utilizes ESFCs to project wastewater flows and to determine the sizing and location of wastewater system infrastructure. FNI worked with City staff to develop growth projections for the City of Manvel and also utilized information collected from the existing and upcoming developments within the city limits and ETJ.

The growth in residential and commercial wastewater connections will inform the location, sizing, and timing of future wastewater infrastructure. FNI received information on projected ESFCs from the City, developers, and reports for the anticipated developments. The developers of each anticipated development supplied projected buildout connections and an approximate growth per year. For developments where a phasing plan was unavailable, FNI worked with the City staff to develop growth assumptions. In addition to the anticipated developments, growth projections were also developed for select areas within the wastewater service area identified as having potential for growth (infill areas) within the 20-year planning period. The total projected wastewater ESFCs for the **existing**, **5-year**, **10-year**, and **20-year** planning periods are shown in **Table ES-1**.

Table ES-1: Projected Wastewater ESFCs

Year	Projected Wastewater ESFCs		
	City Limits	ETJ	Total
2021	3,628 ⁽¹⁾	3,155	6,783
2026	8,904	5,876	14,780
2031	13,311	6,530	19,841
2041	25,412	6,541	31,953

(1) Includes existing wastewater connections in developments within city limits that are not currently served by the City.

4.0 WASTEWATER FLOWS

Planning for future wastewater infrastructure is dependent on the amount of average daily and peak wastewater flow that must be collected, conveyed, and treated. Wastewater treatment plants are sized

based on average daily flows, while the collection system infrastructure, including lift stations, is sized to convey peak wastewater flows.

The City's existing wastewater system consists of a single wastewater service area that collects wastewater flows and conveys them to the City of Manvel (Corporate Drive) WWTP. For the City's future wastewater system, FNI delineated six distinct wastewater service areas that will each convey wastewater flows to regional wastewater treatment facilities. These six wastewater service areas are:

1. Central Wastewater Service Area
2. East Wastewater Service Area
3. West Wastewater Service Area
4. Sedona Lakes Wastewater Service Area
5. South Wastewater Service Area
6. Meridiana Wastewater Service Area (the portion of Meridiana within Manvel city limits)

The City of Manvel's design criteria for average daily wastewater flow per equivalent single family connection (ESFC) is 315 gallons. This was utilized to calculate average day wastewater flows during this study. For peak wet weather flows, FNI recommends using a peaking factor of 4.0, based on TCEQ guidelines in the absence of site specific data (30 TAC §217.32 (a)(2)). The planning criteria used for developing average day and peak wastewater flows for this *2022 Master Wastewater Plan Update* are shown in **Table ES-2**.

Table ES-2: Wastewater Flow Design Criteria

Wastewater Connection Unit	Average Day Wastewater Flow	Peak Wastewater Flow
ESFC ⁽¹⁾	315 gallons per day	4.0 x 315 gallons per day

(1) Equivalent Single Family Connection

FNI calculated future wastewater flows based on the projected equivalent single family connections and wastewater flow design criteria. The total projected average day and peak wet weather wastewater flows for each planning year are shown in **Table ES-3**.

Table ES-3: Projected Wastewater Flows

Year	Projected Wastewater ESFCs			Average Daily Flow (ADF) (MGD)			Peak Wet Weather Flow (MGD)		
	City Limits	ETJ	Total	City Limits	ETJ	Total	City Limits	ETJ	Total
2021	3,628 ⁽¹⁾	3,155	6,783	1.14	0.99	2.1	4.57	3.98	8.5
2026	8,904	5,876	14,780	2.80	1.85	4.7	11.22	7.40	18.6
2031	13,311	6,530	19,841	4.19	2.06	6.2	16.77	8.23	25.0
2041	25,412	6,541	31,953	8.00	2.06	10.1	32.02	8.24	40.3

(1) Includes existing wastewater connections in developments within city limits that are not currently served by the City.

5.0 WASTEWATER MODEL UPDATE

The City's existing wastewater hydraulic model was developed by FNI during the *2017 Master Wastewater Plan* using InfoSewer® software by Innovyze. This software has Geographic Information System (GIS) interoperability and makes use of engineering equations and mathematical algorithms to determine the flows and velocities that would occur in a collection system under a specified set of conditions. During this study, the model was updated with recently completed wastewater infrastructure and updated wastewater flow projections. The updated model was utilized during the development of collection system capital improvement projects to improve the existing system and accommodate projected wastewater flows through 2041.

6.0 WASTEWATER SYSTEM ANALYSES

FNI developed wastewater system improvements to accommodate the projected flows from residential and commercial growth. Hydraulic analyses were conducted to develop these improvements into a phased capital improvements plan to convey and treat the projected wastewater flows over the 20-year period through 2041. In order to serve the projected 20-year growth and develop regionalized wastewater treatment facilities, the City of Manvel should consider the following:

- Construct a new phased Central wastewater treatment plant that would expand the treatment capacity in the Central region. This new Central WWTP would be phased over time to accommodate the anticipated 20-year growth in wastewater flows (this project currently in preliminary design phase)

- Construct regional transfer infrastructure to pump wastewater flows from the East Service Area to the Central Service Area
- Construct a new wastewater treatment plant in the South service area
- Construct consolidation infrastructure and expand treatment capacity in the West Service Area
- Extend wastewater service via gravity lines, lift stations, and force mains to areas of growth where little or no infrastructure currently exists

Recommended capacities were developed for the regional wastewater treatment and conveyance infrastructure based on the 20-year projected average day wastewater flows presented in **Table ES-3**.

Table ES-4 presents a summary of the existing and proposed City of Manvel wastewater treatment facilities including the MUD WWTPs and permitted capacities by planning period. The Meridiana and Sedona Lakes service areas currently have existing MUD WWTPs, which are anticipated to eventually be part of the City's wastewater system.

Table ES-4: WWTP Capacities by Planning Period

Planning Period	Average Daily Flow Permitted Capacity (MGD)								
	Central Regional WWTP ⁽¹⁾	West Regional WWTP ⁽¹⁾	South Regional WWTP ⁽¹⁾	Town Center WWTP ⁽¹⁾	Sedona Lakes WWTP ⁽²⁾⁽⁴⁾	Meridiana WWTP ⁽²⁾⁽⁴⁾	Rodeo Palms WWTP ⁽²⁾⁽⁵⁾	Pomona WWTP ⁽²⁾⁽⁶⁾	Southfork WWTP ⁽²⁾⁽⁶⁾
2021	0.5	-	-	-	0.3	0.399	0.45	0.25	0.48
2026	1.5	-	-	0.15⁽⁷⁾	0.6	by MUD	by MUD	by MUD	by MUD
2031	2.0⁽³⁾	-	-	by MUD	0.6	by MUD	by MUD	by MUD	by MUD
2041	4.0	4.0	1.1	<i>Decommissioned and Flow Transferred to West WWTP</i>	0.6	by MUD	<i>Ownership Transfer to City as West Regional WWTP</i>	<i>Decommissioned and Flow Transferred to West WWTP</i>	<i>Decommissioned and Flow Transferred to West WWTP</i>

(1) City-owned WWTPs

(2) MUD WWTPs not currently owned and operated by the City.

(3) Decommission the existing 0.5 MGD package plant.

(4) Sedona Lakes WWTP and Meridiana WWTP are planned to be owned by the City in future (beyond 2041)

(5) Rodeo Palms Brazoria County MUD #29 WWTP ownership and operation to be transferred to the City as the West Regional WWTP.

(6) Pomona WWTP and Southfork WWTP are recommended to be decommissioned and served by the West Regional WWTP by 2041.

(7) Town Center WWTP is under construction as of December 2021.

7.0 WASTEWATER TREATMENT PLANT EFFLUENT REUSE

The City of Manvel does not currently have a wastewater reuse system. As the City continues to grow, the water demand on the City's existing and future potable water sources will continue to increase. The City is considering a wastewater reuse system to alleviate the need for additional water supply as the projected population and water demands increase. As part of the *2022 Master Wastewater Plan Update*, FNI summarized the steps involved in the implementation of a reuse program.

The steps include identifying reuse system goals, reuse options, reuse considerations, compliance with reuse regulations, reuse water quality and quantity. FNI recommends the City to perform an in-depth Reuse Study to evaluate the options for potential potable and non-potable reuse. If the City decides to implement reuse, the wastewater treatment facilities will need to be upgraded to produce effluent at the required water quality standards.

8.0 WASTEWATER SYSTEM CAPITAL IMPROVEMENTS PLAN

A wastewater system capital improvements plan (CIP) was developed for the City of Manvel. The CIP projects consist of collection system conveyance and wastewater treatment for the projected growth over the 20-year planning period in this study. These projects allow for regionalization of the City's wastewater collection system and treatment infrastructure and provide the City with a phased CIP for collection system and treatment as the City grows.

Capital costs were calculated for all recommended improvements and do not include individual service connections or subdivision lines. The costs are provided as estimates based on previous similar engineering experience in 2021 dollars and include allowances for contingencies and engineering and surveying.

Table ES-5 summarizes the cost of the Capital Improvements Plan by phase and project type (Treatment or Conveyance). **Table ES-6** summarizes the individual projects in the wastewater system CIP.

Table ES-5: Wastewater CIP Summary (by Phase and Project Type)

Phase	CIP	Cost
5 Year (by 2026)	Treatment	\$26,948,900
	Conveyance	\$14,801,800
	Sub-total	\$41,750,700
10 Year (by 2031)	Treatment	\$15,904,500
	Conveyance	\$1,555,200
	Sub-total	\$17,459,700
20-Year (by 2041)	Treatment	\$98,182,000
	Conveyance	\$59,758,700
	Sub-total	\$157,940,700
Total 20-Year Wastewater CIP Cost		\$217,151,100

Table ES-6: Wastewater Capital Improvements Plan Summary (by Project)

Phase	Project Number	Project Name	Cost (In 2021 Dollars)
5-Year (by 2026)	1	1.0 MGD Central Regional Wastewater Treatment Plant (Phase 1)	\$26,948,900
	2	New 4.0 MGD Pollard Blvd Lift Station and 18-inch Force Main (Phase 1)	\$5,494,800
	3	12/15/18/30-inch Lines through Valencia Development (Central Service Area Interceptor and Gravity System)	\$8,553,200
	4	8-inch Gravity Main along McCoy Road and Lewis Lane	\$753,800
	Total 2021 - 2026		\$41,750,700
10-Year (by 2031)	5	Expansion of the Central Regional Wastewater Treatment Plant to 2.0 MGD Capacity (Phase 2)	\$15,904,500
	6	12-inch Del Bello SPUR Gravity Main	\$1,555,200
	Total 2027 - 2031		\$17,459,700
20-Year (by 2041)	7	15-inch Gravity Main Along Masters Road	\$1,796,700
	8	Large Avenue Lift Station Expansion to 1.8 MGD and 10-inch Force Main	\$3,211,800
	9	New 1.1 MGD South Regional Wastewater Treatment Plant (Phase 1)	\$26,688,000
	10	Expansion of the Central Region Wastewater Treatment Plant to 4.0 MGD Capacity (Phase 3)	\$30,840,000
	11	New Pollard Boulevard Lift Station Expansion to 6.5 MGD	\$2,150,100
	12	Del Bello Lift Station Expansion to 1.3 MGD	\$582,500
	13	15/24-inch South Region Gravity Main	\$6,069,700
	14	12/15-inch Central Region Gravity Main	\$2,442,600
	15	New 4.0 MGD East Regional Lift Station and 14-inch Force Main	\$8,877,000
	16	12-inch Gravity Main along Highway 6	\$2,071,000
	17	West Regional Wastewater Treatment Plant Expansion to 4.0 MGD	\$40,654,000
	18	West Service Area Wastewater Treatment Plant Consolidation and Gravity Main (Phase 1)	\$18,201,600
	19	West Service Area Wastewater Treatment Consolidation (Phase 2)	\$3,954,300
	20	21/24-inch Gravity Main along Mustang Bayou	\$6,224,300
	21	New 1.0 MGD Lift Station, 8-inch Force Main and 15-inch Gravity Line	\$4,177,100
	Total 2032 - 2041		\$157,940,700
	Total Capacity Wastewater CIP Cost		

1.0 INTRODUCTION

The City of Manvel (City) is located on Highway 6 east of State Highway (SH) 288, in northern Brazoria County, Texas. The City currently provides wastewater service to 1,635 equivalent single family connections (ESFCs) within the city limits. There are also approximately 5,148 existing ESFCs outside the City's existing wastewater served area. Manvel is experiencing a rapid growth within the city limits and extraterritorial jurisdiction (ETJ) and is anticipating an increase in the wastewater service area ESFCs to approximately 32,000. This will result in approximately 10 MGD of total average daily flow in the future wastewater service area.

The City completed a *Master Wastewater Plan* in 2017 that developed wastewater system improvements recommendations. As the growth and development patterns change in the City, Manvel identified the need to update to the *2017 Master Wastewater Plan*. Freese and Nichols, Inc. (FNI) was retained by the City of Manvel in 2020 to update the City's existing *Master Wastewater Plan* incorporating recent updates to the City's land use projections. The purpose of this *2022 Master Wastewater Plan Update* is to provide the City of Manvel with an updated planning tool that will serve as a guide for short-term and long-term (20-year) improvements to the wastewater collection system and treatment infrastructure. The results from this study were utilized during the 2021 water and wastewater impact fee update study for Manvel.

1.1 SCOPE OF WORK

The goals of the *2022 Master Wastewater Plan Update* were to incorporate the new City Center and more recent projections from existing and proposed developments, conduct wastewater system analyses, and update wastewater system improvement recommendations for collection system and treatment projects. The major elements of the scope of this project included:

- Update Connection and Wastewater Flow Projections
- Conduct Hydraulic Analyses and Wastewater System Evaluation
- Develop Wastewater System Capital Improvements Plan (CIP) and prepare a Master Plan Report

1.2 LIST OF ABBREVIATIONS

Table 1-1: List of Abbreviations

Abbreviation	Actual
AADF	Average Annual Daily Flow
ADF	Average Daily Flow
CBOD ₅	5-Day Carbonaceous Biochemical Oxygen Demand
CIP	Capital Improvement Plan
DMR	Daily Monitoring Reports
ETJ	Extraterritorial Jurisdiction
ECHO	Enforcement and Compliance History Online
ESFC	Equivalent Single Family Connection
FM	Farm to Market
FNI	Freese and Nichols, Inc.
ft	foot
GIS	Geographic Information System
gpm	Gallons per Minute
Hwy	Highway
I/I	Inflow and Infiltration
LF	Linear Feet
LS	Lift Station
MGD	Million Gallons per Day
MUD	Municipal Utility District
OPCC	Opinion of Probable Construction Cost
PVC	Polyvinyl Chloride
SH	State Highway
TCEQ	Texas Commission on Environmental Quality
TIN	Triangular Irregular Network
TPDES	Texas Pollutant Discharge Elimination System
WWTP	Wastewater Treatment Plant

2.0 EXISTING WASTEWATER SYSTEM INFRASTRUCTURE

The City of Manvel's existing wastewater collection system consisting of eight (8) lift stations and associated force mains, a network of manholes and gravity mains, and one wastewater treatment plant (WWTP). Manvel's existing wastewater system infrastructure is shown on **Figure 2-1**.

2.1 CITY OF MANVEL WASTEWATER TREATMENT PLANT

The City of Manvel owns and operates a 0.5 MGD WWTP located at 7315 Corporate Drive north of Highway 6. The plant effluent outfalls into Brazoria County Flood Control Ditch No. 12, which then flows to Chocolate Bayou. The City completed an expansion at this WWTP in 2019 that increased the total average annual daily flow (AADF) treatment capacity to 0.5 MGD from 0.25 MGD and increased the peak 2-hour flow capacity to 1,389 gpm (2.0 MGD). This expansion is permitted under the City's current Texas Pollutant Discharge Elimination System (TPDES) permit no. WQ0013872001 provided as **Appendix C**.

Table 2-1: City of Manvel Wastewater Treatment Plant Information

WWTP Name - TPDES Permit No.	Phase	ADF ⁽¹⁾ Permit (MGD)	Peak 2- Hour ⁽¹⁾ Permit (MGD)	Peaking Factor	Discharge Water(s) ⁽¹⁾
City of Manvel - WQ0013872001	-	0.50	2.0	4.0	Brazoria County Flood Control Ditch No. 12; thence to Chocolate Bayou Above Tidal in Segment No. 1108 of the San Jacinto River Basin

(1) ADF = Average Daily Flow; Permitted flow and discharge information from TCEQ TPDES Permits.

2.2 LIFT STATIONS

The City completed construction of two new lift stations and one lift station improvement and relocation since 2017. FNI received the as-built plans for these three lift stations from the City and compiled all available information to update City's lift station inventory. A summary of the known information is presented in **Table 2-2**. The full lift station inventory is included in **Appendix B**.

Table 2-2: Existing Lift Stations

Lift Station Name (No.)	No. of Pumps	Firm Capacity (gpm)	Horse Power	TDH (ft)	Wet Well Diameter (ft)	Wet Well Depth (ft)
Corporate Drive (No. 1) <i>WWTP Influent Lift Station</i>	3	950	10	67	8	19.6
McCoy Road (No. 3)	2	317	2	45	3	10
Large Avenue ^(a) (No. 4)	2	300	15	49	8	24.2
Rogers Road (No. 5)	2	433	10	79	10	23
Lewis Lane (No. 6)	2	200	5	30.5	10	24
Lakeland ^(b) (No. 7) <i>In Lakeland Subdivision</i>	3	550 ^(c) 716 ^(d)	7.5	25.6	10	30.3
Bluewater ^(e) (No. 8)	2	287	5	38	10	27.9
Del Bello Lakes ^(f) (No. 9)	2	525	15	61	10	29

(a) Information based on bid plans for lift station expansion (Plans dated January 9, 2017)

(b) Information based on plans dated January 28, 2010

(c) Initial (existing) condition - duplex pump setup

(d) Final (future) condition - triplex pump setup

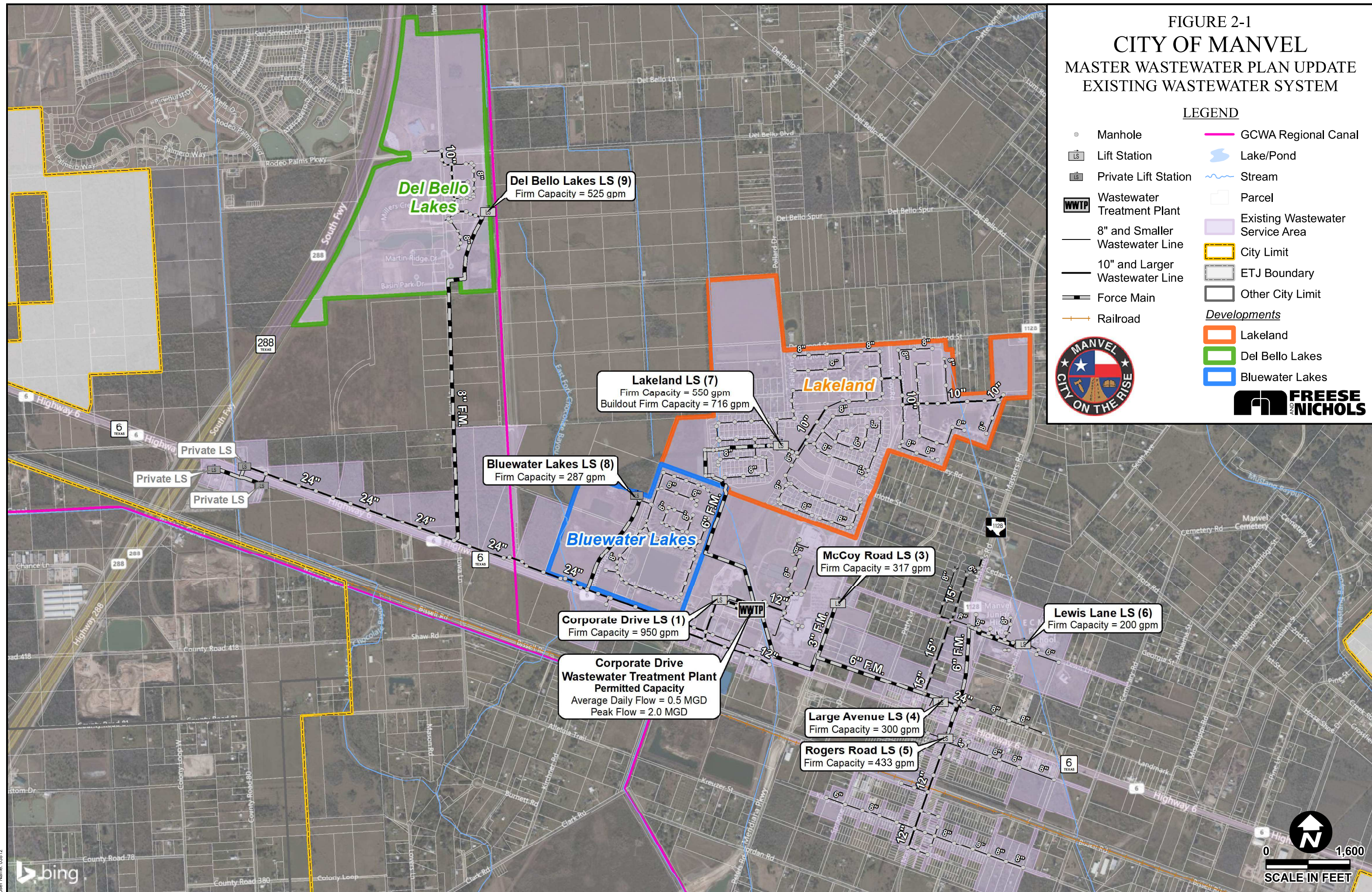
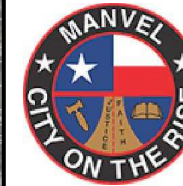
(e) Information based on lift station construction plans (Plans dated February 2, 2017)

(f) Information based on lift station construction plans (Plans dated March 7, 2019)

FIGURE 2-1
CITY OF MANVEL
MASTER WASTEWATER PLAN UPDATE
EXISTING WASTEWATER SYSTEM

LEGEND

- Manhole
- LS Lift Station
- Private Lift Station
- WWTP Wastewater Treatment Plant
- 8" and Smaller Wastewater Line
- 10" and Larger Wastewater Line
- Force Main
- Railroad
- GCWA Regional Canal
- Lake/Pond
- Stream
- Parcel
- Existing Wastewater Service Area
- City Limit
- ETJ Boundary
- Other City Limit
- Developments**
- Lakeland
- Del Bello Lakes
- Bluewater Lakes



2.3 COLLECTION SYSTEM

The City of Manvel's existing wastewater collection system consists of approximately 17 miles of gravity lines and approximately 5 miles of force mains. Wastewater gravity line diameters range from 4-inches to 24-inches. The majority of the collection system network is comprised of 8-inch wastewater lines. **Figure 2-2** illustrates the percentage of pipe length by diameter based on the City's geographic information system (GIS) database. Most of the known wastewater line material is Polyvinyl chloride (PVC), as illustrated on **Figure 2-3**. **Figure 2-4** shows the percentage of pipe length by installation decade where information was available. Most of the City's gravity lines were installed after 2013.

Figure 2-2: Gravity Line Length by Diameter

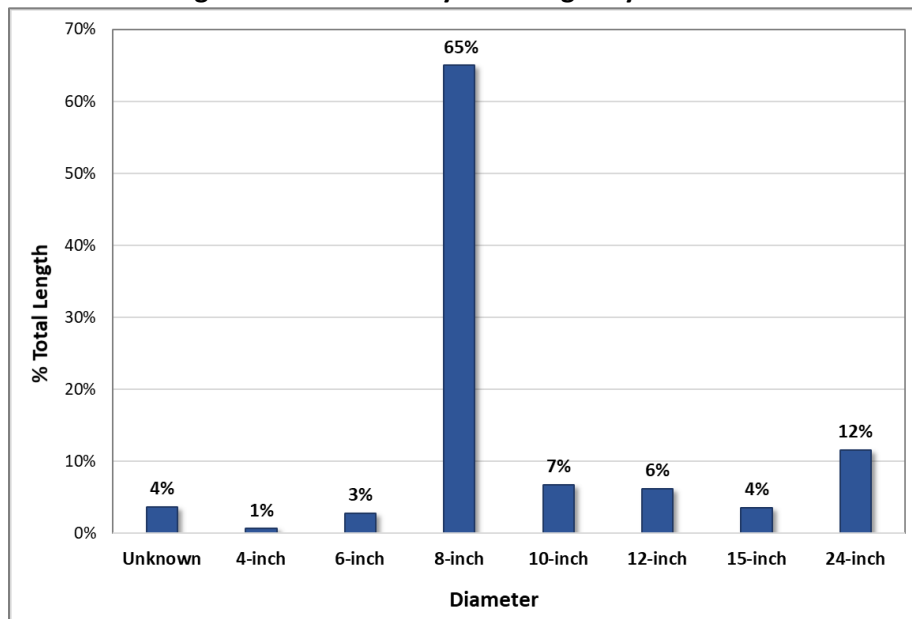


Figure 2-3: Gravity Pipe Length by Material

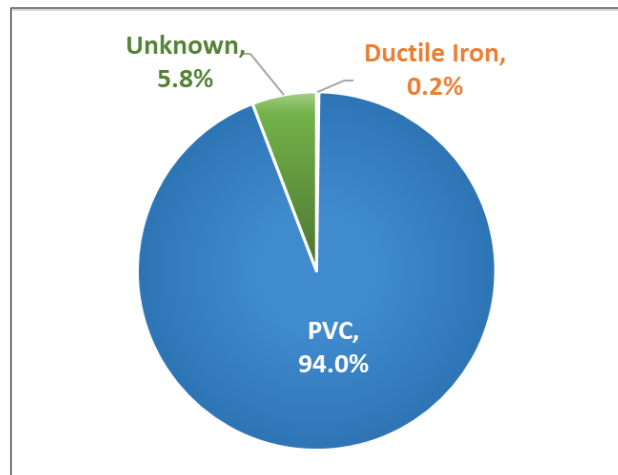
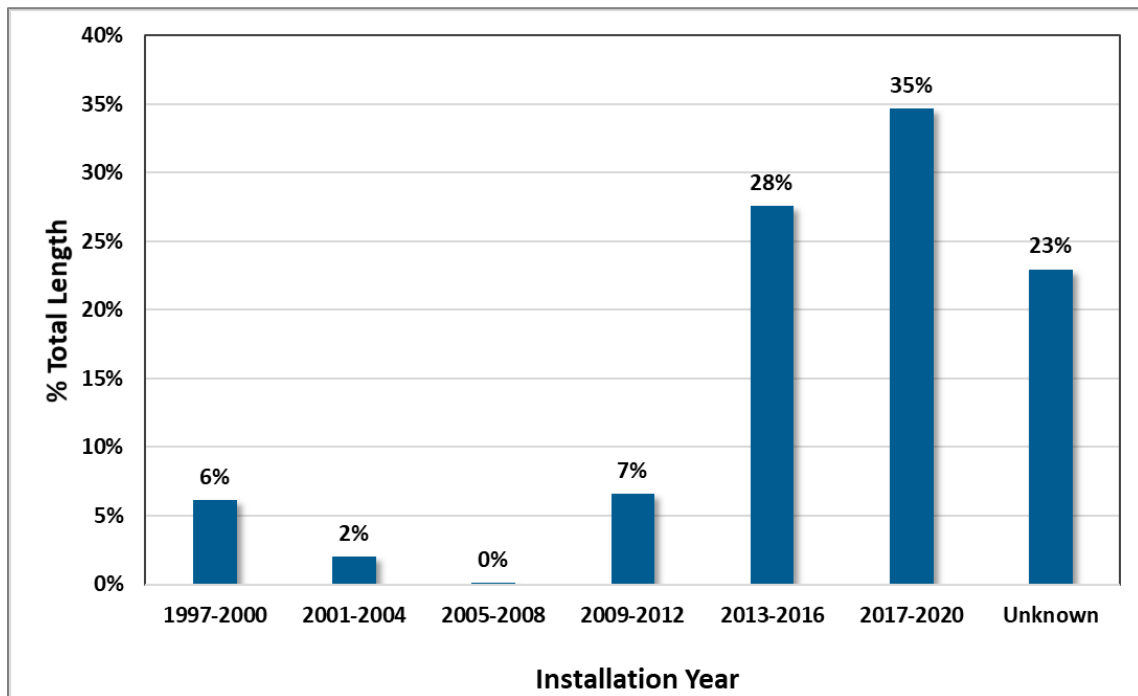


Figure 2-4: Gravity Pipe Length by Installation Year



The City recently completed construction of wastewater lines along Palmetto Street and Large Avenue. The GIS shapefiles and above figures have been updated to include the recently constructed lines per as-built plans or record drawings received from the City. These plans include:

- Large Avenue Sanitary Sewer Plan (2017)
- Terra Estates Sanitary Sewer Construction Plans (2020)

2.4 MUNICIPAL UTILITY DISTRICT (MUD) WASTEWATER TREATMENT PLANTS

In addition to the City of Manvel (Corporate Drive) wastewater treatment plant, there are four existing Municipal Utility District (MUD) WWTPs within the city limits and ETJ that serve the **Southfork**, **Sedona Lakes**, **Pomona**, **Rodeo Palms**, **Foxtail Palms**, **Newport Lake Estates**, and **Yanni Palms** developments. Information for these WWTPs, including the existing and future permitted average daily flow (ADF) and peak 2-Hour capacities are shown in **Table 2-3**.

Table 2-3: MUD Wastewater Treatment Plant Information

WWTP Name (Development) - TPDES Permit No.	Phase	ADF ⁽¹⁾ Permit (MGD)	Peak 2-Hour ⁽¹⁾ Permit (MGD)	Peaking Factor	Parcel Size (Acres)	Discharge ⁽¹⁾ Water(s)
Southfork - WQ0014322001	Interim II	0.48	1.90	4.0	5.8	American Canal in Segment No. 1100 of the San Jacinto- Brazos Coastal Basin
	Final	0.75	2.22	3.0		
Sedona Lakes - WQ0014756001	Interim I	0.15	0.6	4.0	4.58	Mustang Bayou
	Interim II	0.30⁽²⁾	1.2⁽²⁾	4.0		
	Final	0.60	2.4	4.0		
Pomona - WQ0014641001	Interim I	0.125	0.5	4.0	3.7	Mustang Bayou
	Interim II	0.25⁽³⁾	1.0⁽³⁾	4.0		
	Interim III	0.375	1.5	4.0		
	Final	0.50	2.0	4.0		
Rodeo Palms - WQ0014253001	Interim I	0.225	0.64	4.0	0.84	Brazoria County Drainage District No. 4 ditch E102-00- 00, thence to Chocolate Bayou
	Interim II	0.375	1.12	3.0		
	Final	0.450⁽⁴⁾	1.27⁽⁴⁾	2.8		

(1) Permitted flow and discharge information from TCEQ TPDES Permits (Appendix C)

(2) Sedona Lakes has completed the first permitted expansion to 0.30 MGD ADF, and 1.2 Peak 2-Hour Flow

(3) Pomona has completed the first permitted expansion to 0.25 MGD ADF, and 1.0 Peak 2-Hour Flow

(4) Rodeo Palms has completed the final permitted expansion to 0.450 MGD ADF, and 1.27 Peak 2-Hour Flow. This WWTP serves Rodeo Palms, Foxtail Palms, Newport Lake Estates, and Yanni Palms developments.

3.0 LAND USE AND GROWTH PROJECTIONS

Land use and growth projections are important elements in the analysis of wastewater collection systems. Wastewater loads are dependent on the residential population and commercial development served by the system and affect the sizing and location of system infrastructure. FNI worked with City staff to develop growth projections for Manvel and also utilized information collected from the existing and upcoming developments within the city limits and ETJ. These growth projection assumptions were utilized throughout the *2022 Master Wastewater Plan Update*.

3.1 WASTEWATER SERVICE AREA

The City's existing wastewater collection system extends along Highway 6 from State Hwy 288 to the east and includes service to customers in **Lakeland**, **Bluewater Lakes**, and **Del Bello Lakes** development as well as additional connections within the city limits. The current wastewater service area covers approximately 2.3 square miles and is shown in **purple** on **Figure 3-1**.

There are three MUD WWTPs and associated collection system infrastructure within the **Rodeo Palms**, **Pomona**, and **Southfork** developments that serve customers west of SH 288 within Manvel city limits and ETJ and a fourth MUD WWTP to the north at **Sedona Lakes** development. These MUD WWTPs are independent from the City's collection system. This master plan incorporates a 20-year planning period, during which the City plans to assume ownership and operation of the independent wastewater systems to the west of SH 288 discussed above as well as extend wastewater service to additional customers within the city limits. The 20-year wastewater service area for this master plan covers approximately 30 square miles and is shown in **green** on **Figure 3-1**.

Future Developments

FNI worked with City staff to identify future developments as shown on **Figure 3-2**. This includes the existing and anticipated development in the Manvel ETJ including Rodeo Palms, Pomona, Southfork, Town Center, Foxtail Palms, Newport Lake Estates, Yanni Palms, MUD 47 and Avellino Palms, Presidio, Valencia, Terra Estates, Manvel City Center, Sedona Lakes, and Meridiana. Additional information on these developments is provided in the following sub-sections of this report.

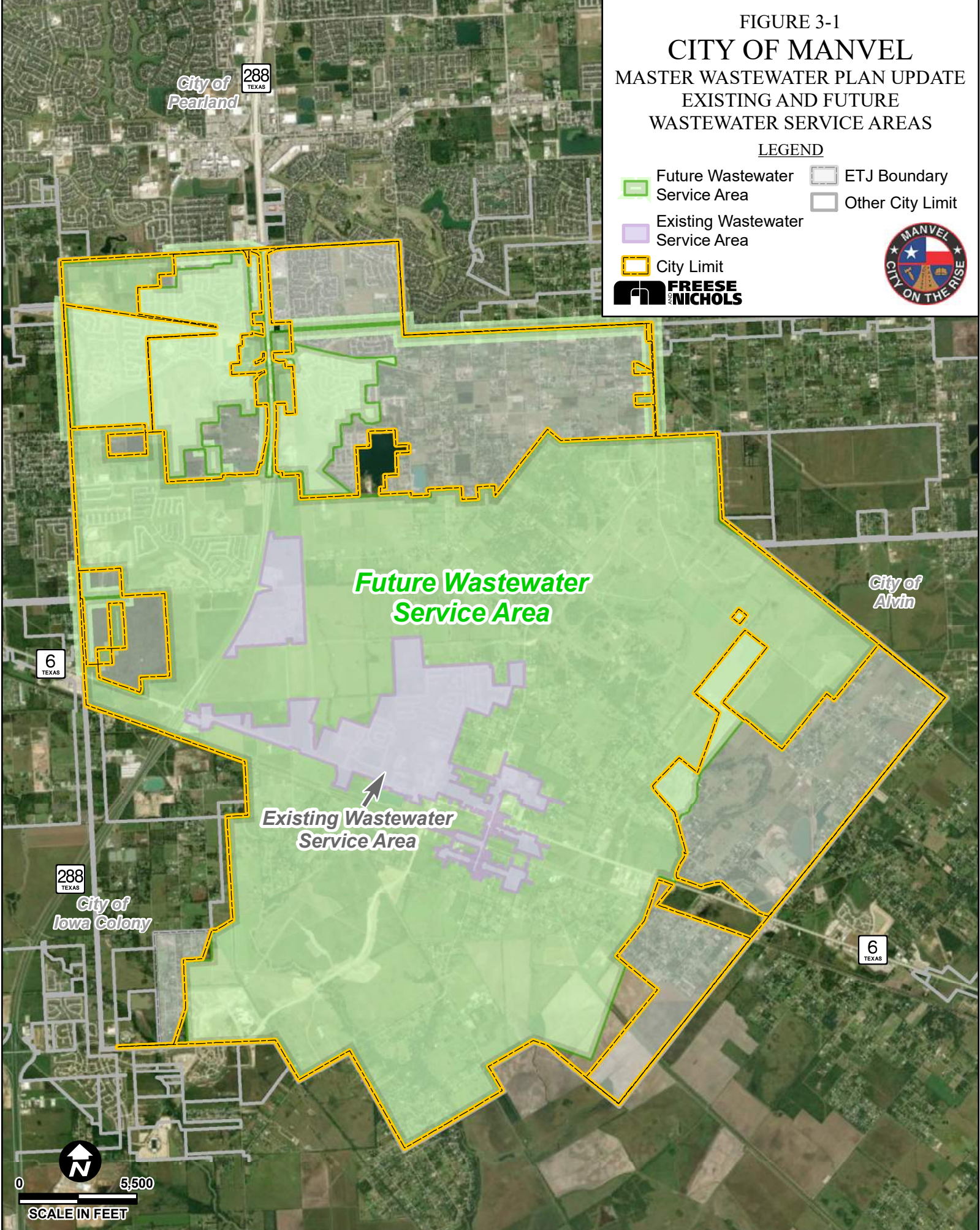
Infill Areas

Infill projections were developed for parcels not already identified as an anticipated development. This allows the City to plan for wastewater service to these additional areas with the potential to develop within the city limits. Based on the general location, these are referred to as City Central, City East, City West, and City South infill areas in this master plan.

FIGURE 3-1
CITY OF MANVEL
 MASTER WASTEWATER PLAN UPDATE
 EXISTING AND FUTURE
 WASTEWATER SERVICE AREAS

LEGEND

- Future Wastewater Service Area
- Existing Wastewater Service Area
- City Limit
- ETJ Boundary
- Other City Limit



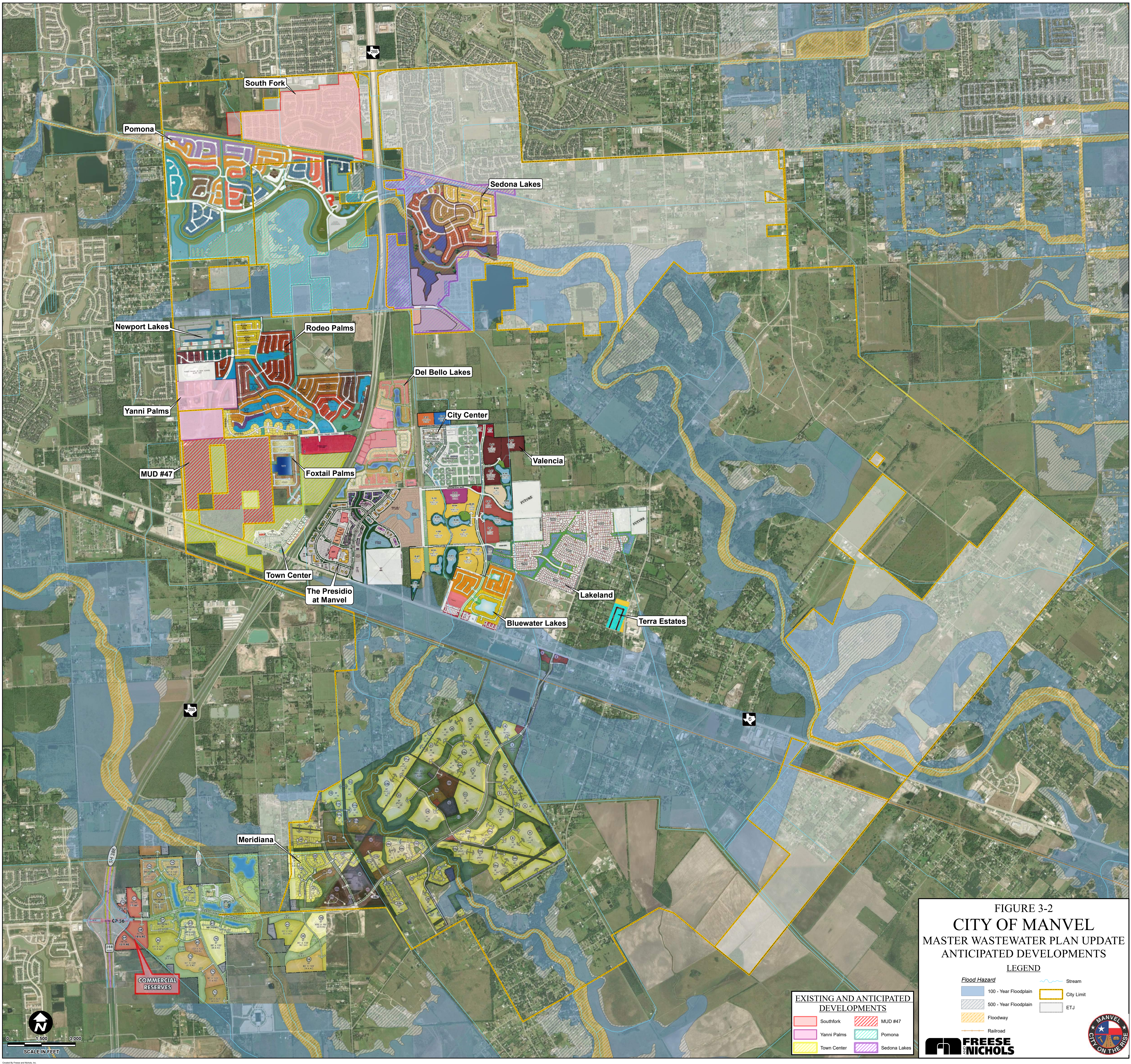


FIGURE 3-2
CITY OF MANVEL
MASTER WASTEWATER PLAN UPDATE
ANTICIPATED DEVELOPMENTS

LEGEND

Flood Hazard

- 100 - Year Floodplain
- 500 - Year Floodplain
- Floodway

Stream

- Stream

City Limit

- City Limit

ETJ

- ETJ

Railroad

- Railroad

EXISTING AND ANTICIPATED DEVELOPMENTS

- Southfork
- Yanni Palms
- Town Center
- MUD #47
- Pomona
- Sedona Lakes

FREESE NICHOLS

MANVEL CITY ON THE RISE

Created By: Freese and Nichols, Inc.
Date: 08/08/2012
Project: Manvel Master Wastewater Plan Update
Drawing: Anticipated Developments
Scale: As Shown
Sheet: 3 of 3

3.2 GROWTH PROJECTIONS

The growth in residential and commercial wastewater connections will inform the location, sizing, and timing of future wastewater infrastructure. Projecting residential and commercial growth is challenging, especially for small geographic areas such as individual cities because it can be difficult to predict how fast or slow development will occur when there are a variety of circumstances that can impact it. A thorough analysis of projected growth in the wastewater service area provides the basis for future wastewater loads and infrastructure recommendations.

3.2.1 Existing Wastewater Connections

The City utilizes equivalent single family connections (ESFCs) to project wastewater loads and to determine the sizing and location of wastewater system infrastructure. These represent residential and commercial wastewater customers. Each ESFC represents a wastewater load (gallons/day) that must be conveyed and treated by the wastewater system. The City of Manvel Utility Billing Department provided information on existing number of water meters and their corresponding sizes. Utilizing this data and additional information received from the City, it was calculated that as of July 2021, Manvel served 1,635 ESFCs in their wastewater system.

3.2.2 Projected Wastewater Connections

FNI developed projected wastewater ESFCs for the **5-year**, **10-year**, and **20-year** planning periods for this *2022 Master Wastewater Plan Update*. During this study, FNI received future projection information from the City, developers, and available development documents for the anticipated developments shown on **Figure 3-2**. The developers of each anticipated development supplied projected buildout connections and an approximate growth per year. For developments where a phasing plan was unavailable, FNI worked with the City staff to develop growth assumptions. In addition to the known developments, growth projections were also developed for select areas within the wastewater service area identified as having potential for growth (infill areas) within the 20-year planning period. A summary of data sources utilized during wastewater ESFCs projections are provided below:

- Information from development engineers for known developments (where available)
- Input from City Staff
- Developed lot counts from recent aerial photography

- Assumptions for timing of development, connections/acre, and city infill based on developer information and related project experience

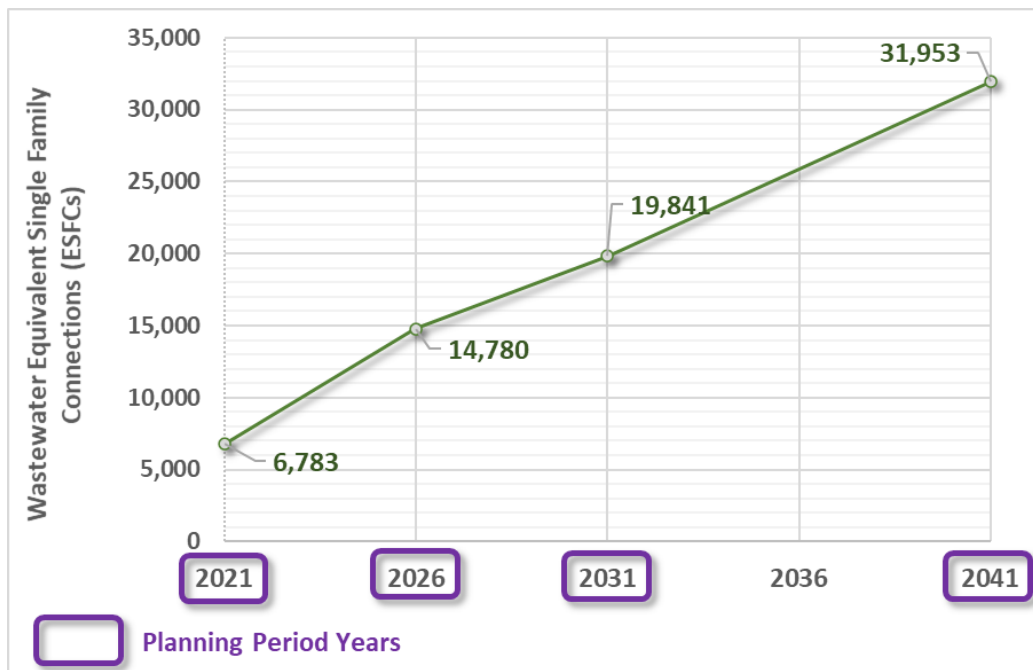
The total projected ESFCs by planning year are presented in **Table 3-1** and on **Figure 3-3**. Planning year ESFCs for individual developments as well as infill areas are shown on **Figure 3-4**. Detailed information on projected wastewater connections for each development are included in **Table 3-2**.

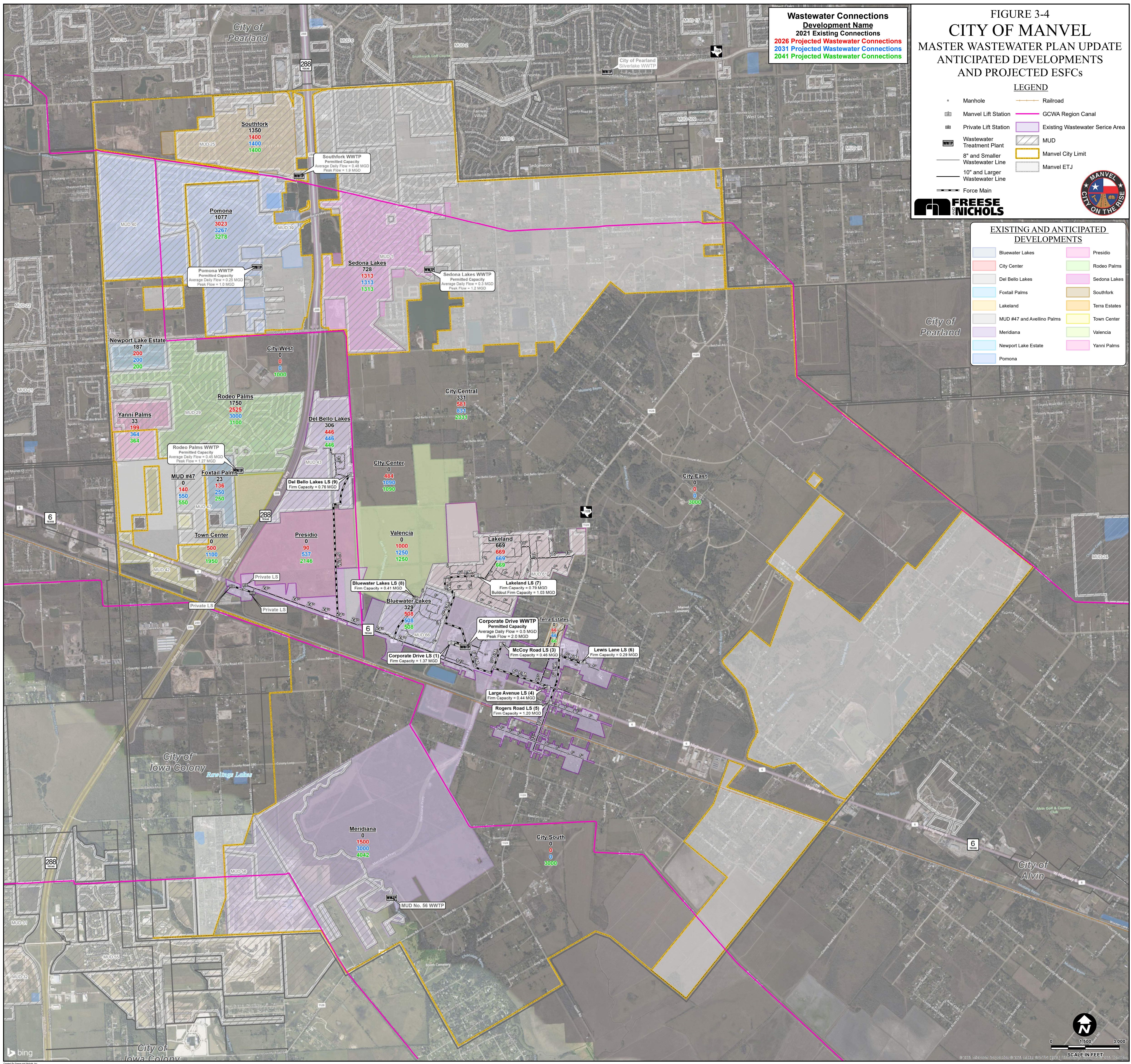
Table 3-1: Projected Wastewater ESFCs

Year	Projected Wastewater ESFCs		
	City Limits	ETJ	Total
2021	3,628 ⁽¹⁾	3,155	6,783
2026	8,904	5,876	14,780
2031	13,311	6,530	19,841
2041	25,412	6,541	31,953

(1) Includes existing wastewater connections in developments within city limits that are not currently served by the City.

Figure 3-3: Projected Wastewater ESFCs





Master Wastewater Plan Update

Table 3-2: Projected Wastewater ESFCs per Development

Development/Area		BC MUD #	ESFCs		Buildout Year	Notes on Projected ESFCs and Growth Rate
			2021	2041 ⁽¹⁾		
West Basin	Rodeo Palms	MUD #29	1,750	3,100	2033	Received from Developer
	Pomona	MUD #39 and #40	1,077	3,278	2032	Received from Developer
	Southfork	MUD #25	1,350	1,400	2024	Received from Developer
	Town Center	MUD #42	0	1,950	2039	Received from Developer
	Foxtail Palms	MUD #29	23	250	2031	Buildout information from Developer
	Newport Lake Estates		187	200	2022	Existing and buildout information, and buildout year from City
	Yanni Palms		33	364	2031	Buildout information from Developer
	MUD 47 and Avellino Palms	MUD #47	0	550	2031	Buildout information from Developer; assuming Avellino Palms Buildout by 2026
	City West	-	0	1,000	Beyond 2041	Assumed 100 ESFCs added to the City's collection system per year beyond 10-years (starting 2032).
Central Basin	Del Bello Lakes	MUD #43	306	446	2022	Existing and buildout information, and buildout year from City
	Presidio	MUD #30	0	2,146	2041	Buildout projections from developer; to be completed in 5-15 years; master plan projections assuming starts in 2026; 25% Buildout by 2031, 50% Buildout by 2036, 100% Buildout by 2041.
	Valencia	-	0	1,250	2027	Buildout ESFCs of from Developer; Projected to start construction in 2022 per City; projected buildout year from developer.
	Manvel City Center	-	0	1,090	2031	Calculated wastewater ESFCs based on approved Mancel City Center Scheme B; projected to start in 2023 and buildout by 2031 per City
	Bluewater Lakes	MUD #66	329	508	2022	Existing and buildout information, and buildout year from City
	Lakeland	MUD #61	669	669	2021	Buildout information from City
	Terra Estates		0	66	2023	Buildout information from City
	City Central	-	331	2,331	Beyond 2041	Applied 2.0 connections/acre for all land (including currently developed) in the Central Basin not in a currently identified development, in the 100-year floodplain, on the selected WWTP parcels, or in the ETJ. Assumed 50 connections/year through 2031. Assumed 150 connections/year everywhere through 2041.
East Basin	City East	-	0	3,000	Beyond 2041	Applied 2.0 connections/acre for all land (including currently developed) in the East Basin not in a currently identified development, in the floodplain, on the selected WWTP parcels, or in the ETJ. Assumed 300 ESFCs added per year beyond 2031.
South Basin	City South	-	0	3,000	Beyond 2041	Applied 2.0 connections/acre for all land (including currently developed) in the South Basin not in a currently identified development, in the floodplain, on the selected WWTP parcels, or in the ETJ. Assumed 300 ESFCs added per year beyond 2031.
	Sedona Lakes	MUD #1	728	1,313	2025	Received from Developer
Meridiana		MUD # 56 and #57	0	4,042	2035	Received from City

(1) All projections end at the 20-Year planning period (2041)

4.0 WASTEWATER FLOWS

Planning for future wastewater infrastructure is dependent on the amount of average daily and peak wastewater flow that must be collected, conveyed, and treated. Wastewater treatment plants are sized based on average daily flows, while the collection system infrastructure, including lift stations, is sized to convey peak wastewater flows.

In this master plan update, FNI documented the existing City of Manvel (Corporate Drive) WWTP historical wastewater flows and the City's wastewater flow design criteria. FNI also developed wastewater service areas for regional wastewater conveyance and treatment infrastructure, and projected average day and peak wastewater flows for the existing, **5-year**, **10-year**, and **20-year** planning periods in this study. These flows were utilized in the hydraulic modeling and system planning to develop future wastewater collection and treatment system improvements.

4.1 HISTORICAL WASTEWATER FLOWS

The City provided FNI with monthly average wastewater effluent data from July 2009 to June 2020. More recent annual average flows for the City of Manvel (Corporate Drive) WWTP were obtained from Texas Commission on Environmental Quality (TCEQ) Texas Pollutant Discharge Monitoring Reports (DMRs). The City of Manvel WWTP was permitted for 0.25 MGD of annual average daily flow (AADF) until January 2019 when the permitted AADF was increased to 0.5 MGD and the plant was expanded. The historical WWTP flows are shown in **Table 4-1**.

Table 4-1: Historical City of Manvel WWTP Flows

Year	Annual Average Daily Flow ⁽¹⁾ (MGD)
2016	0.18
2017	0.16
2018	0.12
2019	0.16
2020	0.19
2021	0.26
Average	0.18
Maximum	0.26

(1) Data from TCEQ website

4.2 REGIONAL WASTEWATER TREATMENT PLANT SERVICE AREAS

The City's existing wastewater system consists of a single wastewater service area that collects wastewater flows and conveys them to the City of Manvel (Corporate Drive) WWTP. For the City's future wastewater system, FNI delineated six distinct wastewater service areas that will each convey wastewater flows to regional wastewater treatment facilities.

1. Central Wastewater Service Area

The City currently owns and operates the wastewater treatment plant located at 7315 Corporate Drive. This WWTP was expanded to an average day capacity to 0.5 MGD in 2019. The City also owns approximately 6.5 acres of land near the existing WWTP site that has been selected for a regional wastewater treatment facility that will expand the total treatment capacity for the Central region.

The City's existing wastewater treatment plant serves residential and commercial City connections, as well as the **Lakeland**, **Bluewater Lakes**, and **Del Bello Lakes** developments, as of July 2021. The Central Wastewater Service Area is also planned to include all projected wastewater flows from the **Presidio**, **Valencia**, **Terra Estates**, and **Manvel City Center** developments. The capital improvements plan (discussed in **Section 8.0**) identifies infrastructure to treat and convey wastewater flows from the Central Service Area to a regional WWTP in the Central Wastewater Service Area for treatment. The proposed **Central** Wastewater Service Area is shown on **Figure 4-1**.

2. East Wastewater Service Area

The City does not currently have wastewater infrastructure in the eastern portions of the Manvel city limits but anticipates extending wastewater service to customers in these areas in the future. Existing residential and commercial properties in these areas are primarily rural, and there are large portions of vacant, developable land. The East service area will be part of the Mustang Bayou watershed north of the Bissel Road, and the topography in this area slopes generally from the northwest to the southeast. This study recommends a new East Service Area Regional Lift Station to pump wastewater flows generated in these areas to the **Central** WWTP. This lift station is proposed to be located near Mustang Bayou and Hwy 6. The proposed **East** Wastewater Service Area is shown on **Figure 4-1**.

3. West Wastewater Service Area

There are eight (8) existing and anticipated developments west of State Highway (SH) 288 that are inside the City's ETJ and/or city limits. There are three MUD WWTPs in this area. The MUD WWTPs at **Southfork** and **Pomona** serve the respective developments. The MUD WWTP at **Rodeo Palms** serve Rodeo Palms **Foxtail Palms**, **Newport Lake Estates**, **Yanni Palms**, and plan to serve **MUD 47** and **Avellino Palms** developments. The service is to be established by a development agreement. The upcoming **Town Center** development is currently undergoing construction of a WWTP for the development. The City's 2017 *Master Wastewater Plan* proposed a regional WWTP to the west of SH 288 due to the difficulty and cost associated with transferring wastewater flows across the highway. This regional WWTP is planned to serve the **West** Wastewater Service Area (shown on **Figure 4-1**) and allow for the consolidation of all of the MUD plants West of SH 288.

The first phase of the West Regional WWTP is scheduled to be under design as of December 2021 in the vicinity of the **Rodeo Palms** development for an annual average day flow capacity of 2.0 MGD. This study includes recommendation of a future expansion of this WWTP to eventually serve all the wastewater flows generated in this service area.

4. Sedona Lakes Wastewater Service Area

The **Sedona Lakes** development in the Manvel ETJ has an existing MUD WWTP that serves the flows generated within the development. Due to the general location of this development and potential cost of infrastructure to transfer flows to other service areas, it is recommended that Sedona Lakes continue to be served as its own service area. It is also recommended that the City takes over the operation of this WWTP and continue operating this as the Sedona Lakes Service Area WWTP. The proposed **Sedona Lakes** Wastewater Service Area is shown on **Figure 4-1**.

5. South Wastewater Service Area

The area within the city limits south of Bissel Road is identified as the **South** service area. Existing residential and commercial properties in these areas are primarily rural, and there are large portions of vacant, developable land. This study includes recommendation of a new South Area Regional Wastewater Treatment Plant to treat wastewater flows generated in this area. The proposed **South** Wastewater Service Area is shown on **Figure 4-1**.

6. Meridiana Wastewater Service Area (Manvel City Limits)

The **Meridiana** development spans portions of the City of Iowa Colony and the City of Manvel. The portion of Meridiana within the City of Manvel is located in Brazoria County MUDs 56 and 57. This development is planning to have its own collection system infrastructure and WWTP (currently under construction). There will be potential for future consolidation of the Meridiana WWTP and conveying the flows to the South Regional WWTP in future beyond the scope of this study. FNI quantified the projections from the Meridiana development within the Manvel city limits separately from the South service area and these projections are shown under **Meridiana** Wastewater Service Area on **Figure 4-1**.

FIGURE 4-1
CITY OF MANVEL
 MASTER WASTEWATER PLAN UPDATE
 REGIONAL WASTEWATER
 SERVICE AREAS

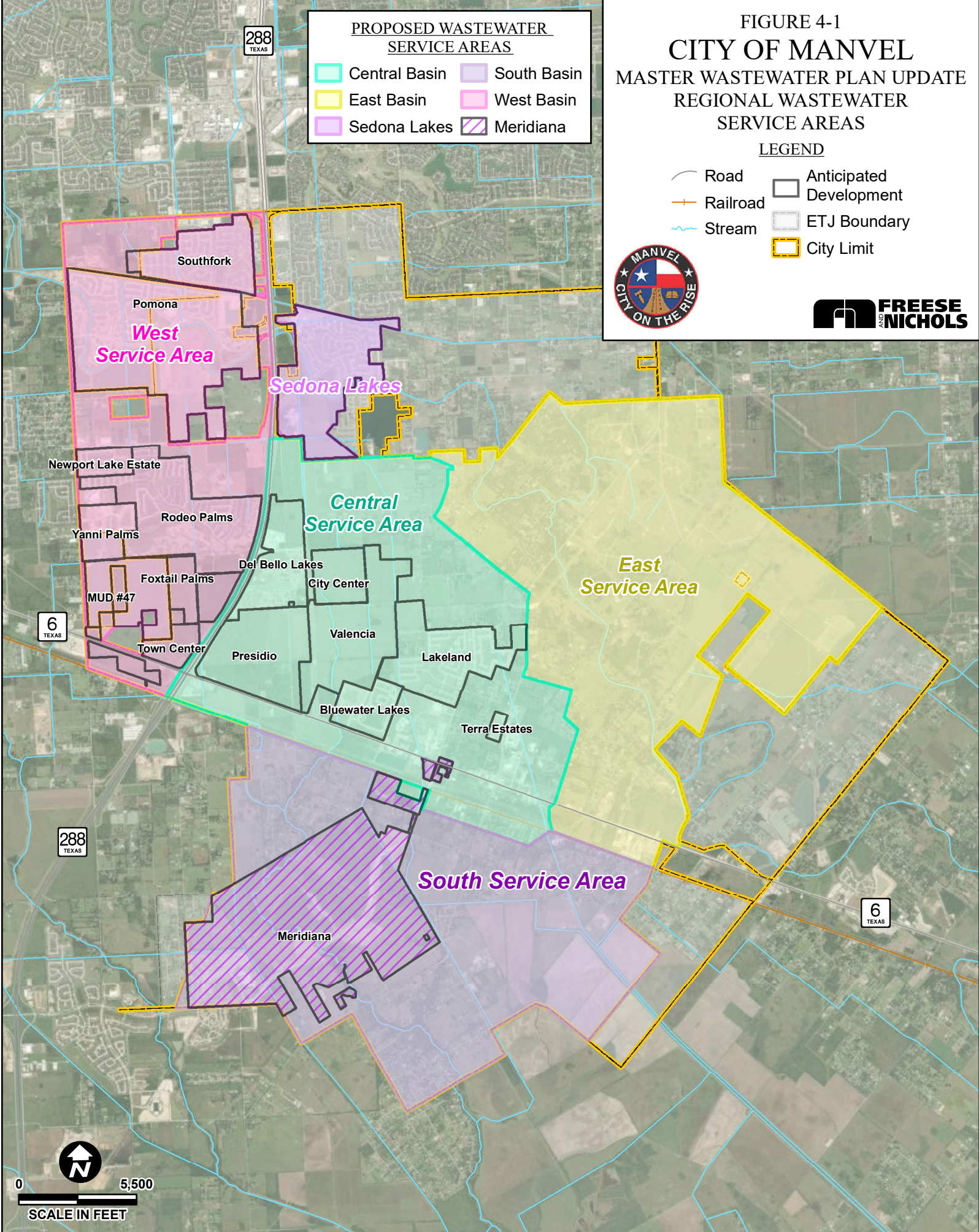
LEGEND

- | | |
|--|---|
|  Road |  Anticipated Development |
|  Railroad |  ETJ Boundary |
|  Stream |  City Limit |



PROPOSED WASTEWATER
 SERVICE AREAS

- | | |
|---|---|
|  Central Basin |  South Basin |
|  East Basin |  West Basin |
|  Sedona Lakes |  Meridiana |



4.3 WASTEWATER FLOW PROJECTIONS

4.3.1 Wastewater Flow Design Criteria

The City of Manvel utilizes a design criteria of 315 gallons per day of wastewater flow per equivalent single family connection (ESFC). Based on the historical WWTP flows, FNI recommends applying this design criteria to all projected wastewater ESFCs in this Master Plan to calculate average day wastewater flows. For peak flows, FNI recommends using a peaking factor of 4.0, based on TCEQ guidelines in the absence of site specific data (30 TAC §217.32 (a)(2)). The planning criteria used for developing all projected average day and peak wastewater flows for this Master Plan is shown in **Table 4-2**.

Table 4-2: Wastewater Flow Design Criteria

Wastewater Connection Unit	Average Day Wastewater Flow	Peak Wastewater Flow
ESFC ⁽¹⁾	315 gallons per day	4.0 x 315 gallons per day

(1) Equivalent Single Family Connection

4.3.2 Projected Wastewater Flows

FNI calculated future wastewater flows based on the projected equivalent single family connections and wastewater flow design criteria. The projected average day and peak wet weather wastewater flows for the wastewater service area (**Figure 3-1**) for each planning year are shown in **Table 4-3**. The existing and projected wastewater flows are shown graphically on **Figure 4-2**.

Table 4-3: Projected Wastewater Flows

Year	Projected Wastewater ESFCs			Average Daily Flow (ADF) (MGD)			Peak Wet Weather Flow (MGD)		
	City Limits	ETJ	Total	City Limits	ETJ	Total	City Limits	ETJ	Total
2021	3,628 ⁽¹⁾	3,155	6,783	1.14	0.99	2.1	4.57	3.98	8.5
2026	8,904	5,876	14,780	2.80	1.85	4.7	11.22	7.40	18.6
2031	13,311	6,530	19,841	4.19	2.06	6.2	16.77	8.23	25.0
2041	25,412	6,541	31,953	8.00	2.06	10.1	32.02	8.24	40.3

(1) Includes existing wastewater connections in developments within city limits not currently served by the City.

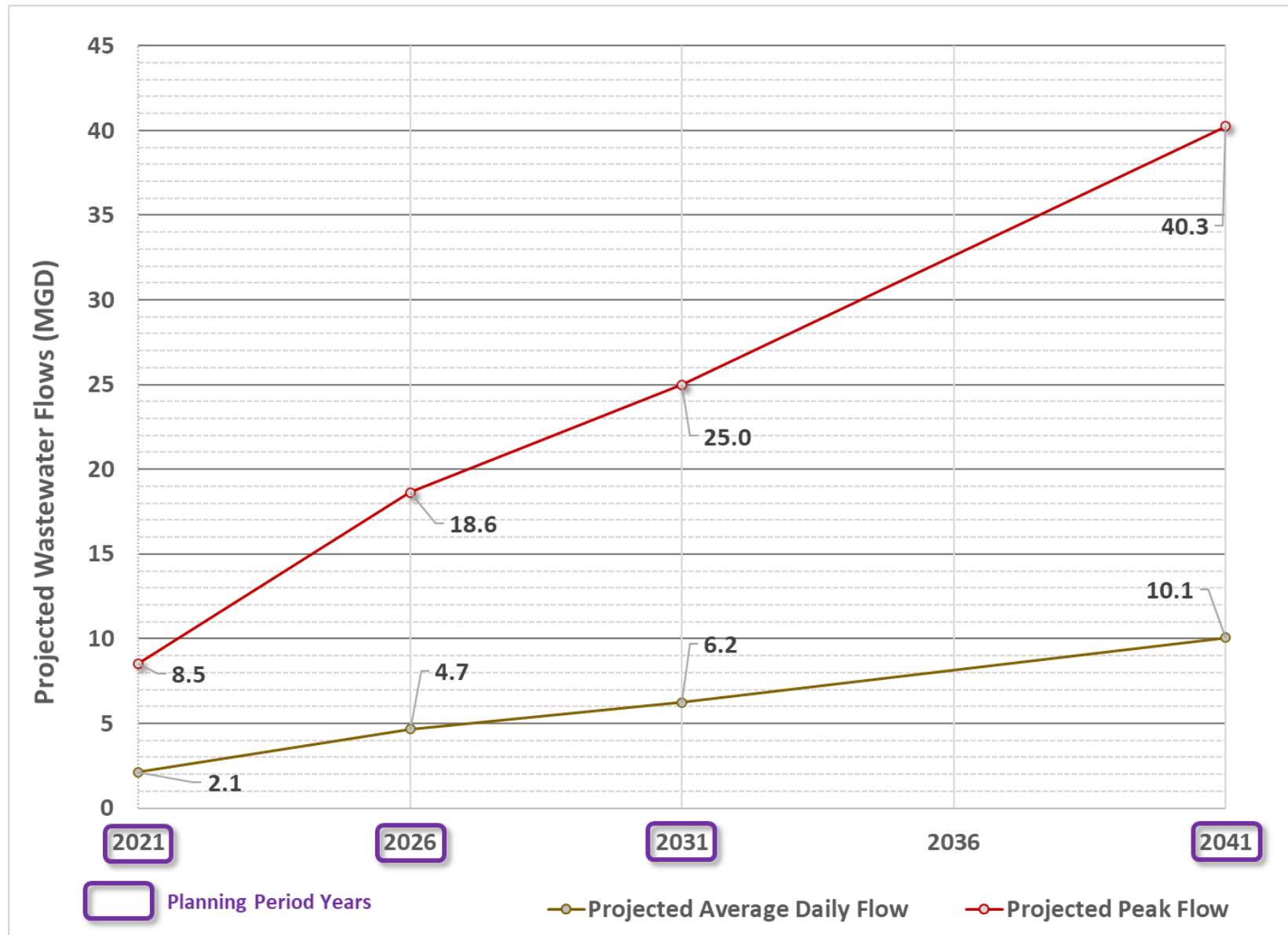
Table 4-4 summarizes the projected ESFCs, average day wastewater flows, and peak wet weather wastewater flows for each development and WWTP Service Area for each planning year.

Table 4-4: Projected Wastewater Flows by Service Area

Development/Area		2021 (Existing)				2026 (5-year)				2031 (10-year)				2041 (20-year)			
		ESFCs ⁽¹⁾	%	ADF	Peak	ESFCs ⁽¹⁾	%	ADF	Peak	ESFCs ⁽¹⁾	%	ADF	Peak	ESFCs ⁽¹⁾	%	ADF	Peak
West Basin	Rodeo Palms	1,750	56%	0.55	2.2	2,525	81%	0.80	3.2	3,000	97%	0.95	3.8	3,100	100%	0.98	3.9
	Pomona	1,077	33%	0.34	1.4	3,023	92%	0.95	3.8	3,267	100%	1.03	4.1	3,278	100%	1.03	4.1
	Southfork	1,350	96%	0.43	1.7	1,400	100%	0.44	1.8	1,400	100%	0.44	1.8	1,400	100%	0.44	1.8
	Town Center	0	0%	0.00	0.0	500	26%	0.16	0.6	1,100	56%	0.35	1.4	1,950	100%	0.61	2.5
	Foxtail Palms	23	9%	0.01	0.0	136	54%	0.04	0.2	250	100%	0.08	0.3	250	100%	0.08	0.3
	Newport Lake Estates	187	86%	0.06	0.2	200	100%	0.06	0.3	200	100%	0.06	0.3	200	100%	0.06	0.3
	Yanni Palms	33	9%	0.01	0.0	199	55%	0.06	0.3	364	100%	0.11	0.5	364	100%	0.11	0.5
	MUD 47 and Avellino Palms	0	0%	0.00	0.0	140	25%	0.04	0.2	550	100%	0.17	0.7	550	100%	0.17	0.7
	City West	0	-	0.00	0.0	0	-	0.00	0.0	0	-	0.00	0.0	1,000	-	0.32	1.3
	West Basin Subtotal	4,420	-	1.4	5.6	8,123	-	2.6	10.2	10,131	-	3.2	12.8	12,092	-	3.8	15.2
Central Basin	Del Bello Lakes	306	69%	0.10	0.4	446	100%	0.14	0.6	446	100%	0.14	0.6	446	100%	0.14	0.6
	Presidio	0	0%	0.00	0.0	90	4%	0.03	0.1	537	25%	0.17	0.7	2,146	100%	0.68	2.7
	Valencia	0	0%	0.00	0.0	1,000	80%	0.32	1.3	1,250	100%	0.39	1.6	1,250	100%	0.39	1.6
	Manvel City Center	0	0%	0.00	0.0	484	44%	0.15	0.6	1,090	100%	0.34	1.4	1,090	100%	0.34	1.4
	Bluewater Lakes	329	65%	0.10	0.4	508	100%	0.16	0.6	508	100%	0.16	0.6	508	100%	0.16	0.6
	Lakeland	669	100%	0.21	0.8	669	100%	0.21	0.8	669	100%	0.21	0.8	669	100%	0.21	0.8
	Terra Estates	0	0%	0.00	0.0	66	100%	0.02	0.1	66	100%	0.02	0.1	66	100%	0.02	0.1
	City Central	331	-	0.10	0.4	581	-	0.18	0.7	831	-	0.26	1.0	2,331	-	0.73	2.9
	Central Basin Subtotal	1,635	-	0.5	2.1	3,844	-	1.2	4.8	5,397	-	1.7	6.8	8,506	-	2.7	10.7
Sedona Lakes		728	55%	0.23	0.9	1,313	100%	0.41	1.7	1,313	100%	0.41	1.7	1,313	100%	0.41	1.7
City East		0	-	0.00	0.0	0	-	0.00	0.0	0	-	0.00	0.0	3,000	-	0.95	3.8
City South		0	-	0.00	0.0	0	-	0.00	0.0	0	-	0.00	0.0	3,000	-	0.95	3.8
Meridiana		0	0%	0.00	0.0	1,500	37%	0.47	1.9	3,000	74%	0.95	3.8	4,042	100%	1.27	5.1
Total		6,783	-	2.1	8.5	14,780	-	4.7	18.6	19,841	-	6.2	25.0	31,953	-	10.1	40.3

(1) Equivalent Single Family Connection (ESFC). One ESFC = 315 Gallons of wastewater flow/day
(2) Percent Developed based on [ESFCs/2041 ESFCs]
(3) Peak Flow = 4.0 x Average Day Flow (ADF)

Figure 4-2: Projected Wastewater Flows



5.0 WASTEWATER MODEL UPDATE

The City's existing wastewater hydraulic model was developed during the *2017 Master Wastewater Plan* utilizing the InfoSewer® software by Innovyze. This software has GIS interoperability and makes use of engineering equations and mathematical algorithms to determine the flows and velocities that would occur in a collection system under a specified set of conditions.

During this 2021 update, the model was updated with recently completed wastewater infrastructure and updated flow projections. The updated model was utilized during the development of collection system capital improvement projects to improve the existing system and accommodate projected wastewater flows through 2041.

Various combinations of improvements and system modifications were investigated to assess options for conveying projected flows to regional wastewater treatment plants. Parameters used in developing the capital improvements plan included increasing system reliability, simplifying system operations, conveying peak wet weather flows and reducing the likelihood of surcharging and sanitary sewer overflows.

5.1 MODELED INFRASTRUCTURE

All wastewater gravity lines with diameters of 10-inches or larger, existing force mains and active lift station in the planning period were included in the model utilizing the latest wastewater GIS shapefile. The modeled infrastructure was updated to incorporate the following recently constructed projects based on the as-built plans:

- Large Avenue Sanitary Sewer Plan (2017)
- Terra Estates Sanitary Sewer Construction Plans (2020)
- Bluewater Lakes Lift Station No. 1 (2017)
- Del Bello Lakes Lift Station No. 1 (2019)

In this model, any missing manhole rim elevations were populated using as-built data (where available) or interpolated ground elevations from a triangular irregular network (TIN) of two-foot contours. For missing gravity line invert data, Texas Commission on Environmental Quality (TCEQ) minimum slopes were assigned to the wastewater lines, beginning at the last known invert elevation. The wet well and pumping

facilities were manually added to the model based on as-built drawings, information provided by the City, and engineering judgment.

The proposed collection system infrastructure, including manholes, gravity mains, force mains and lift stations, were added to the model as part of the system analysis. The model consists of approximately 225 links (gravity lines and force mains), 240 nodes (manholes and wet wells and including three outfalls), 14 lift stations, and 19 pumps.

6.0 WASTEWATER SYSTEM ANALYSES

FNI developed wastewater system improvements to accommodate the projected flows from residential and commercial growth. Hydraulic analyses were conducted to develop these improvements into a phased capital improvements plan to convey and treat the projected wastewater flows over the 20-year period through 2041. In order to serve the projected 20-year growth and regionalize wastewater treatment facilities, the City of Manvel should consider the following:

- Construct a new phased Central wastewater treatment plant expanding the existing Central region wastewater treatment capacity and eventually building future capacity (currently in preliminary design phase)
- Construct regional transfer infrastructure to pump wastewater flows from the East Service Area to the Central Service Area
- Construct a new wastewater treatment plant in the South service area
- Construct consolidation infrastructure and expand treatment capacity in the West Service Area
- Extend wastewater service via gravity lines, lift stations, and force mains to areas of growth where little or no infrastructure currently exists

6.1 GRAVITY LINE AND LIFT STATION DESIGN CRITERIA AND ANALYSES

The Texas Commission on Environmental Quality (TCEQ) provides specific design criteria for new wastewater gravity lines and lift stations. FNI utilized these design criteria for the recommended wastewater system improvements.

6.1.1 Design Criteria for Gravity Lines

When determining the size of proposed wastewater lines, TCEQ §217.53 (a)(1) dictates that the collection system must be designed to transport the peak wet weather flows. Per TCEQ §217.53 (l)(1), collection systems must also be designed to maintain a minimum velocity of 2 feet/second when flowing at full capacity. Maintaining these velocities discourages the settling of solids. In accordance with this, TCEQ has established minimum slope guidelines in §217.53 (l)(2)(A). These are shown in **Table 6-1**. TCEQ §217.55 (g) Table C.3 provides maximum manhole spacing based on pipeline diameter. These are provided in **Table 6-2**. The recommended gravity lines were sized based the above TCEQ criteria.

Table 6-1: TCEQ Minimum Slopes

Diameter of Pipe⁽¹⁾ (in)	Minimum Slope (ft/ft)
6	0.00500
8	0.00335
10	0.00250
12	0.00200
15	0.00150
18	0.00115
21	0.00095
24	0.00080
27	0.00070
30	0.00060
33	0.00055
36	0.00045
39	0.00040

(1) For pipes greater than 39 inches in diameter, the slope is determined by Manning's formula to maintain a velocity greater than 2.0 feet per second and less than 10.0 feet per second when flowing full.

Table 6-2: TCEQ Maximum Manhole Spacing

Diameter of Pipe (in)	Manhole Diameter (in)	Maximum Manhole Spacing (ft)
6-12	48	500
15	60	500
18-24	60	800
27-30	72	800
36-48	72	1,000
54 or larger	72	2,000

6.1.2 Design Criteria for Lift Stations and Force Mains

TCEQ design criteria §217.61 (c) states "The firm pumping capacity of a lift station must handle the peak flow." Firm pumping capacity is defined as the maximum pumping capacity with the largest pumping unit out of service. TCEQ §217.67 (a) also states that force mains shall be sized to convey the lift station

pumping capacity at a minimum velocity of 3 feet/second for duplex lift stations and 2 feet/second with one pump operating at a lift station with three or more pumps. Recommended lift station firm pumping capacities and force main sizes are based on these TCEQ criteria. Where applicable, the existing lift station wet well capacities were calculated using TCEQ minimum pump cycle times to evaluate expansion needs. These cycle times are listed in **Table 6-3**. The proposed Lift Station projects are discussed in detail in **Section 8.0**.

Table 6-3: TCEQ Minimum Pump Cycle Times

Pump Horsepower	Minimum Cycle Times (minutes)
< 50	6
50 – 100	10
> 100	15

6.1.3 System Analysis Model Results

All proposed gravity lines, lift stations, and force mains were added to the hydraulic model. The locations of existing and proposed wastewater treatment plants were modeled as system outfalls. The hydraulic model was utilized to perform system analyses on the proposed collection system under peak wet weather flow conditions. The timing and size of the recommended improvements were adjusted in order to convey the projected peak wet weather flows without surcharging.

6.2 WASTEWATER TREATMENT PLANT CAPACITY EVALUATION

Anticipating the need for future wastewater treatment capacity and planning for the physical space and location of this treatment is one of the most important steps the City can take in preparation for rapid growth. The City currently owns and operates the City of Manvel (Corporate Drive) WWTP within the Central Service Area and the City has already acquired land for the construction of the **Central** Service Area regional wastewater treatment plant as well as future expansions at this location. The City also acquired land for the future **South** WWTP identified as part of a treatment facility siting study conducted in 2021.

Recommended capacities were developed for Manvel's regional wastewater treatment plant based on the 20-year projected average day wastewater flows discussed in **Section 4.0** and the TCEQ regulatory criteria. The projected average day wastewater flows and associated treatment capacities for each of the regional service areas are shown on **Figure 6-1, Figure 6-2, Figure 6-3, Figure 6-4, and Figure 6-5**. Where applicable, the flows are broken down by developments and City connections.

6.2.1 75/90 Rule (TCEQ §305.126)

Lines showing the recommended **permitted average daily flow (ADF)**, **90% of the permitted ADF capacity**, and **75% of the permitted ADF capacity** are shown on **Figure 6-1, Figure 6-2, Figure 6-3, and Figure 6-4**. These lines are based on TCEQ §305.126, commonly referred to as the 75/90 rule, which requires a WWTP permit holder to begin planning for expansion of the treatment facility when the average day or average annual flow reaches 75% of the permitted capacity for three consecutive months. When the average day or average annual flow reaches 90% of the permitted capacity, the permit holder shall obtain necessary authorization from the commission to commence construction of the necessary additional treatment facilities.

Figure 6-1: Central Service Area WWTP Capacity Analysis (including East Flows)

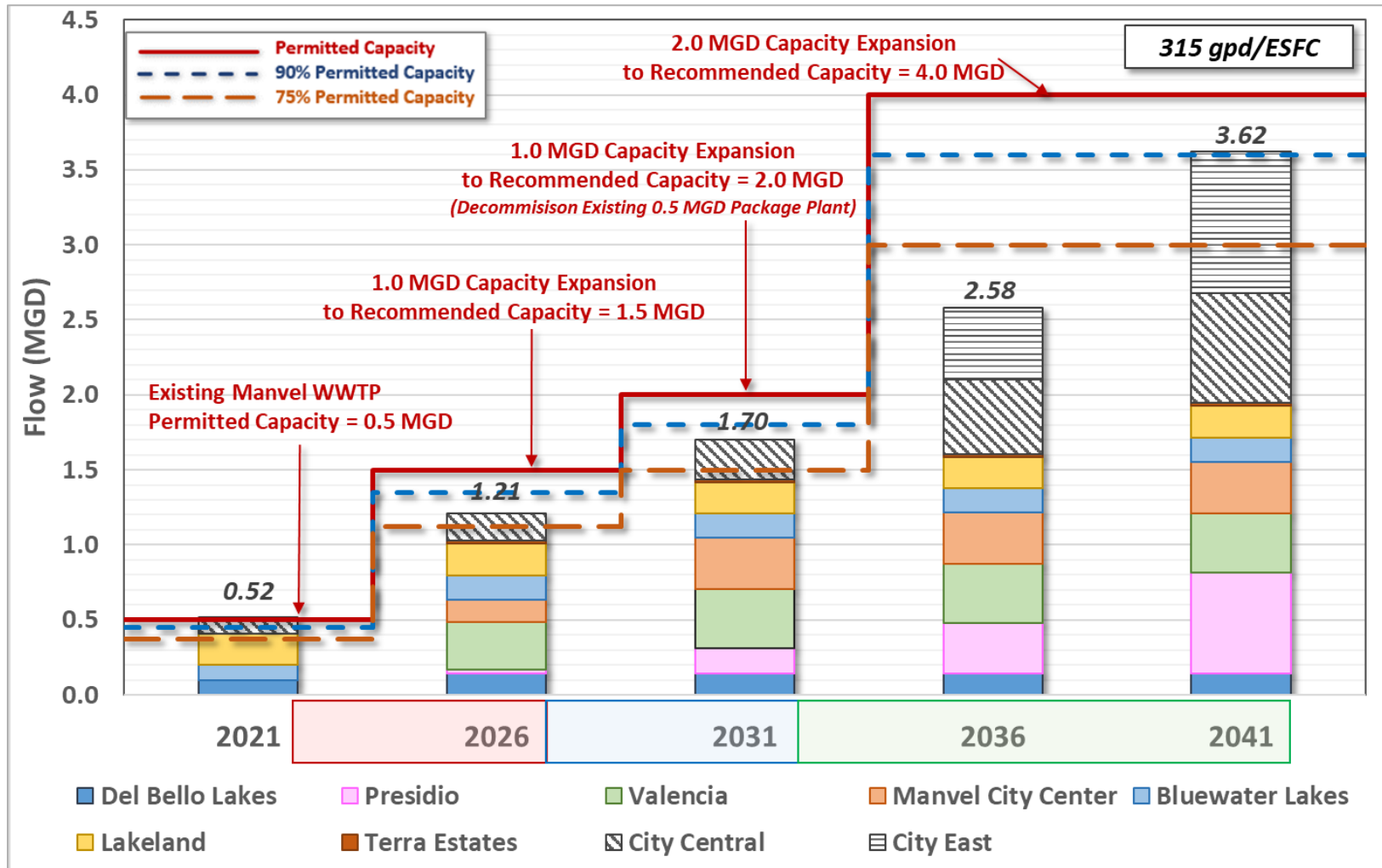


Figure 6-2: West Service Area WWTP Capacity Analysis

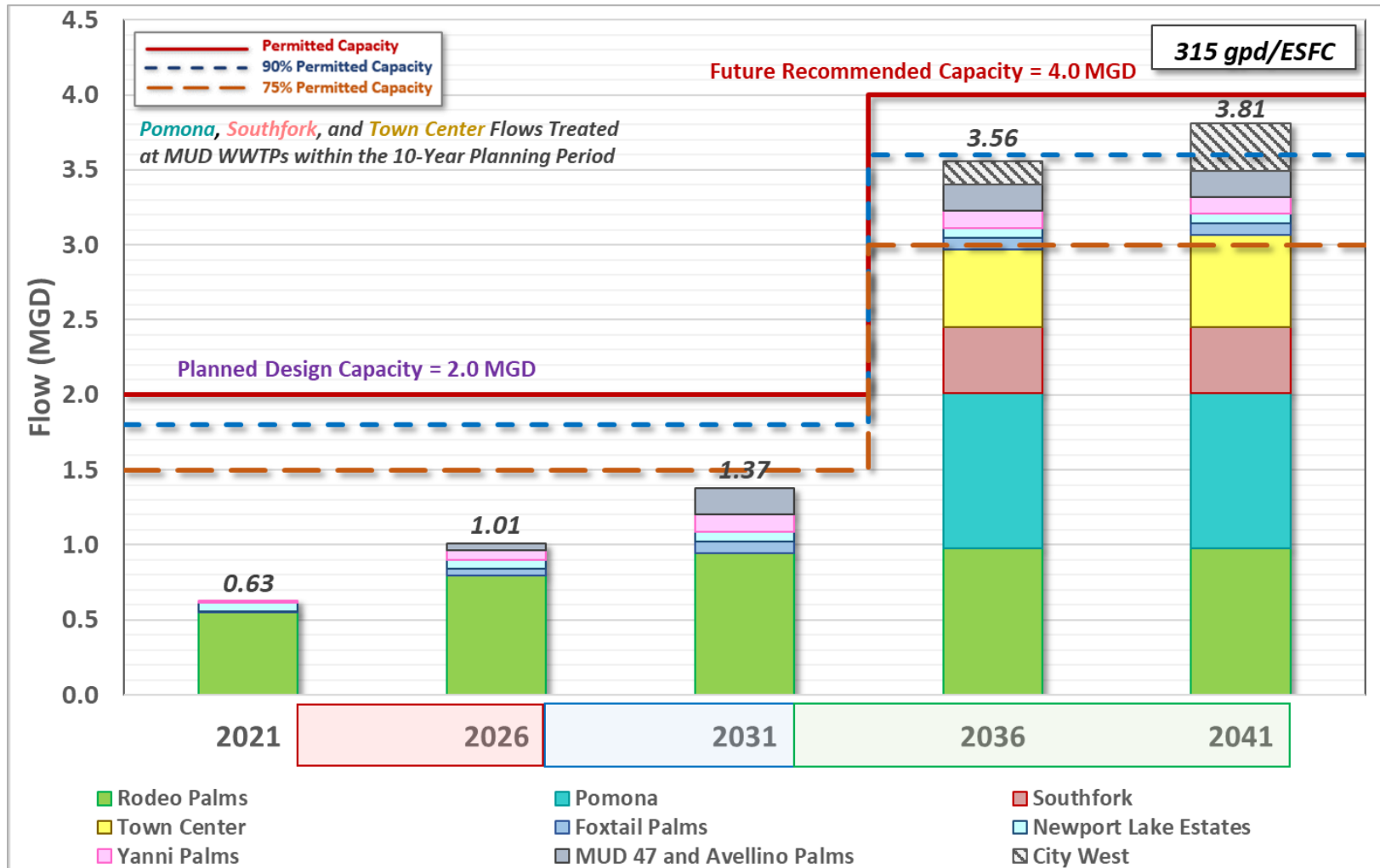


Figure 6-3: Sedona Lakes Service Area WWTP Capacity Analysis

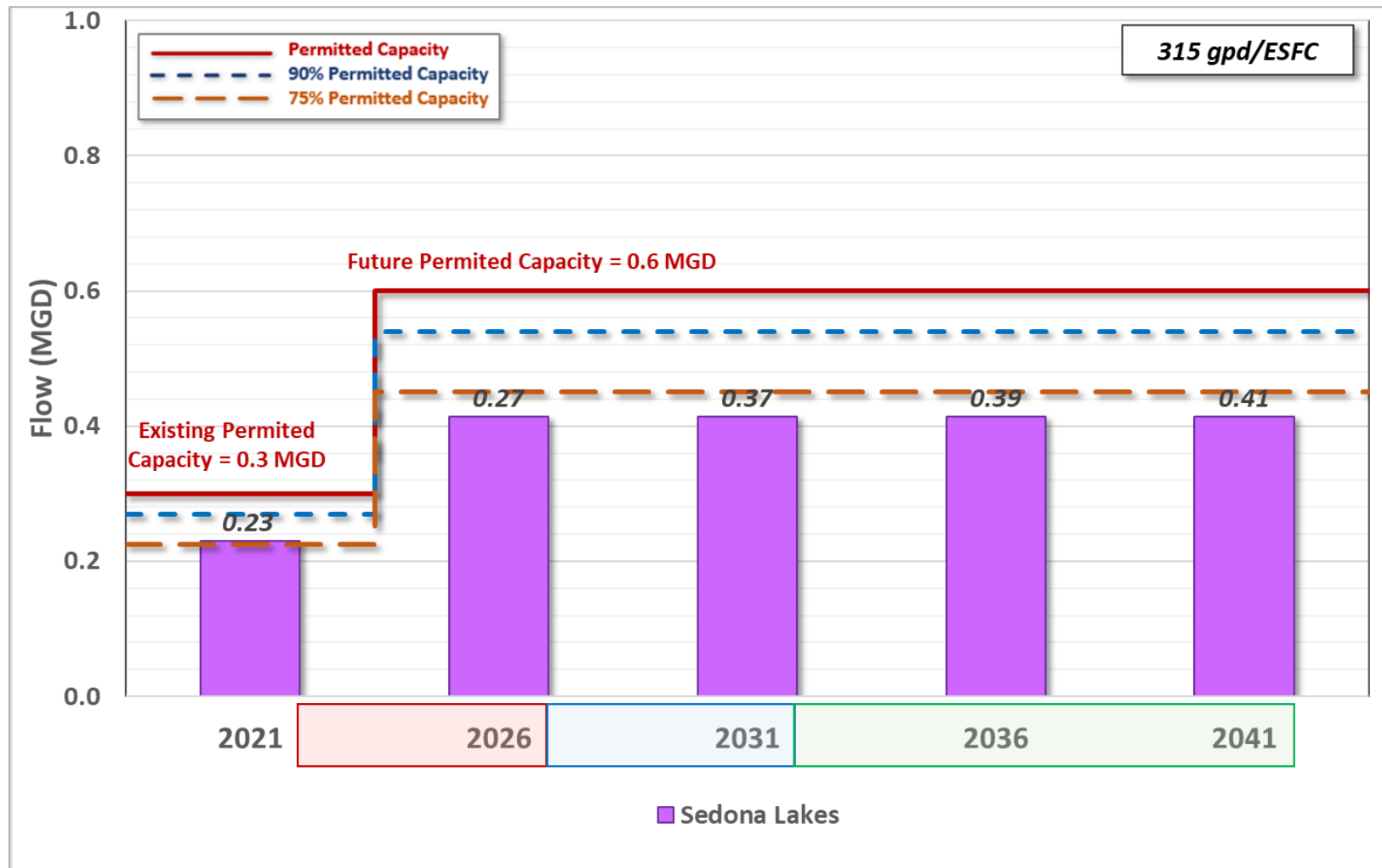


Figure 6-4: South Service Area WWTP Capacity Analysis

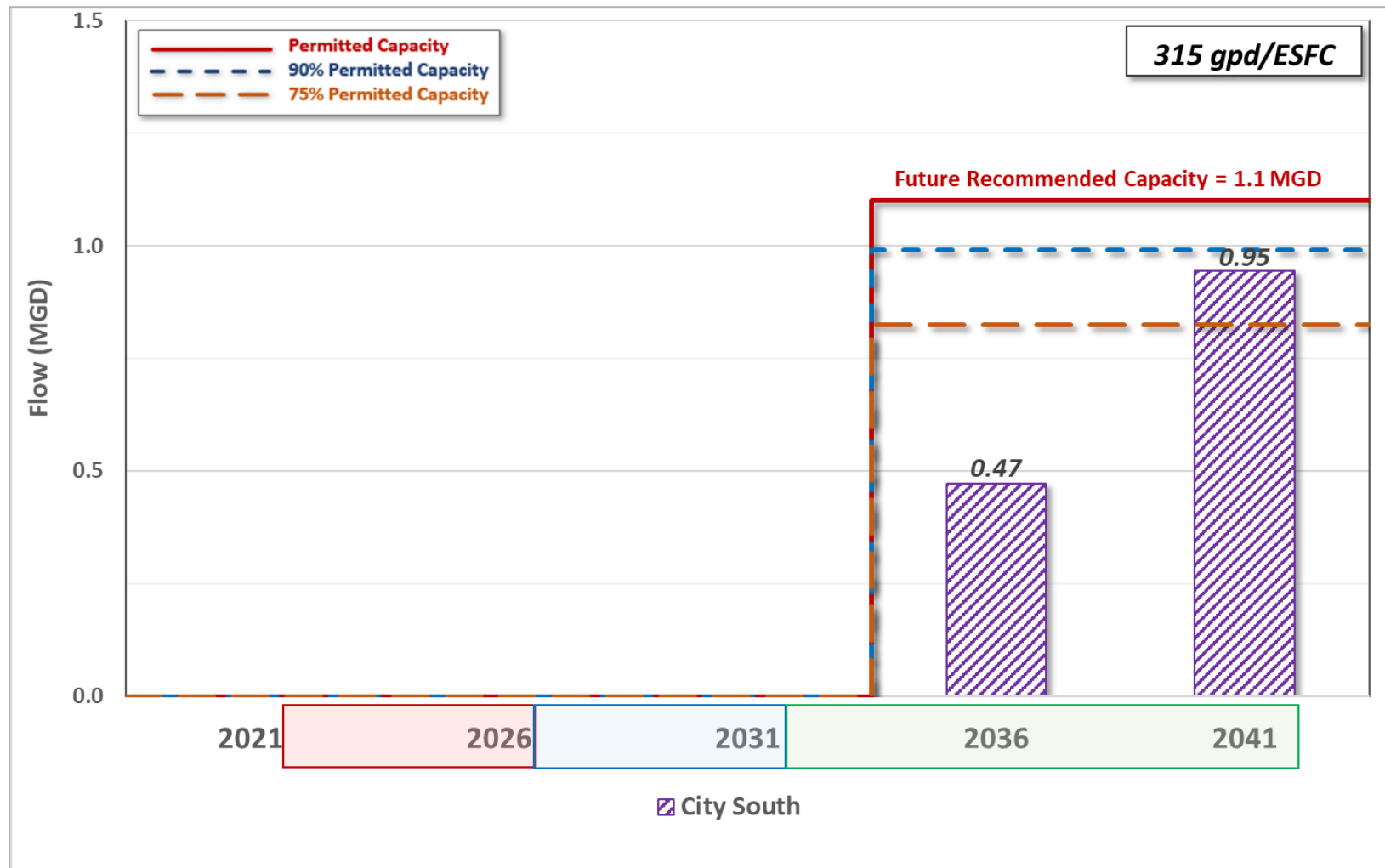
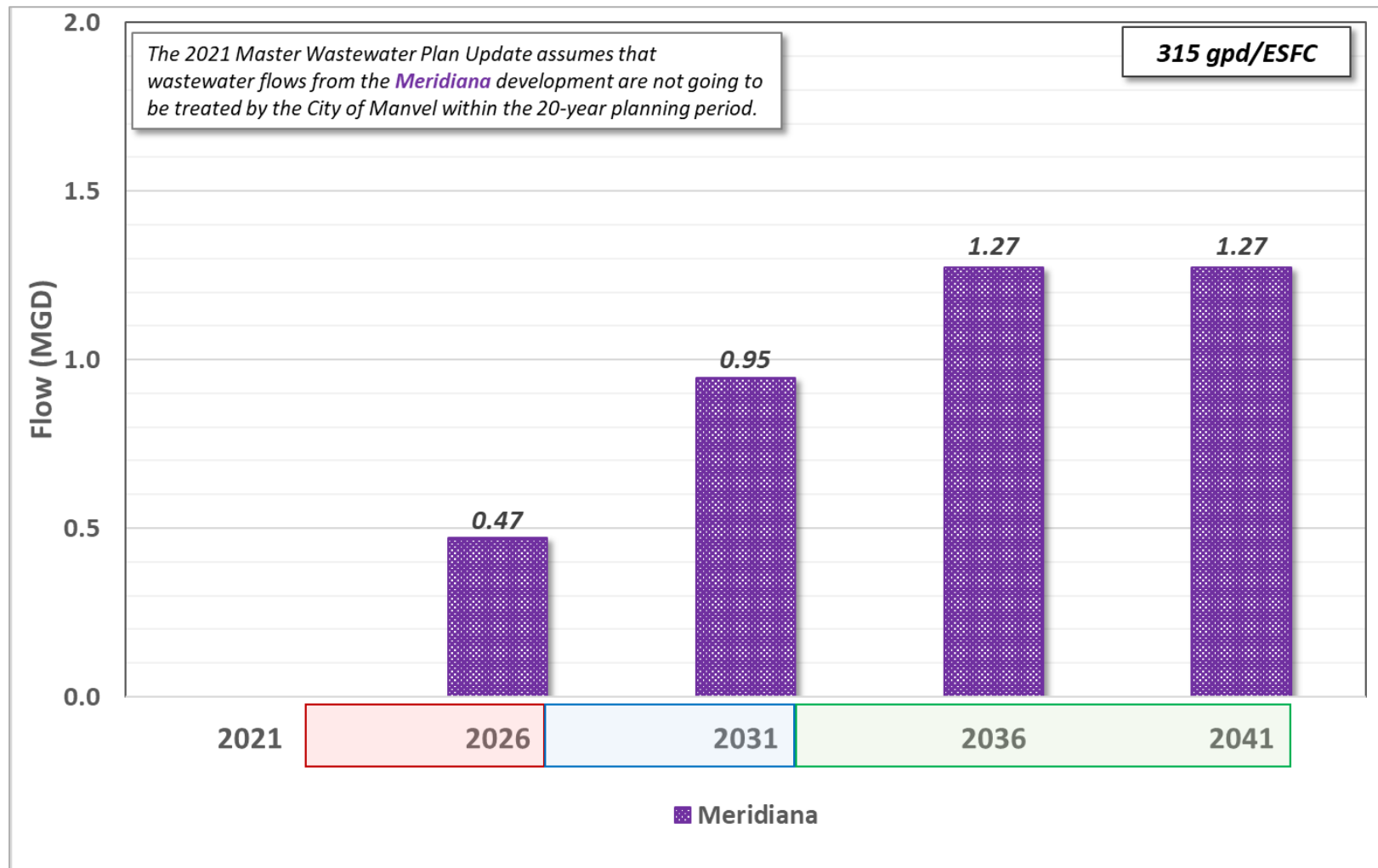


Figure 6-5: Meridiana Service Area – Projected Wastewater Flows (Manvel City Limits)



6.2.2 Future Wastewater Treatment Capacity

The following sections discuss the capacity evaluations for each wastewater service area. Recommended treatment capacities for the wastewater treatment plants were developed based on the projected average day wastewater flows and the capacity requirements in TCEQ §305.126. It should be noted that the recommended treatment plant capacities are based on best available data, incorporating the projected equivalent single family connections (ESFCs) discussed previously, and the City's design criteria of 315 gallons of wastewater flow per ESFC. If development flow rates differ from those assumed in this study or developers adjust their ultimate ESFC projections, the recommended facility capacities and/or timing of expansions should be re-evaluated.

Summary of Wastewater Treatment Capacity by Service Area and Planning Period

Table 6-4 presents a summary of the existing and proposed City of Manvel wastewater treatment facilities including the MUD WWTPs and permitted capacities by planning period. The Meridiana and Sedona Lakes service areas currently have existing MUD WWTPs, which are anticipated to eventually be part of the City's wastewater system.

Table 6-4: WWTP Capacities by Planning Period

Planning Period	Average Daily Flow Permitted Capacity (MGD)								
	Central Regional WWTP ⁽¹⁾	West Regional WWTP ⁽¹⁾	South Regional WWTP ⁽¹⁾	Town Center WWTP ⁽¹⁾	Sedona Lakes WWTP ⁽²⁾⁽⁴⁾	Meridiana WWTP ⁽²⁾⁽⁴⁾	Rodeo Palms WWTP ⁽²⁾⁽⁵⁾	Pomona WWTP ⁽²⁾⁽⁶⁾	Southfork WWTP ⁽²⁾⁽⁶⁾
2021	0.5	-	-	-	0.3	0.399	0.45	0.25	0.48
2026	1.5	-	-	0.15⁽⁷⁾	0.6	by MUD	by MUD	by MUD	by MUD
2031	2.0⁽³⁾	-	-	by MUD	0.6	by MUD	by MUD	by MUD	by MUD
2041	4.0	4.0	1.1	<i>Decommissioned and Flow Transferred to West WWTP</i>	0.6	by MUD	<i>Ownership Transfer to City as West Regional WWTP</i>	<i>Decommissioned and Flow Transferred to West WWTP</i>	<i>Decommissioned and Flow Transferred to West WWTP</i>

(1) City-owned WWTPs

(2) MUD WWTPs not currently owned and operated by the City.

(3) Decommission the existing 0.5 MGD package plant.

(4) Sedona Lakes WWTP and Meridiana WWTP are planned to be owned by the City in future (beyond 2041)

(5) Rodeo Palms Brazoria County MUD #29 WWTP ownership and operation to be transferred to the City as the West Regional WWTP.

(6) Pomona WWTP and Southfork WWTP are recommended to be decommissioned and served by the West Regional WWTP by 2041.

(7) Town Center WWTP is under construction as of December 2021.

1. Central Service Area

All existing wastewater flows in the Central Service Area are currently conveyed to the City of Manvel (Corporate Drive) WWTP site. This WWTP has 0.5 MGD of average daily flow permitted capacity. The wastewater flow projections show that the current 0.5 MGD capacity at this WWTP will not be sufficient to treat the projected flows from upcoming developments in near future, as shown on **Figure 6-1**.

The City has started design of a regional Central WWTP. This Central WWTP will be located on an approximately 6.5 acre tract of land adjacent to the existing City of Manvel (Corporate Drive) facility. It is planned for the City to operate both plants through the ten year planning period (2031) then decommission the existing 0.5 MGD package plant. The Central Regional WWTP will also eventually serve flows from the East service area via a planned regional lift station. Based on the flow projections in this master plan, phased expansions will be required at the Central WWTP. The recommendations based on the treatment capacity analysis in the Central service area are as follows:

- **5-Year Planning Period:** 1.0 MGD new Central Region WWTP to increase Central Region total average daily flow treatment capacity to 1.5 MGD.
- **10-Year Planning Period:** Additional 1.0 MGD expansion of the Central WWTP and decommissioning of the existing package plants, resulting in total ADF capacity of 2.0 MGD.
- **20-Year Planning Period:** Additional 2.0 MGD expansion of the Central WWTP to a total ADF capacity of 4.0 MGD.

The above mentioned expansions along with the projected wastewater flows from the proposed service area are shown on **Figure 6-1**. The City owns approximately 6.5-acre tract of land adjacent to the existing Corporate Drive WWTP site. The City has already begun preliminary design process for the first phase of the expansion. This site allows further expansion of the Central WWTP capacity beyond the 20-year planning period.

2. East Service Area

The City does not currently have wastewater infrastructure in the eastern portions of the Manvel city limits. To treat the projected future flows from this area it is recommended that the City construct a Regional Lift Station in the **20-Year planning period**. This lift station is proposed to be located in the vicinity of Hwy 6 and Mustang Bayou and will pump wastewater flows to the Central Regional WWTP. The

projected wastewater flows in the East service area (City East) are shown with the Central Regional WWTP projections on **Figure 6-1**.

3. West Service Area

There are currently three developments west of SH 288 that utilize MUD WWTPs to treat wastewater flows. Additionally, the **Town Center** development is planned at the intersection of SH 288 and Highway 6 that will have a separate WWTP (under construction). Brazoria County MUD #29 is planning construction of a new plant within the Rodeo Palms development that is scheduled to be under design in 2022. The ownership of this plant will be transferred to the City by 2041. Based on the analysis in this master plan, it is recommended to plan for a future expansion of the West WWTP to a total permitted average daily flow capacity of 4.0 MGD. This expansion is anticipated to be needed in the **20-year planning period** and will allow the WWTP to serve flows from additional City customer connections in the West service area as well as the **Town Center**, **Southfork** and **Pomona** developments. The decommissioning of these MUD WWTPs is planned to be accomplished via a network of lift stations, force mains, and gravity lines. These are discussed further in **Section 8.0**. The projected wastewater flows in the West service area along with the recommended expansion of the West WWTP are shown on **Figure 6-2**.

4. Sedona Lakes Service Area

Sedona Lakes is currently served by a MUD WWTP with an existing capacity of 0.3 MGD and permitted expansion to 0.6 MGD. Due to the location of this area, it is recommended that the City plan to serve this area in the future as a separate service area. Based on the wastewater flow projections in Sedona Lakes, the WWTP will require a 0.3 MGD expansion in the next 5 years. As this is a MUD WWTP, this expansion is not included in this master plan as a City project. It is shown as a developer project in **purple** on **Figure 8-1**.

5. South Service Area

The City does not currently have wastewater infrastructure in the southern portions of the Manvel city limits. It is recommended that the City construct a 1.1 MGD South Regional WWTP in the **20-Year planning period** to serve the wastewater flows in the area. The City has purchased land for this facility.

6. Meridiana Service Area (City Limits - Brazoria County MUDs 56 & 57)

The **Meridiana** development is located both in the City of Iowa Colony and the City of Manvel. A MUD WWTP is currently under construction to serve the **Meridiana** development. The portion of the future **Meridiana** development within the Manvel city limits is anticipated to be in Brazoria County MUDs 56 and 57. The projected buildout average day wastewater flows for the portion of the **Meridiana** Development within the city limits is 1.27 MGD. This *2022 Master Wastewater Plan Update* assumes that wastewater flows from the **Meridiana** development are not going to be treated by the City of Manvel within the 20-year planning period.

7.0 WASTEWATER TREATMENT PLANT EFFLUENT REUSE

The City of Manvel does not currently have a wastewater reuse system. As the City continues to grow, the water demand on the City's existing and future potable water sources will continue to increase. The City is considering wastewater reuse system to alleviate the need for additional water supply as the projected population and water demands increase. As part of the *2022 Master Wastewater Plan Update*, FNI summarized the steps involved in the implementation of a reuse program.

7.1 GOALS AND MOTIVATORS FOR WATER REUSE

The main goal of the reuse water system is to conserve water. Other goals include, realizing revenue from reuse water sales and reduction of potable water infrastructure needed to meet peak demands. Motivators for implementing a non-potable water reuse system include the following:

- Projected increase in residential and commercial/industrial customer base
- Desire to extend the life of existing, City-owned water supplies
- Minimizing the need to acquire additional potable water supply
- Availability of drought-resistant water supply for the City

7.2 REUSE REGULATIONS

Reclaimed water systems are regulated by the Texas Commission on Environmental Quality (TCEQ) which has documented reuse regulations in Chapters 210 and 344. Below is a summary of the requirements defined in each chapter:

- Chapter 210; Subchapter B and C: Defines the general requirements for the production, conveyance, and use of reclaimed water. Also defines the reclaimed water quality criteria for specific uses.
- Chapter 344; Subchapter F: Defines the standards for the design, installation, and maintenance of landscape irrigation systems utilizing reclaim water.

These chapters are included in **Appendix D**. The following sections summarize the TCEQ reuse regulations including the application process for obtaining a water reuse authorization.

7.2.1 TCEQ Chapter 210; Subchapters B and C

Subchapter B of Chapter 210 defines the general requirements for the production, conveyance, and use of reclaimed water. The requirements for storing reuse water are also defined in this chapter and consist of the following rules:

- Storage ponds must be designed to prevent unauthorized discharge of reclaimed water into the any waterbody defined as being “Waters of the US”
- Storage cannot be located within the floodway unless TCEQ authorization is granted
- Storage facilities must be designed to prevent groundwater contamination
- Storage ponds must be lined with an authorized earthen or synthetic material

Subchapter C of Chapter 210 defines the reclaimed water quality criteria and approved uses. There are two types of non-potable municipal reuse water in the State of Texas that can be authorized under Section 210:

- Type I Reclaimed Water: Includes irrigation or other uses where the public may be present during irrigation or may come into contact with reclaimed water (e.g. residential irrigation, fire protection, toilet flush water).
- Type II Reclaimed Water: Includes irrigation or other areas where the public is not present during irrigation or would not come into contact with reclaimed water (e.g. cooling tower water, irrigation at wastewater facilities).

TCEQ reclaimed water criteria are shown in **Table 7-1**.

Table 7-1: Reclaimed Water Quality Standards (TCEQ Ch. 210)

Attribute	Type I	Type II	Storage Pond
CBOD ₅ (mg/L)	5*	15*	30
Turbidity (NTU)	3*	-	-
Fecal coliform or <i>E.coli</i> (CFU/100mL)	20*/75**	200*/800**	200/800**
Enterococci*** (CFU/100mL)	4*/9**	35*/89**	35*/89**

*30-day average

** maximum single grab

***Enterococci typically apply to WWTPs that have saltwater discharges

Sampling: Type I reclaimed water uses are to be sampled twice per week, while Type II reclaimed water uses are to be sampled once per week.

Record Keeping and Reporting: Records are to be maintained for five years and the reclaimed water provider must report to TCEQ the volume of reclaimed water provided and the quality of the reclaimed water on a monthly basis.

7.2.2 TCEQ Chapter 344; Subchapter F

Subchapter F defines the standards for designing, installing, and maintaining landscape irrigation systems that utilize reclaimed water. Reclaimed water may be used for landscape irrigation if the following conditions are met:

- There is no direct contact with edible crops unless the crops will be pasteurized before consumption
- The irrigation system does not spray onto property not owned by the irrigation system owner
- The irrigation system is installed using purple components
- A sign (minimum size of eight inches by eight inch) is prominently located in the area being irrigated reading “RECLAIMED WATER – DO NOT DRINK”
- Backflow prevention of the reclaimed water supply is in accordance with the regulations of the water purveyor

7.2.3 Reclaimed Water Authorization

The TCEQ requires that municipalities submit for and obtain a Chapter 210 authorization before utilizing reclaimed water. The City of Manvel does not currently hold a Chapter 210 authorization for any of its wastewater treatment plants. The approval process requires the submission of application TCEQ-20427 with supporting documents that may include a service area map, any user water reuse contract(s), and an operation and maintenance plan.

7.3 SERVICE CONSIDERATIONS

Potential service issues must be addressed prior to the implementation or expansion of a reclaimed water system. In most cases, it is beneficial to plan to phase in the reuse system. The phasing schedule will consider the type of customer (public or private), proximity of the customer to an effluent source and the customers pressure requirements. In general, private customers will require more education on reuse regulations.

The reuse distribution system water quality also needs to be considered when developing the phasing schedule. If infrastructure is sized for ultimate non-potable water demands, and those demands are significantly higher than present water demands, the system may experience water quality problems as a result of high water age.

Another potential service issue to consider is the ability of the City to utilize existing ponds at parks where reuse water is being considered for irrigation. Using these ponds would allow the City to provide reuse water at lower pressures to the parks and will increase flexibility to match reuse demands. However, in most cases, the ponds would have to be lined to meet the TCEQ requirements for the storage of reuse water, which increases implementation costs.

7.4 REUSE WATER QUANTITY

This master plan update developed projections for wastewater flows for the purpose of sizing treatment facilities. The quantity of water available for reuse is called the maximum available safe supply and will need to be assessed during a future reuse study. **Table 7-2** summarizes flow projections from this master plan that can be utilized as part of a future analysis of the maximum available safe supply at each treatment facility.

Table 7-2: Summary of Flows for Future Reuse Analysis

Planning Period	Average Daily Flow ⁽¹⁾⁽²⁾ (MGD)			
	Central Regional WWTP	West Regional WWTP ⁽³⁾	South Regional WWTP	Total
2026	1.21	1.01	-	2.22
2031	1.70	1.38	-	3.08
2041	3.62	3.81	0.95	8.38

(1) Total average daily flows by wastewater treatment facility service area as developed in this master plan. The maximum available safe supply to be assessed during a future reuse study. Maximum available safe supply is the quantity of WWTP effluent that can be relied upon year round for reuse planning purposes.

(2) Sedona Lakes and Meridiana service area flows not included.

(3) Pomona and Southfork flows treated at existing MUD WWTPs within the 10-year planning period.

7.5 REUSE WATER QUALITY

TCEQ water quality requirements for Type I and Type II reuse types are provided in **Table 7-1**. A comparison of City's wastewater treatment plant effluent quality with the TCEQ reuse requirements for Type I and Type II reuse are presented in **Figure 7-1**, **Figure 7-2** and **Figure 7-3**. The City WWTP effluent water quality information is obtained from the plant's daily monitoring reports downloaded from the TCEQ Enforcement and Compliance History Online (ECHO) website. **Figure 7-1** illustrate historical 5-day Carbonaceous Biochemical Oxygen Demand (CBOD₅) data at the WWTP with the Type I and Type II requirements represented by the **red** solid and dashed lines, respectively.

Figure 7-2 and **Figure 7-3** illustrate the five-year E. coli water quality data for the City of Manvel (Corporate Drive) WWTP. In **Figure 7-2**, the **green** data points indicate the calculated 30-day average geometric mean E. coli levels at the WWTP discharge. In **Figure 7-3**, the **green** data points indicate the measures E.coli in the single grab samples a the WWTP discharge.

FNI recommends the City to perform an in-depth Reuse Study to evaluate the options for potential potable and non-potable reuse. If the City decides to have a reuse option, the wastewater treatment facilities need to be upgraded to produce effluent at required water quality standards.

Figure 7-1: Carbonaceous BOD (5-days) at Manvel WWTP

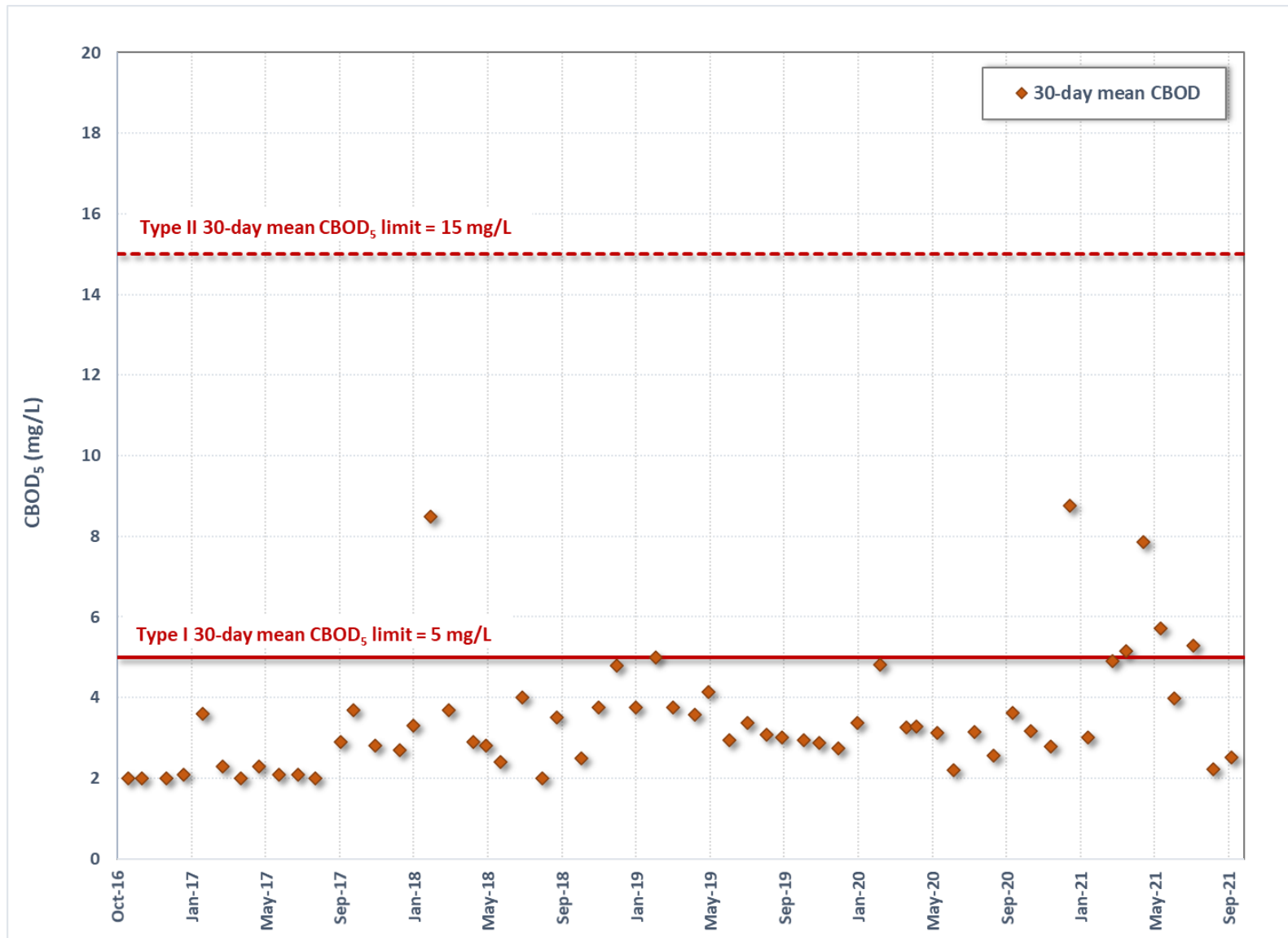


Figure 7-2: E.coli 30-day Average at Manvel WWTP

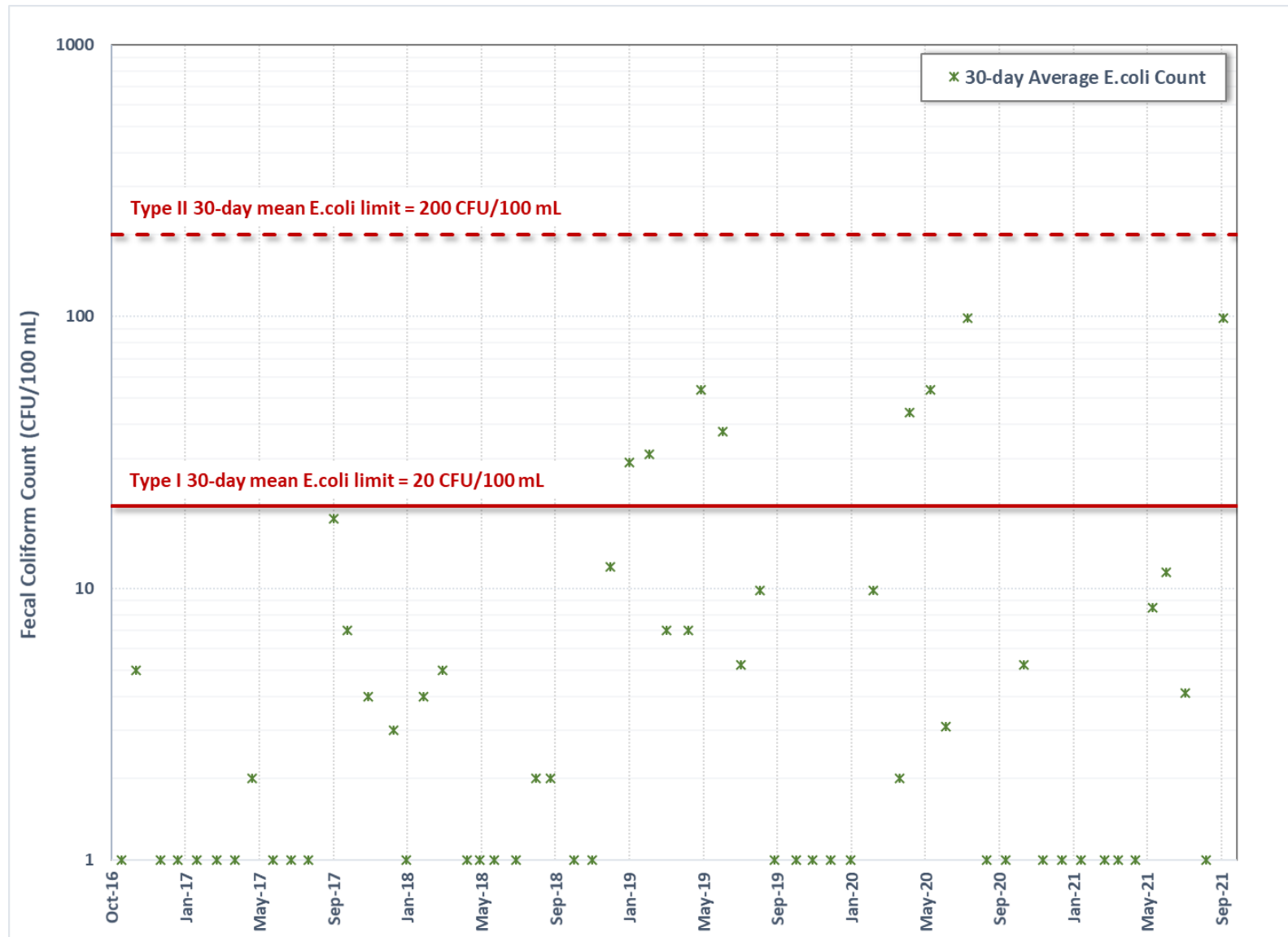
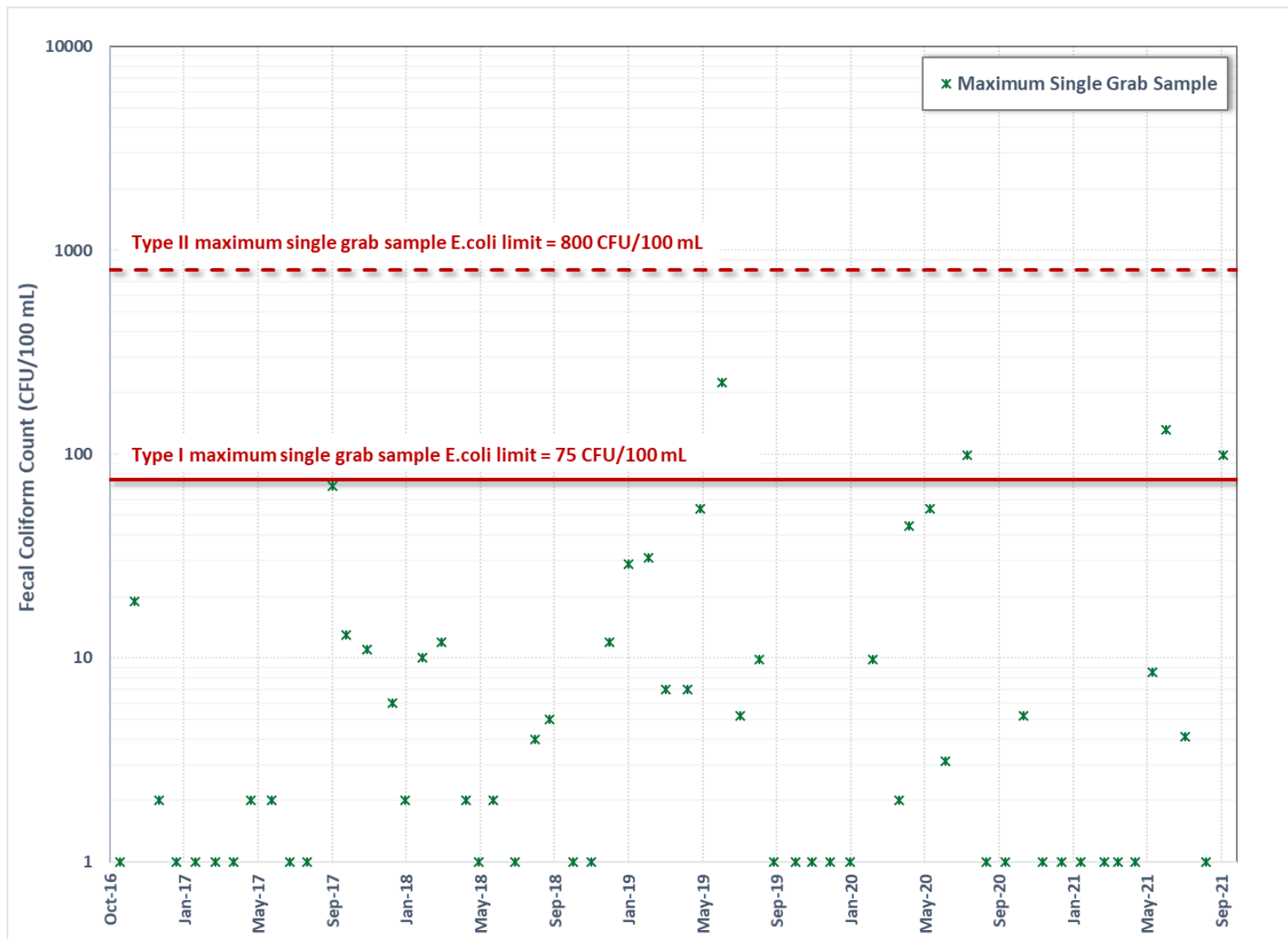


Figure 7-3: E.coli Maximum Single Grab at Manvel WWTP



8.0 WASTEWATER SYSTEM CAPITAL IMPROVEMENTS PLAN

An updated wastewater capital improvements plan (CIP) was developed for the City of Manvel. The CIP includes 21 conveyance and treatment project recommendations to facilitate the projected growth in the 20-year planning period and maintain regulatory compliance. These projects allow for regionalization of the City's wastewater collection and treatment infrastructure and provide the City with a phased CIP for collection system and treatment as the City grows.

The recommended wastewater collection and treatment projects are shown in **Table 8-3** and on **Figure 8-1**. The wastewater CIP projects are arranged by planning period (**5-year**, **10-year**, and **20-year**) as follows:

- **5-Year Projects:** These are shown **in red** and are recommended to be designed and constructed within the next 5 years (by 2026)
- **10-Year Projects:** These are shown **in blue** and are recommended to be designed and constructed within the next 10 years (by 2031)
- **20-Year Projects:** These are shown **in green** and are recommended to be designed and constructed within the next 20 years (by 2041)

All recommended infrastructure is sized to convey the projected 2041 peak wastewater flows, including an allowance for inflow and infiltration (I/I). It is recommended that these projects be constructed generally in the order presented; however, development patterns may make it necessary to construct some projects sooner than anticipated. Locations shown for new lines, lift stations, and wastewater treatment plants are generalized for hydraulic analyses. Specific alignments and sites will be determined as part of the design process. Wastewater projects currently under design or construction are shown in **orange** on **Figure 8-1**. Wastewater infrastructure to be constructed as part of future development by MUDs are shown in **purple** on **Figure 8-1**.

Planning level capital cost estimates were calculated for all recommended improvements and do not include individual service connections or subdivision lines. The costs are provided as estimates based on previous similar engineering experience in 2021 dollars and include allowances for contingency and engineering and surveying. Costs do not include easements or land acquisition, except where specifically noted.

The unit costs utilized for pipelines and manholes are shown in **Table 8-1**. Wastewater treatment costs were developed for each proposed wastewater treatment plant based on site specific information and previous similar engineering experience.

Table 8-1: Wastewater Capital Improvements Plan Unit Costs

Pipelines		Cost/Diam-in/LF
Force Mains		\$15
Gravity Lines < 8-feet deep		\$14
Gravity Lines 8 - 16-feet deep		\$15
Gravity Lines > 16-feet deep		\$16
Manholes		Cost/Manhole
4-ft Diameter	8-ft – 16-ft depth	\$14,000
	>16ft – 24-ft depth	\$18,000
	>24-ft – 30-ft depth	\$22,000
5-ft Diameter	8-ft – 16-ft depth	\$18,000
	>16ft – 24-ft depth	\$22,000
	>24-ft – 30-ft depth	\$26,000
6-ft Diameter	8-ft – 16-ft depth	\$20,000
	>16ft – 24-ft depth	\$25,000
	>24-ft – 30-ft depth	\$30,000
Contingency		Percentage
All Projects		25%
Engineering, Survey, & Inspection		Percentage
WWTPs and Lift Stations*		20%
Gravity and Force Mains		15%

(1) Used 15% engineering and survey for Central WWTP Phases 1 and 2 planning level cost calculations.

Table 8-2 summarizes the cost of the capital improvements plan by phase and project type (Treatment or Conveyance). **Table 8-3** summarizes the individual projects in the wastewater system CIP. The following sections provide a detailed project description and purpose for each CIP project. Individual planning level opinions of probable construction cost (OPCCs) for each project in the wastewater CIP are included in **Appendix A**.



Table 8-2: Wastewater Capital Improvements Plan Summary (by Phase and Project Type)

Phase	CIP	Cost
5 -Year (by 2026)	Treatment	\$26,948,900
	Conveyance	\$14,801,800
	Sub-total	\$41,750,700
10-Year (by 2031)	Treatment	\$15,904,500
	Conveyance	\$1,555,200
	Sub-total	\$17,459,700
20-Year (by 2041)	Treatment	\$98,182,000
	Conveyance	\$59,758,700
	Sub-total	\$157,940,700
Total 20-Year Wastewater CIP Cost		\$217,151,100

Table 8-3: Wastewater Capital Improvements Plan Summary (by Project)

Phase	Project Number	Project Name	Cost (In 2021 Dollars)
5-Year (by 2026)	1	1.0 MGD Central Regional Wastewater Treatment Plant (Phase 1)	\$26,948,900
	2	New 4.0 MGD Pollard Blvd Lift Station and 18-inch Force Main (Phase 1)	\$5,494,800
	3	12/15/18/30-inch Lines through Valencia Development (Central Service Area Interceptor and Gravity System)	\$8,553,200
	4	8-inch Gravity Main along McCoy Road and Lewis Lane	\$753,800
	Total 2021 - 2026		\$41,750,700
10-Year (by 2031)	5	Expansion of the Central Regional Wastewater Treatment Plant to 2.0 MGD Capacity (Phase 2)	\$15,904,500
	6	12-inch Del Bello SPUR Gravity Main	\$1,555,200
	Total 2027 - 2031		\$17,459,700
20-Year (by 2041)	7	15-inch Gravity Main Along Masters Road	\$1,796,700
	8	Large Avenue Lift Station Expansion to 1.8 MGD and 10-inch Force Main	\$3,211,800
	9	New 1.1 MGD South Regional Wastewater Treatment Plant (Phase 1)	\$26,688,000
	10	Expansion of the Central Region Wastewater Treatment Plant to 4.0 MGD Capacity (Phase 3)	\$30,840,000
	11	New Pollard Boulevard Lift Station Expansion to 6.5 MGD	\$2,150,100
	12	Del Bello Lift Station Expansion to 1.3 MGD	\$582,500
	13	15/24-inch South Region Gravity Main	\$6,069,700
	14	12/15-inch Central Region Gravity Main	\$2,442,600
	15	New 4.0 MGD East Regional Lift Station and 14-inch Force Main	\$8,877,000
	16	12-inch Gravity Main along Highway 6	\$2,071,000
	17	West Regional Wastewater Treatment Plant Expansion to 4.0 MGD	\$40,654,000
	18	West Service Area Wastewater Treatment Plant Consolidation and Gravity Main (Phase 1)	\$18,201,600
	19	West Service Area Wastewater Treatment Consolidation (Phase 2)	\$3,954,300
	20	21/24-inch Gravity Main along Mustang Bayou	\$6,224,300
	21	New 1.0 MGD Lift Station, 8-inch Force Main and 15-inch Gravity Line	\$4,177,100
	Total 2032 - 2041		\$157,940,700
	Total Capacity Wastewater CIP Cost		

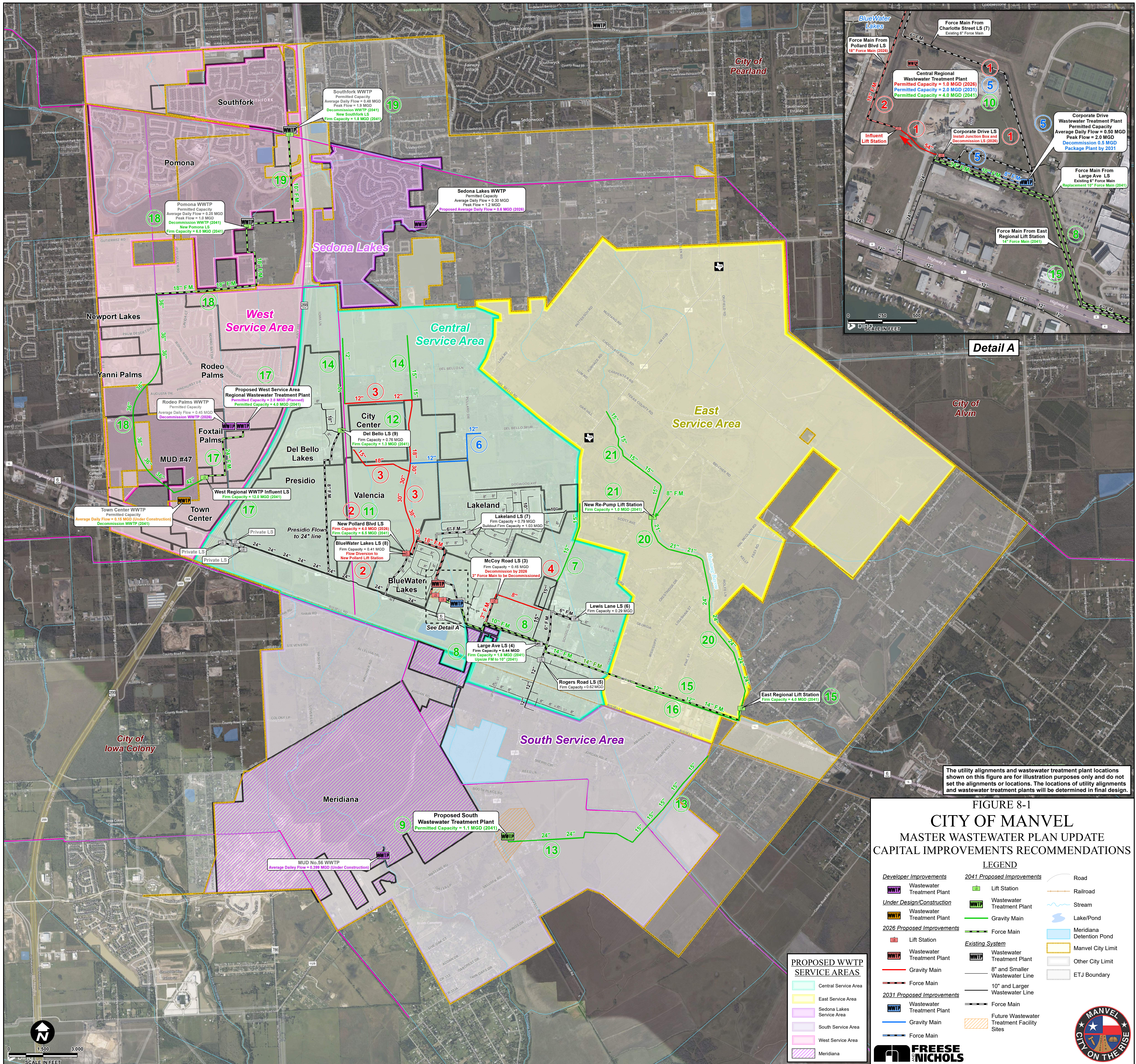


FIGURE 8-1
CITY OF MANVEL
MASTER WASTEWATER PLAN UPDATE
CAPITAL IMPROVEMENTS RECOMMENDATIONS

LEGEND

Developer Improvements	2041 Proposed Improvements	Road
Wastewater Treatment Plant	Lift Station	Railroad
Under Design/Construction	Wastewater Treatment Plant	Stream
Wastewater Treatment Plant	Gravity Main	Lake/Pond
2026 Proposed Improvements	Force Main	Meridiana
Lift Station	Existing System	Detention Pond
Wastewater Treatment Plant	Wastewater Treatment Plant	Manvel City Limit
Gravity Main	8" and Smaller Wastewater Line	Other City Limit
Force Main	10" and Larger Wastewater Line	ETJ Boundary
2031 Proposed Improvements	Wastewater Treatment Plant	
Gravity Main	Force Main	
Force Main	Future Wastewater Treatment Facility Sites	

PROPOSED WWTP SERVICE AREAS

- Central Service Area
- East Service Area
- Sedona Lakes Service Area
- South Service Area
- West Service Area
- Meridiana

FREESE & NICHOLS

MANVEL CITY OF THE RISE

8.1 FIVE-YEAR WASTEWATER CONVEYANCE AND TREATMENT PROJECTS (THROUGH 2026)

Project 1 - 1.0 MGD Central Regional Wastewater Treatment Plant (Phase 1)

Detailed description: This project includes the construction of a new 1.0 MGD Central Region Wastewater Treatment Plant (WWTP) at the Corporate Drive site. In conjunction with the existing 0.5 MGD package plant, this project will result in 1.5 MGD average daily flow treatment capacity in the Central Region. This WWTP will be expandable to 2.0 MGD by 2031 ([Project 5](#)). The existing Corporate Drive Lift Station will be decommissioned and converted into a junction box that will convey the projected wastewater flows to the new influent lift station through a 54-inch gravity line. The new influent lift station will pump flows to both the existing 0.5 MGD Package Plant and the proposed 1.0 MGD Central WWTP until the package plant is decommissioned ([Project 5](#)).

Purpose: The wastewater flow projections show that additional wastewater treatment is required beyond the 0.5 MGD capacity currently in the Central Service Area at the City of Manvel (Corporate Drive) WWTP. This 1.0 MGD expansion is required in the near-term to serve wastewater flows generated in the Central Service Area.

Project 2 - New 4.0 MGD Pollard Blvd Lift Station and 18-inch Force Main (Phase 1)

Detailed description: This project includes the construction of a wet well sized for a firm capacity of 6.5 MGD. Startup firm pumping capacity is projected to be 4.0 MGD. This project also includes the construction of a new 18-inch force main to the proposed Central Treatment Plant influent lift station ([Project 1](#)).

Purpose: This project is sized to convey the projected peak 2041 wastewater flows from the City Center and Valencia Developments, as well as additional City connections north and east of these developments. The lift station wet well and startup firm pumping capacity (4.0 MGD firm) includes the capacity to serve flows generated in the Bluewater Lakes development. As part of this project, it is anticipated that the Bluewater Lakes LS No. 1 will be decommissioned, and the corresponding wastewater flows conveyed to the New Pollard Blvd. Lift Station.

Project 3 - 12/15/18/30-inch Lines through Valencia Development (Central Service Area Interceptor and Gravity System)

Detailed description: This project includes the construction of a 12-inch/15-inch/18-inch/30-inch gravity main through the Manvel City Center and Valencia developments.

Purpose: This project will serve City customer connections in the Central Service Area including Manvel City Center and Valencia developments as well as adjacent areas to the north and west. This project is sized to convey the projected peak wastewater flows in this area through 2041.

Project 4 - 8-inch Gravity Main along McCoy Road and Lewis Lane

Detailed description: This project includes the construction of 8-inch consolidation gravity lines along McCoy Road and Lewis Lane to Palmetto Street. This project also includes decommissioning of the existing McCoy Lift Station and associated 3-inch force main.

Purpose: This project will allow the McCoy Road Lift Station to be decommissioned, and the wastewater flows to be conveyed to the recently constructed 15-inch gravity main along Palmetto Street.

8.2 TEN-YEAR WASTEWATER CONVEYANCE AND TREATMENT PROJECTS (THROUGH 2031)

Project 5 - Expansion of the Central Regional Wastewater Treatment Plant to 2.0 MGD Capacity (Phase 2)

Detailed description: This project includes the construction of 1.0 MGD of additional treatment capacity at the Central WWTP and decommissioning of the existing 0.5 MGD package plant. This expansion will result in a total of 2.0 MGD average day flow treatment capacity at the Central WWTP. This WWTP will be expandable to 4.0 MGD by 2041 (**Project 7**).

Purpose: The wastewater flow projections show that additional wastewater treatment is required beyond the capacity of the Proposed Central WWTP (**Project 1**) and the existing City of Manvel (Corporate Drive) WWTP. This expansion will be required in the 10-year planning period to serve the projected wastewater flows in the Central Service Area.

Project 6 - 12-inch Del Bello SPUR Gravity Main

Detailed description: This project includes the construction of 12-inch gravity main along Del Bello SPUR in the Central Service Area.

Purpose: This project is sized to convey projected future wastewater flows from the vicinity of Del Bello SPUR to the Central Regional WWTP.

8.3 TWENTY-YEAR WASTEWATER CONVEYANCE AND TREATMENT PROJECTS (THROUGH 2041)

Project 7 - 15-inch Gravity Main Along Masters Road

Detailed description: This project includes the construction of a 15-inch gravity main along Masters Road.

Purpose: This project will allow existing septic connections to connect to the City's wastewater system and also serve future projected wastewater flows in the Central Service Area to the north of Highway 6 near Masters Road.

Project 8 - Large Avenue Lift Station Expansion to 1.8 MGD and 10-inch Force Main

Detailed description: This project includes the expansion of the Large Avenue Lift Station to 1.8 MGD (firm pumping capacity), and a new 10-inch force main replacing the existing 6-inch force main. This project includes the construction of a new wet well and additional pumping to replace the existing lift station.

Purpose: The existing Large Avenue Lift Station (0.44 MGD firm capacity) is not sized to convey projected future peak wastewater flows in the Central Region along FM 1128 and in adjacent areas through 2041.

Project 9 - New 1.1 MGD South Regional Wastewater Treatment Plant (Phase 1)

Detailed description: This project includes the construction of a new South Service Area Regional Wastewater Treatment Plant (WWTP) with 1.1 MGD average daily flow treatment capacity. This planning level cost does not include land acquisition.

Purpose: This project is sized to treat the projected wastewater flows generated in the South Service Area through 2041.

Project 10 - Expansion of the Central Region Wastewater Treatment Plant to 4.0 MGD Capacity (Phase 3)

Detailed description: This project includes the construction of 2.0 MGD additional treatment capacity at the Central WWTP. This expansion will result in a 4.0 MGD average daily flow treatment capacity at the Central WWTP.

Purpose: This WWTP expansion is sized to serve wastewater flows generated in the Central Service Area and also diverted flows from the East Region through the East Regional Lift Station (**Project 14**) through 2041.

Project 11 - New Pollard Boulevard Lift Station Expansion to 6.5 MGD

Detailed description: This project includes the construction of an expansion at the Pollard Boulevard Lift Station to increase the firm pumping capacity from 4.0 MGD to 6.5 MGD. This project does not include construction of a new wet well and force main. The wet well and force main recommended in the Phase 1 expansion (**Project 2**) are sized for this 6.5 MGD expansion.

Purpose: This project will serve additional City customer connections in the Central Service Area north and east of the currently identified and anticipated developments. This project is sized to convey the projected peak wastewater flows in this area through 2041.

Project 12 - Del Bello Lift Station Expansion to 1.3 MGD

Detailed description: This project includes the expansion of the existing Del Bello Lift Station to firm pumping capacity of 1.3 MGD. The costs include pump, electrical, and piping expansion only.

Purpose: This expansion includes pump, electrical, and piping only. The existing wet well (diameter of 10-feet, depth of 29-feet) is sized to serve this growth.

Project 13 - 15/24-inch South Region Gravity Main

Detailed description: This project consists of 15-inch and 24-inch gravity mains South of Highway 6 to the Proposed South WWTP (**Project 9**).

Purpose: This project will serve future City connections in the South Service Area south of Highway 6. This project is sized to convey the projected peak wastewater flows through 2041.

Project 14 - 12/15-inch Central Region Gravity Main

Detailed description: This project includes the construction of 12-inch and 15-inch gravity lines north of City Center in the Central Service Area. The newly constructed lines will connect to the proposed 12-inch and 18-inch lines part of **Project 3**.

Purpose: This project is sized to convey projected future wastewater flows in the north and east portion of the Central Service Area by 2041.

Project 15 - New 4.0 MGD East Regional Lift Station and 14-inch Force Main

Detailed description: This project includes the construction of a 4.0 MGD regional lift station for the East Service Area and a 14-inch force main. This planning level cost does not include land acquisition.

Purpose: This project is sized to convey the projected future wastewater flows generated in the East Service Area to the Central WWTP through 2041.

Project 16 - 12-inch Gravity Main along Highway 6

Detailed description: This project includes the construction of a 12-inch gravity main along Highway 6.

Purpose: This project is sized to convey projected future wastewater flows in the East Service Area along Highway 6 to the new East Regional Lift Station.

Project 17 - West Regional Wastewater Treatment Plant Expansion to 4.0 MGD

Detailed description: This project includes the construction of 2.0 MGD additional treatment capacity at the West Regional WWTP. This project also includes the construction of a 12.0 MGD West Regional WWTP Influent Lift Station and a 24-inch force main.

Purpose: This construction of the West Regional WWTP and Influent Lift Station is sized to convey and treat the projected wastewater flows from the West Service Area through 2041. This expansion will convey and treat wastewater flows from the Pomona and Southfork Developments and additional City customer connections in the West Service Area via the West Service Area Treatment Consolidation Projects (**Project 18** and **Project 19**).

Project 18 - West Service Area Wastewater Treatment Plant Consolidation and Gravity Main (Phase 1)

Detailed description: This project includes the decommissioning of the Pomona WWTP, the construction of a new 6.0 MGD Pomona Lift Station (firm pumping capacity) and 18-inch force main, and the construction of a 36/42-inch trunk line to the West Regional WWTP Influent Lift Station.

Purpose: This project will convey the wastewater flows from the Pomona and Southfork Developments to the West Service Area Regional WWTP Influent Lift Station and WWTP. The existing Pomona WWTP does not have the long-term service life that the West Regional WWTP will have. Long-term, it will be more efficient for the City to operate fewer WWTPs. This project will decommission the Pomona WWTP in accordance with TCEQ regulations. Note that this project is also sized to re-pump the peak wastewater flows from the Southfork Development (**Project 19**).

Project 19 - West Service Area Wastewater Treatment Consolidation (Phase 2)

Detailed description: This project includes the decommissioning of the Southfork WWTP, and the construction of a new Southfork 1.8 MGD Lift Station (firm pumping capacity) and 10-inch force main.

Purpose: This project will pump the wastewater flows from the Southfork WWTP to the new Pomona Lift Station (**Project 18**), whereby the wastewater flow will be conveyed to the West Service Area Regional WWTP Influent Lift Station. The existing Southfork WWTP does not have the long-term service life that the West WWTP will have. Long-term, it will be more efficient for the City to operate fewer WWTPs. This project will decommission the Southfork WWTP in accordance with TCEQ regulations.

Project 20 - 21/24-inch Gravity Main along Mustang Bayou

Detailed description: This project includes the construction of new 21-inch and 24-inch trunk line along Mustang Bayou.

Purpose: This project is sized to convey the projected future (2041) peak wastewater flows from the East Service Area north of Highway 6 to the East Regional Lift Station.

Project 21 - New 1.0 MGD Lift Station, 8-inch Force Main and 15-inch Gravity Line

Detailed description: This project includes the construction of a 15-inch gravity main, a new 1.0 MGD lift station and an 8-inch force main along Mustang Bayou.

Purpose: This project is sized to convey the projected future (2041) peak wastewater projected peak wastewater flows from the East Service Area north of Highway 6 to the East Regional Lift Station.

APPENDIX A
Wastewater System CIP
Planning Level Opinion of Probable Construction Cost (OPCC) Sheets

CIP Project Number:

1

5-Year

Project Name:

1.0 MGD Central Regional Wastewater Treatment Plant (Phase 1)

Project Description:

This project includes the construction of a new 1.0 MGD Central Region Wastewater Treatment Plan (WWTP) at the Corporate Drive site. In conjunction with the existing 0.5 MGD package plant, this project will result in 1.5 MGD average daily flow treatment capacity in the Central Region. This WWTP will be expandable to 2.0 MGD by 2031 (Project 5). The existing Corporate Drive Lift Station will be decommissioned and converted into a junction box that will convey the projected wastewater flows to the new influent lift station through a 54-inch gravity line. The new influent lift station will pump flows to both the existing 0.5 MGD Package Plant and the proposed 1.0 MGD Central WWTP until the package plant is decommissioned (Project 5).

Project Drivers:

The wastewater flow projections show that additional wastewater treatment is required beyond the 0.5 MGD capacity currently in the Central Service Area at the City of Manvel (Corporate Drive) WWTP. This 1.0 MGD expansion is required in the near-term to serve wastewater flows generated in the Central Service Area.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	1.0 MGD Central WWTP	1	LS	\$ 17,840,000	\$ 17,840,000
2	54" Pipe > 16 feet deep	500	LF	\$ 864	\$ 432,000
3	72" Diameter Manhole (16' - 24')	3	EA	\$ 25,000	\$ 75,000
4	54/24 in Corporate Drive Junction Box	1	EA	\$ 400,000	\$ 400,000
				SUBTOTAL:	\$ 18,747,000
				CONTINGENCY	25%
				SUBTOTAL:	\$ 23,433,800
				ENG/SURVEY	15%
				SUBTOTAL:	\$ 26,948,900
Estimated Project Total:					\$ 26,948,900

CIP Project Number:

2

5-Year

Project Name:

New 4.0 MGD Pollard Blvd Lift Station and 18-inch Force Main (Phase 1)

Project Description:

This project includes the construction of a wet well sized for a firm capacity of 6.5 MGD. Startup firm pumping capacity is projected to be 4.0 MGD. This project also includes the construction of a new 18-inch force main to the proposed Central Treatment Plant influent lift station (Project 1).

Project Drivers:

This project is sized to convey the projected peak 2041 wastewater flows from the City Center and Valencia Developments, as well as additional City connections north and east of these developments. The lift station wet well and startup firm pumping capacity (4.0 MGD firm) includes the capacity to serve flows generated in the Bluewater Lakes development. As part of this project, it is anticipated that the Bluewater Lakes LS No. 1 will be decommissioned and the corresponding wastewater flows conveyed to the New Pollard Blvd. Lift Station.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Pollard Blvd LS Wet Well	1	LS	\$ 761,200	\$ 761,200
2	Pollard Blvd LS Pumps	1	LS	\$ 462,000	\$ 462,000
3	Pollard Blvd LS Electrical	1	LS	\$ 462,000	\$ 462,000
4	Pollard Blvd LS Generator	1	LS	\$ 429,000	\$ 429,000
5	Pollard Blvd LS Piping and Valves	1	LS	\$ 176,000	\$ 176,000
6	18" Force Main < 8 feet deep	4,900	LF	\$ 270	\$ 1,323,000
7	Decommission Lift Station	1	EA	\$ 50,000	\$ 50,000
SUBTOTAL:					\$ 3,663,200
CONTINGENCY				25%	\$ 915,800
SUBTOTAL:					\$ 4,579,000
ENG/SURVEY				20%	\$ 915,800
SUBTOTAL:					\$ 5,494,800
Estimated Project Total:					\$ 5,494,800

CIP Project Number:

3

5-Year

Project Name:

12/15/18/30-inch Lines through Valencia Development (Central Service Area Interceptor and Gravity System)

Project Description:

This project includes the construction of a 12-inch/15-inch/18-inch/30-inch gravity main through the Manvel City Center and Valencia developments.

Project Drivers:

This project will serve City customer connections in the Central Service Area including Manvel City Center and Valencia developments as well as adjacent areas to the north and west. This project is sized to convey the projected peak wastewater flows in this area through 2041.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe > 16 feet deep	3,300	LF	\$ 192	\$ 633,600
2	15" Pipe 8- 16 feet deep	1,000	LF	\$ 225	\$ 225,000
3	18" Pipe > 16 feet deep	5,600	LF	\$ 360	\$ 2,016,000
4	30" Pipe > 16 feet deep	4,300	LF	\$ 480	\$ 2,064,000
5	48" Diameter Manhole (16' - 24')	8	EA	\$ 18,000	\$ 144,000
6	60" Diameter Manhole (16' - 24')	10	EA	\$ 22,000	\$ 220,000
7	72" Diameter Manhole (16' - 24')	6	EA	\$ 25,000	\$ 150,000
8	Pavement Repair	1,420	LF	\$ 90	\$ 127,800
9	24" Boring and Casing	200	LF	\$ 528	\$ 105,600
10	30" Boring and Casing	400	LF	\$ 660	\$ 264,000
SUBTOTAL:					\$ 5,950,000
CONTINGENCY				25%	\$ 1,487,500
SUBTOTAL:					\$ 7,437,500
ENG/SURVEY				15%	\$ 1,115,700
SUBTOTAL:					\$ 8,553,200
Estimated Project Total:					\$ 8,553,200

CIP Project Number:

4

5-Year

Project Name: 8-inch Gravity Main along McCoy Road and Lewis Lane

Project Description:

This project includes the construction of 8-inch consolidation gravity lines along McCoy Road and Lewis Lane to Palmetto Street. This project also includes decommissioning of the existing McCoy Lift Station and associated 3-inch force main.

Project Drivers:

This project will allow the McCoy Road Lift Station to be decommissioned, and the wastewater flows to be conveyed to the recently constructed 15-inch gravity main along Palmetto Street.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	8" Pipe 8- 16 feet deep	2,700	LF	\$ 120	\$ 324,000
2	48" Diameter Manhole (8' - 16')	8	EA	\$ 14,000	\$ 112,000
3	Decommission Lift Station	1	EA	\$ 50,000	\$ 50,000
4	Pavement Repair	425	LF	\$ 90	\$ 38,250
SUBTOTAL:					\$ 524,300
CONTINGENCY				25%	\$ 131,100
SUBTOTAL:					\$ 655,400
ENG/SURVEY				15%	\$ 98,400
SUBTOTAL:					\$ 753,800
Estimated Project Total:					\$ 753,800

CIP Project Number:

5

10-Year

Project Name:

Expansion of the Central Regional Wastewater Treatment Plant to 2.0 MGD Capacity (Phase 2)

Project Description:

This project includes the construction of 1.0 MGD of additional treatment capacity at the Central WWTP and decommissioning of the existing 0.5 MGD package plant. This expansion will result in a total of 2.0 MGD average day flow treatment capacity at the Central WWTP. This WWTP will be expandable to 4.0 MGD by 2041 (Project 7).

Project Drivers:

The wastewater flow projections show that additional wastewater treatment is required beyond the capacity of the Proposed Central WWTP (Project 1) and the existing Corporate Drive WWTP. This expansion will be required in the 10-year planning period to serve the projected wastewater flows in the Central Service Area.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	2.0 MGD Central WWTP (1.0 MGD Expansion)	1	LS	\$ 11,064,000	\$ 11,064,000
				SUBTOTAL:	\$ 11,064,000
				CONTINGENCY	25%
					\$ 2,766,000
				SUBTOTAL:	\$ 13,830,000
				ENG/SURVEY	15%
					\$ 2,074,500
				SUBTOTAL:	\$ 15,904,500
Estimated Project Total:					\$ 15,904,500

CIP Project Number:

6

10-Year

Project Name: 12-inch Del Bello SPUR Gravity Main

Project Description:

This project includes the construction of 12-inch gravity main along Del Bello SPUR in the Central Service Area.

Project Drivers:

This project is sized to convey projected future wastewater flows from the vicinity of Del Bello SPUR to the Central Regional WWTP.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe 8- 16 feet deep	2,854	LF	\$ 180	\$ 513,630
2	48" Diameter Manhole (8' - 16')	7	EA	\$ 14,000	\$ 98,000
3	12" Pipe > 16 feet deep	1,430	LF	\$ 192	\$ 274,560
4	48" Diameter Manhole (16' - 24')	4	EA	\$ 18,000	\$ 72,000
5	24" Boring and Casing	200	LF	\$ 528	\$ 105,600
6	Pavement Repair	200	LF	\$ 90	\$ 18,000
SUBTOTAL:					\$ 1,081,800
CONTINGENCY				25%	\$ 270,500
SUBTOTAL:					\$ 1,352,300
ENG/SURVEY				15%	\$ 202,900
SUBTOTAL:					\$ 1,555,200
Estimated Project Total:					\$ 1,555,200

CIP Project Number:

7

Phase: 20-Year

Project Name: 15-inch Gravity Main Along Masters Road

Project Description:

This project includes the construction of a 15-inch gravity main along Masters Road.

Project Drivers:

This project will allow existing septic connections to connect to the City's wastewater system and also serve future projected wastewater flows in the Central Service Area to the north of Highway 6 near Masters Road.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	15" Pipe > 16 feet deep	3,800	LF	\$ 240	\$ 912,000
2	60" Diameter Manhole (16' - 24')	9	EA	\$ 22,000	\$ 198,000
3	Pavement Repair	380	LF	\$ 90	\$ 34,200
4	24" Boring and Casing	200	LF	\$ 528	\$ 105,600
SUBTOTAL:					\$ 1,249,800
CONTINGENCY				25%	\$ 312,500
SUBTOTAL:					\$ 1,562,300
ENG/SURVEY				15%	\$ 234,400
SUBTOTAL:					\$ 1,796,700
Estimated Project Total:					\$ 1,796,700

CIP Project Number:

8

Phase: 20-Year

Project Name: Large Avenue Lift Station Expansion to 1.8 MGD and 10-inch Force Main

Project Description:

This project includes the expansion of the Large Avenue Lift Station to 1.8 MGD (firm pumping capacity), and a new 10-inch force main replacing the existing 6-inch force main. This project includes the construction of a new wet well and additional pumping to replace the existing lift station.

Project Drivers:

The existing Large Avenue Lift Station (0.44 MGD firm capacity) is not sized to convey projected future peak wastewater flows in the Central Region along FM 1128 and in adjacent areas through 2041.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Large Ave Wet Well Replacement	1	LS	\$ 585,200	\$ 585,200
2	Large Ave Pumps	1	LS	\$ 207,900	\$ 207,900
3	Large Ave Electrical	1	LS	\$ 213,400	\$ 213,400
4	Large Ave Generator	1	LS	\$ 118,800	\$ 118,800
5	Large Ave Piping and Valves	1	LS	\$ 75,900	\$ 75,900
6	10" Force Main < 8 feet deep	5,500	LF	\$ 150	\$ 825,000
7	Pavement Repair	300	LF	\$ 90	\$ 27,000
8	20" Boring and Casing	200	LF	\$ 440	\$ 88,000
SUBTOTAL:					\$ 2,141,200
CONTINGENCY				25%	\$ 535,300
SUBTOTAL:					\$ 2,676,500
ENG/SURVEY				20%	\$ 535,300
SUBTOTAL:					\$ 3,211,800
Estimated Project Total:					\$ 3,211,800

CIP Project Number:

9

Phase: 20-Year

Project Name: New 1.1 MGD South Regional Wastewater Treatment Plant (Phase 1)

Project Description:

This project includes the construction of a new South Service Area Regional Wastewater Treatment Plant (WWTP) with 1.1 MGD average daily flow treatment capacity. This planning level cost does not include land acquisition.

Project Drivers:

This project is sized to treat the projected wastewater flows generated in the South Service Area through 2041.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	1.1 MGD South WWTP	1	LS	\$ 17,792,000	\$ 17,792,000
				SUBTOTAL:	\$ 17,792,000
				CONTINGENCY	25%
					\$ 4,448,000
				SUBTOTAL:	\$ 22,240,000
				ENG/SURVEY	20%
					\$ 4,448,000
				SUBTOTAL:	\$ 26,688,000
Estimated Project Total:					\$ 26,688,000

CIP Project Number:

10

Phase: 20-Year

Project Name: Expansion of the Central Region Wastewater Treatment Plant to 4.0 MGD Capacity (Phase 3)

Project Description:

This project includes the construction of 2.0 MGD additional treatment capacity at the Central WWTP. This expansion will result in a 4.0 MGD average daily flow treatment capacity at the Central WWTP.

Project Drivers:

This WWTP expansion is sized to serve wastewater flows generated in the Central Service Area and also diverted flows from the East Region through the East Regional Lift Station (Project 14) through 2041.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	4.0 MGD Central WWTP (2.0 MGD Expansion)	1	LS	\$ 20,560,000	\$ 20,560,000
		SUBTOTAL:			\$ 20,560,000
		CONTINGENCY		25%	\$ 5,140,000
		SUBTOTAL:			\$ 25,700,000
		ENG/SURVEY		20%	\$ 5,140,000
		SUBTOTAL:			\$ 30,840,000
Estimated Project Total:					\$ 30,840,000

CIP Project Number:

11

Phase: 20-Year

Project Name: New Pollard Boulevard Lift Station Expansion to 6.5 MGD

Project Description:

This project includes the construction of an expansion at the Pollard Boulevard Lift Station to increase the firm pumping capacity from 4.0 MGD to 6.5 MGD. This project does not include construction of a new wet well and force main. The wet well and force main recommended in the Phase 1 expansion (Project 2) are sized for this 6.5 MGD expansion.

Project Drivers:

This project will serve additional City customer connections in the Central Service Area north and east of the currently identified and anticipated developments. This project is sized to convey the projected peak wastewater flows in this area through 2041.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Pollard Blvd LS New Pumps	1	LS	\$ 751,300	\$ 751,300
2	Pollard Blvd LS New Electrical	1	LS	\$ 682,000	\$ 682,000
SUBTOTAL:					\$ 1,433,300
CONTINGENCY				25%	\$ 358,400
SUBTOTAL:					\$ 1,791,700
ENG/SURVEY				20%	\$ 358,400
SUBTOTAL:					\$ 2,150,100
Estimated Project Total:					\$ 2,150,100

City of Manvel



Wastewater CIP - Opinion of Probable Construction Cost*

December 23, 2021

**Planning Level Cost in 2021 Dollars*

CIP Project Number:

12

Phase: 20-Year

Project Name: Del Bello Lift Station Expansion to 1.3 MGD

Project Description:

This project includes the expansion of the existing Del Bello Lift Station to firm pumping capacity of 1.3 MGD. The costs include pump, electrical, and piping expansion only.

Project Drivers:

This expansion includes pump, electrical, and piping only. The existing wet well (diameter of 10-feet, depth of 29-feet) is sized to serve this growth.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Del Bello Pumps	1	LS	\$ 150,700	\$ 150,700
2	Del Bello Electrical	1	LS	\$ 169,400	\$ 169,400
3	Del Bello Piping and Valves	1	LS	\$ 68,200	\$ 68,200
				SUBTOTAL:	\$ 388,300
				CONTINGENCY	25%
				SUBTOTAL:	\$ 485,400
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 582,500
Estimated Project Total:					\$ 582,500

City of Manvel



Wastewater CIP - Opinion of Probable Construction Cost*

December 23, 2021

**Planning Level Cost in 2021 Dollars*

CIP Project Number:

13

Phase: 20-Year

Project Name: 15/24-inch South Region Gravity Main

Project Description:

This project consists of 15-inch and 24-inch gravity mains South of Highway 6 to the Proposed South WWTP (Project 9).

Project Drivers:

This project will serve future City connections in the South Service Area south of Highway 6. This project is sized to convey the projected peak wastewater flows through 2041.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	15" Pipe 8- 16 feet deep	5,200	LF	\$ 225	\$ 1,170,000
2	24" Pipe > 16 feet deep	6,000	LF	\$ 384	\$ 2,304,000
3	60" Diameter Manhole (8' - 16')	12	EA	\$ 18,000	\$ 216,000
4	60" Diameter Manhole (16' - 24')	9	EA	\$ 22,000	\$ 198,000
5	38" Boring and Casing	400	LF	\$ 836	\$ 334,400
SUBTOTAL:					\$ 4,222,400
CONTINGENCY				25%	\$ 1,055,600
SUBTOTAL:					\$ 5,278,000
ENG/SURVEY				15%	\$ 791,700
SUBTOTAL:					\$ 6,069,700
Estimated Project Total:					\$ 6,069,700

City of Manvel



Wastewater CIP - Opinion of Probable Construction Cost*

December 23, 2021

**Planning Level Cost in 2021 Dollars*

CIP Project Number:

14

Phase: 20-Year

Project Name: 12/15-inch Central Region Gravity Main

Project Description:

This project includes the construction of 12-inch and 15-inch gravity lines north of City Center in the Central Service Area. The newly constructed lines will connect to the proposed 12-inch and 18-inch lines part of Project 3.

Project Drivers:

This project is sized to convey projected future wastewater flows in the north and east portion of the Central Service Area by 2041.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe 8- 16 feet deep	2,900	LF	\$ 180	\$ 522,000
2	15" Pipe > 16 feet deep	2,900	LF	\$ 240	\$ 696,000
3	48" Diameter Manhole (8' - 16')	7	EA	\$ 14,000	\$ 98,000
4	60" Diameter Manhole (16' - 24')	7	EA	\$ 22,000	\$ 154,000
5	24" Boring and Casing	400	LF	\$ 528	\$ 211,200
6	Pavement Repair	200	LF	\$ 90	\$ 18,000
SUBTOTAL:					\$ 1,699,200
CONTINGENCY				25%	\$ 424,800
SUBTOTAL:					\$ 2,124,000
ENG/SURVEY				15%	\$ 318,600
SUBTOTAL:					\$ 2,442,600
Estimated Project Total:					\$ 2,442,600

CIP Project Number:

15

Phase: 20-Year

Project Name: New 4.0 MGD East Regional Lift Station and 14-inch Force Main

Project Description:

This project includes the construction of a 4.0 MGD regional lift station for the East Service Area and a 14-inch force main. This planning level cost does not include land acquisition.

Project Drivers:

This project is sized to convey the projected future wastewater flows generated in the East Service Area to the Central WWTP through 2041.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	East Regional LS Wet Well	1	LS	\$ 860,200	\$ 860,200
2	East Regional LS Pumps	1	LS	\$ 462,000	\$ 462,000
3	East Regional LS Electrical	1	LS	\$ 462,000	\$ 462,000
4	East Regional LS Generator	1	LS	\$ 264,000	\$ 264,000
5	East Regional LS Piping and Valves	1	LS	\$ 154,000	\$ 154,000
6	14" Force Main < 8 feet deep	15,500	LF	\$ 210	\$ 3,255,000
7	Pavement Repair	1,600	LF	\$ 90	\$ 144,000
8	24" Boring and Casing	600	LF	\$ 528	\$ 316,800
				SUBTOTAL:	\$ 5,918,000
				CONTINGENCY	25%
				SUBTOTAL:	\$ 7,397,500
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 8,877,000
Estimated Project Total:					\$ 8,877,000

CIP Project Number:

16

Phase: 20-Year

Project Name: 12-inch Gravity Main along Highway 6

Project Description:

This project includes the construction of a 12-inch gravity main along Highway 6.

Project Drivers:

This project is sized to convey projected future wastewater flows in the East Service Area along Highway 6 to the new East Regional Lift Station.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe > 16 feet deep	5,500	LF	\$ 192	\$ 1,056,000
2	48" Diameter Manhole (16' - 24')	12	EA	\$ 18,000	\$ 216,000
3	Pavement Repair	700	LF	\$ 90	\$ 63,000
4	24" Boring and Casing	200	LF	\$ 528	\$ 105,600
SUBTOTAL:					\$ 1,440,600
CONTINGENCY				25%	\$ 360,200
SUBTOTAL:					\$ 1,800,800
ENG/SURVEY				15%	\$ 270,200
SUBTOTAL:					\$ 2,071,000
Estimated Project Total:					\$ 2,071,000

CIP Project Number:

17

Phase: 20-Year

Project Name: West Regional Wastewater Treatment Plant Expansion to 4.0 MGD

Project Description:

This project includes the construction of 2.0 MGD additional treatment capacity at the West Regional WWTP. This project also includes the construction of a 12.0 MGD West Regional WWTP Influent Lift Station and a 24-inch force main.

Project Drivers:

This construction of the West Regional WWTP and Influent Lift Station is sized to convey and treat the projected wastewater flows from the West Service Area through 2041. This expansion will convey and treat wastewater flows from the Pomona and Southfork Developments and additional City customer connections in the West Service Area via the West Service Area Treatment Consolidation Projects (Project 18 and Project 19).

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	4.0 MGD West WWTP (2.0 MGD Expansion) and 12.0 MGD Influent WWTP Lift Station	1	LS	\$ 25,416,000	\$ 25,416,000
2	24" Force Main < 8 feet deep	3,900	LF	\$ 360	\$ 1,404,000
3	36" Boring and Casing	300	LF	\$ 792	\$ 237,600
4	Pavement Repair	500	LF	\$ 90	\$ 45,000
SUBTOTAL:					\$ 27,102,600
CONTINGENCY				25%	\$ 6,775,700
SUBTOTAL:					\$ 33,878,300
ENG/SURVEY				20%	\$ 6,775,700
SUBTOTAL:					\$ 40,654,000
Estimated Project Total:					\$ 40,654,000

CIP Project Number:

18

Phase: 20-Year

Project Name: West Service Area Wastewater Treatment Plant Consolidation and Gravity Main (Phase 1)

Project Description:

This project includes the decommissioning of the Pomona WWTP, the construction of a new 6.0 MGD Pomona Lift Station (firm pumping capacity) and 18-inch force main, and the construction of a 36/42-inch trunk line to the West Regional WWTP Influent Lift Station.

Project Drivers:

This project will convey the wastewater flows from the Pomona and Southfork Developments to the West Service Area Regional WWTP Influent Lift Station and WWTP. The existing Pomona WWTP does not have the long-term service life that the West Regional WWTP will have. Long-term, it will be more efficient for the City to operate fewer WWTPs. This project will decommission the Pomona WWTP in accordance with TCEQ regulations. Note that this project is also sized to re-pump the peak wastewater flows from the Southfork Development (Project 19).

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	36" Pipe 8- 16 feet deep	5,700	LF	\$ 540	\$ 3,078,000
2	36" Pipe > 16 feet deep	4,100	LF	\$ 576	\$ 2,361,600
3	42" Pipe > 16 feet deep	1,500	LF	\$ 672	\$ 1,008,000
4	72" Diameter Manhole (8' -16')	7	EA	\$ 20,000	\$ 140,000
5	72" Diameter Manhole (16' - 24')	7	EA	\$ 25,000	\$ 175,000
6	Decommission WWTP	1	EA	\$ 300,000	\$ 300,000
7	18" Force Main < 8 feet deep	7,500	LF	\$ 270	\$ 2,025,000
8	Pomona LS Wet Well	1	LS	\$ 896,500	\$ 896,500
9	Pomona LS Pumps	1	LS	\$ 693,000	\$ 693,000
10	Pomona LS Electrical	1	LS	\$ 638,000	\$ 638,000
11	Pomona LS Generator	1	LS	\$ 396,000	\$ 396,000
12	Pomona LS Piping and Valves	1	LS	\$ 174,900	\$ 174,900
13	Pavement Repair	1,000	LF	\$ 90	\$ 90,000
14	36" Boring and Casing	200	LF	\$ 792	\$ 158,400
SUBTOTAL:					\$ 12,134,400
CONTINGENCY				25%	\$ 3,033,600
SUBTOTAL:					\$ 15,168,000
ENG/SURVEY				20%	\$ 3,033,600
SUBTOTAL:					\$ 18,201,600
Estimated Project Total:					\$ 18,201,600

CIP Project Number:

19

Phase: 20-Year

Project Name: West Service Area Wastewater Treatment Consolidation (Phase 2)

Project Description:

This project includes the decommissioning of the Southfork WWTP, and the construction of a new Southfork 1.8 MGD Lift Station (firm pumping capacity) and 10-inch force main.

Project Drivers:

This project will pump the wastewater flows from the Southfork WWTP to the new Pomona Lift Station (Project 18), whereby the wastewater flow will be conveyed to the West Service Area Regional WWTP Influent Lift Station. The existing Southfork WWTP does not have the long-term service life that the West WWTP will have. Long-term, it will be more efficient for the City to operate fewer WWTPs. This project will decommission the Southfork WWTP in accordance with TCEQ regulations.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Decommission WWTP	1	EA	\$ 300,000	\$ 300,000
2	Southfork LS Wet Well	1	LS	\$ 487,300	\$ 487,300
3	Southfork LS Pumps	1	LS	\$ 207,900	\$ 207,900
4	Southfork LS Electrical	1	LS	\$ 213,400	\$ 213,400
5	Southfork LS Generator	1	LS	\$ 118,800	\$ 118,800
6	Southfork LS Piping and Valves	1	LS	\$ 74,800	\$ 74,800
7	10" Force Main < 8 feet deep	6,100	LF	\$ 150	\$ 915,000
8	Pavement Repair	610	LF	\$ 90	\$ 54,900
9	24" Boring and Casing	500	LF	\$ 528	\$ 264,000
				SUBTOTAL:	\$ 2,636,100
				CONTINGENCY	25%
				SUBTOTAL:	\$ 3,295,200
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 3,954,300
Estimated Project Total:					\$ 3,954,300

City of Manvel



Wastewater CIP - Opinion of Probable Construction Cost*

December 23, 2021

**Planning Level Cost in 2021 Dollars*

CIP Project Number:

20

Phase: 20-Year

Project Name: 21/24-inch Gravity Main along Mustang Bayou

Project Description:

This project includes the construction of new 21-inch and 24-inch trunk line along Mustang Bayou.

Project Drivers:

This project is sized to convey the projected future (2041) peak wastewater flows from the East Service Area north of Highway 6 to the East Regional Lift Station.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	21" Pipe > 16 feet deep	4,800	LF	\$ 336	\$ 1,612,800
2	24" Pipe > 16 feet deep	5,500	LF	\$ 384	\$ 2,112,000
3	60" Diameter Manhole (16' - 24')	7	EA	\$ 22,000	\$ 154,000
4	72" Diameter Manhole (16' - 24')	8	EA	\$ 25,000	\$ 200,000
5	Pavement Repair	1,030	LF	\$ 90	\$ 92,700
6	36" Boring and Casing	200	LF	\$ 792	\$ 158,400
				SUBTOTAL:	\$ 4,329,900
				CONTINGENCY	25%
				SUBTOTAL:	\$ 5,412,400
				ENG/SURVEY	15%
				SUBTOTAL:	\$ 6,224,300
Estimated Project Total:					\$ 6,224,300

CIP Project Number:

21

Phase: 20-Year

Project Name: New 1.0 MGD Lift Station, 8-inch Force Main and 15-inch Gravity Line

Project Description:

This project includes the construction of a 15-inch gravity main, a new 1.0 MGD lift station and an 8-inch force main along Mustang Bayou.

Project Drivers:

This project is sized to convey the projected future (2041) peak wastewater projected peak wastewater flows from the East Service Area north of Highway 6 to the East Regional Lift Station.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	15" Pipe > 16 feet deep	5,800	LF	\$ 240	\$ 1,392,000
2	60" Diameter Manhole (16' - 24')	13	EA	\$ 22,000	\$ 286,000
3	8" Force Main < 8 feet deep	500	LF	\$ 120	\$ 60,000
4	New East 1 MGD LS Wet Well	1	LS	\$ 441,100	\$ 441,100
5	New East 1 MGD LS Pumps	1	LS	\$ 115,500	\$ 115,500
6	New East 1 MGD LS Electrical	1	LS	\$ 143,000	\$ 143,000
7	New East 1 MGD LS Generator	1	LS	\$ 66,000	\$ 66,000
8	New East 1 MGD LS Piping and Valves	1	LS	\$ 66,000	\$ 66,000
9	Pavement Repair	630	LF	\$ 90	\$ 56,700
10	36" Boring and Casing	200	LF	\$ 792	\$ 158,400
SUBTOTAL:					\$ 2,784,700
CONTINGENCY				25%	\$ 696,200
SUBTOTAL:					\$ 3,480,900
ENG/SURVEY				20%	\$ 696,200
SUBTOTAL:					\$ 4,177,100
Estimated Project Total:					\$ 4,177,100

APPENDIX B

Lift Station Inventory

City of Manvel
Master Wastewater Plan Update
Lift Station Inventory



General Information			Wet Well				Piping			Pumps						Control Levels (ft MSL)			
Lift Station Name (No.)	Year Built	As Built Plans	Diameter (ft)	Depth (ft)	Bottom Elev. (ft MSL)	Ground Elev. (ft MSL)	Foce Main Diameter (in)	Influent Diameter (in)	Inf. Flowline(s) (ft MSL)	No. Pumps	Manuf./Type	Model/Serial No.	Firm Capacity (gpm)	Horse Power	TDH (ft)	1st Pump ON	2nd Pump ON	All Pumps ON	All Pumps OFF
Corporate Drive (No. 1) <i>WWTP Influent Lift Station</i>	2004	Yes	8	19.6	32.72	52.3	8	24	40.3	3	Submersible		950	10	67	40.3	40.8	41.3	34.72
McCoy Road (No. 3)	-	None Available	3	10	-	-	-	-	-	2	-	-	317	2	45	-	-		-
Large Avenue^(a) (No. 4)	2017	Yes	8	24.2	29.92	51.11	6	24	34.03	2	Myers Pentair Submersible	4RH/4RHX	300	15	49	33.67	34.17	34.17	31.92
Rogers Road (No. 5)	-	None Available	10	23	-	-	-	-	-	2	-	-	433	10	79	-	-		-
Lewis Lane (No. 6)	-	None Available	10	24	-	-	-	-	-	2	-	-	200	5	30.5	-	-		-
Lakeland^(b) (No. 7) <i>In Lakeland Subdivision</i>	2010	Yes	10	30.3	26.2	55.8	10	15	34.0	3	Flygt Submersible	3153-63-465-00- 3050	550 ^(c) 716 ^(d)	7.5	25.6 ⁽²⁾	33.8 ⁽²⁾⁽³⁾	34.8 ⁽³⁾	36.8 ⁽²⁾⁽³⁾	28.7 ⁽²⁾⁽³⁾
Bluewater^(e) (No. 8)	2017	Yes	10	27.9	27.58	54	6	8	33.8	2	Flygt Submersible	CP 3102 MT 3 ~ 432	287	5	38	32.85	33.83	33.83	31.58
Dell Bello Lakes^(f) (No. 9)	2019	Yes	10	29	28.5	56	8	10	36.0	2	Flygt Submersible	NP 3153 HT 2 ~ 464	525	15	61	35	36	36	31.5

Notes:

(a) Information based on bid plans for lift station expansion (Plans dated January 9, 2017)

(b) Information based on plans dated January 28, 2010

(c) Initial (existing) condition - duplex pump setup

(d) Final (future) condition - triplex pump setup

(e) Information based on plans for lift station construction (Plans dated February 2, 2017)

(f) Information based on plans for lift station construction (Plans dated March 7, 2019)

APPENDIX C

Wastewater TPDES Permits



TPDES PERMIT NO.
WQ0013872001
*[For TCEQ office use only - EPA I.D.
No. TX0118397]*

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

This is a renewal that replaces TPDES
Permit No. WQ0013872001 issued on
October 18, 2013.

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

City of Manvel

whose mailing address is

20025 Morris Avenue
Manvel, Texas 77578

is authorized to treat and discharge wastes from the City of Manvel Wastewater Treatment Facility, SIC
Code 4952

located at 7315 Corporate Drive, Manvel, in Brazoria County, Texas 77578

to Brazoria County Flood Control Ditch No. 12; thence to Chocolate Bayou Above Tidal in Segment No.
1108 of the San Jacinto 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, **five years from the date of issuance.**

ISSUED DATE: December 20, 2018



For the Commission

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the date of issuance 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 0.50 million gallons per day (MGD), nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,389 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. & Daily Max. Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (42)	15	25	35	One/week Composite
Total Suspended Solids	15 (63)	25	40	60	One/week Composite
Ammonia Nitrogen	3 (13)	6	10	15	One/week Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	One/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample at each chlorine contact chamber. 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 twice 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 5.0 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 219) 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.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. 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.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

- 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, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **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 12) 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 12) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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 12) 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 12) 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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.

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OTHER REQUIREMENTS

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 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.

2. The facility is not located in the Coastal Management Program boundary.
3. 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)(2). The permittee submitted a nuisance odor prevention plan which was approved by the TCEQ Wastewater Permitting Section on December 7, 2010. (See Attachment A.)
4. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
5. 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, 1/month may be reduced to 1/quarter. **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.
6. Within 60 days of issuance of this permit for the Final phase treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). 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 effluent limitations required on Page 2 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. **This provision is continued from the permit issued on October 18, 2013 which has not been complied with to date.**

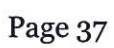
7. The permittee shall notify the TCEQ Regional Office (MC Region 12) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the new facilities on Notification of Completion Form 20007. **This provision is continued from the permit issued on October 18, 2013 which has not been complied with to date.**

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

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 or BOD), 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





TPDES PERMIT NO.

WQ0014253001

[For TCEQ office use only - EPA I.D.
No. TX0124001]

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

This is a renewal that replaces TPDES
Permit No. WQ0014253001 issued on
October 25, 2013.

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

Brazoria County Municipal Utility District No. 29

whose mailing address is

c/o Allen Boone Humphries Robinson, LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

is authorized to treat and discharge wastes from the Rodeo Palms Wastewater Treatment Facility, SIC
Code 4952

located at 3660 1/2 Rodeo Palms Parkway, in the City of Manvel, in Brazoria County, Texas 77578

to Brazoria County Drainage District No. 4 Ditch E102-00-00; thence to Chocolate Bayou Above Tidal
in Segment No. 1108 of the San Jacinto-Brazos Coastal 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, **five years from the date of issuance.**

ISSUED DATE: October 30, 2018


For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

- During the period beginning upon the date of issuance and lasting through the completion of expansion to the 0.45 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.375 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 781 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)	10 (31)	15	25	35	One/week Grab
Total Suspended Solids	15 (47)	25	40	60	One/week Grab
Ammonia Nitrogen	3 (9.4)	6	10	15	One /week Grab
Total Dissolved Solids	900 (2,815)	N/A	N/A	N/A	One/week Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month Grab

- The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- 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.
- There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
- The effluent shall contain a minimum dissolved oxygen of 4.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the completion of expansion to the 0.45 million gallons per day (MGD) 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 0.450 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 885 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)	10 (38)	15	25	35	One/week Grab
Total Suspended Solids	15 (56)	25	40	60	One/week Grab
Ammonia Nitrogen	3 (11)	6	10	15	One/week Grab
Total Dissolved Solids	900 (3,378)	N/A	N/A	N/A	One/week Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample. 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 minimum dissolved oxygen of 4.0 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.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. 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.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

- 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, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **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 12) 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 12) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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 12) 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 12) 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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

OTHER REQUIREMENTS

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 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.

2. The facility is not located in the Coastal Management Program boundary.
3. 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 and Brazoria County Drainage easements, the permittee complies with the requirements of 30 TAC § 309.13(e)(3). (See Attachment A).
4. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
5. 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, 1/month may be reduced to 1/quarter in the Interim phase and Final phase. **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.
6. The permittee shall provide written notice to the TCEQ Regional Office (MC Region 12) and the Applications Review and Processing Team (MC 148) of the Water Quality Division at least forty-five (45) days prior to completion of final phase on Notification of Completion Form 20007.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

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 or BOD), 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

Brazoria County Municipal Utility District No. 29

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N03°10'49"W	389.90'
L2	N86°41'11"E	397.37'
L3	S03°25'23"E	309.14'
L4	S06°34'37"W	398.12'
L5	N03°25'23"W	71.94'
L6	N03°18'49"W	167.66'
L7	N86°41'11"E	90.12'
L8	S03°25'23"E	167.49'
L9	S86°34'37"W	90.44'

0' 200'
SCALE: 1" = 200'

LEGEND

B.C.C.F. NO.	Brazoria County Clerk's File Number
B.C.P.R.	Brazoria County Plat Records
B.C.D.R.	Brazoria County Deed Records
FND	Found
O.R.O.B.C.	Official Records of Brazoria County
IR	Iron rod
VOL. PG	Volume, Page

NOTES:
BEARING ORIENTATION IS BASED ON THE
TEXAS STATE PLANE COORDINATE SYSTEM
OF 1983, SOUTH CENTRAL ZONE AS
DETERMINED BY GPS MEASUREMENTS.

THIS EXHIBIT DOES NOT SHOW ALL EASEMENTS, BUILDING LINES, AND OTHER ENCUMBRANCES.

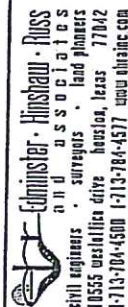


EXHIBIT OF A
BUFFER ZONE

3.2094 ACRES IN THE
H.T.&B. R.R. CO. SURVEY, A-460
BRAZORIA COUNTY, TEXAS

DATE: SEPT. 20, 2011	SCALE: 1" = 200'	JOB NO.: 031-045-20
DWG. NAME: 0310162XV-CHMT MullerZone.dwg		DRAWING NO.: NQNE

Attachment 'A'



TPDES PERMIT NO.

WQ0014756001

[For TCEQ office use only - EPA I.D.
No. TX0129178]

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

This is a renewal that replaces TPDES
Permit No. WQ0014756001 issued on
March 7, 2014.

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

Sedona Lakes Municipal Utility District No. 1

whose mailing address is

c/o Sanford Kuhl Hagan Kugle Parker Kahn, LLP
1980 Post Oak Boulevard, Suite 1380
Houston, Texas 77056

is authorized to treat and discharge wastes from the Sedona Lakes Wastewater Treatment Facility, SIC
Code 4952

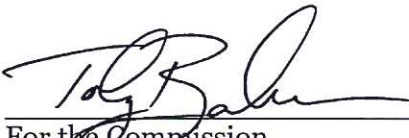
located approximately 1.1 miles east-northeast of the intersection of County Road 58 and State Highway
288, in Brazoria County, Texas 77578

to Mustang Bayou; thence to Persimmon Bayou; thence to New Bayou; thence to Chocolate Bay in
Segment No. 2432 of the Bays and Estuaries

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, **five years from the date of issuance.**

ISSUED DATE: December 3, 2018


For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion of the 0.60 million gallons per day (MGD) facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.30 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 833 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
Biochemical Oxygen Demand (5-day)	10 (25)	15	25	35	One/week Grab
Total Suspended Solids	15 (38)	25	40	60	One/week Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample at each chlorine contact chamber. 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 4.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

- During the period beginning upon the completion of expansion of the 0.60 million gallons per day (MGD) facilities 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 0.60 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,667 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. & Daily max Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (50)	15	25	35	One/week Composite
Total Suspended Solids	15 (75)	25	40	60	One/week Composite
Ammonia Nitrogen	3 (15)	6	10	15	One/week Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Two/month Grab

- The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample at each chlorine contact chamber. An equivalent method of disinfection may be substituted only with prior approval of the Executive Director.
- The pH shall not be less than 6.0 standard units nor greater than 9.0 standard units and shall be monitored twice per month by grab sample.
- There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- Effluent monitoring samples shall be taken at the following location(s): Following the final treatment unit.
- The effluent shall contain minimum dissolved oxygen of 4.0 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.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. 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.
- 9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
 - 10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
 - 11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
 - a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

- 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, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **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 12) 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 12) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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 12) 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 12) 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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

OTHER REQUIREMENTS

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 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.

2. The facility is not located in the Coastal Management Program boundary.
3. The permittee submitted evidence (on file) of legal restrictions prohibiting residential structures with the part of the buffer zone not owned by the permittee for all phases according to 30 TAC § 309.139e(3). The permittee shall comply with the requirements of 30 TAC § 309.13 (a) through (d). (See Attachment A).
4. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
5. 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, 1/month may be reduced to 1/quarter in the Interim phase and 2/month may be reduced to 1/month in the Final phase. **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.
6. Prior to construction of the Final phase treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). 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 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.

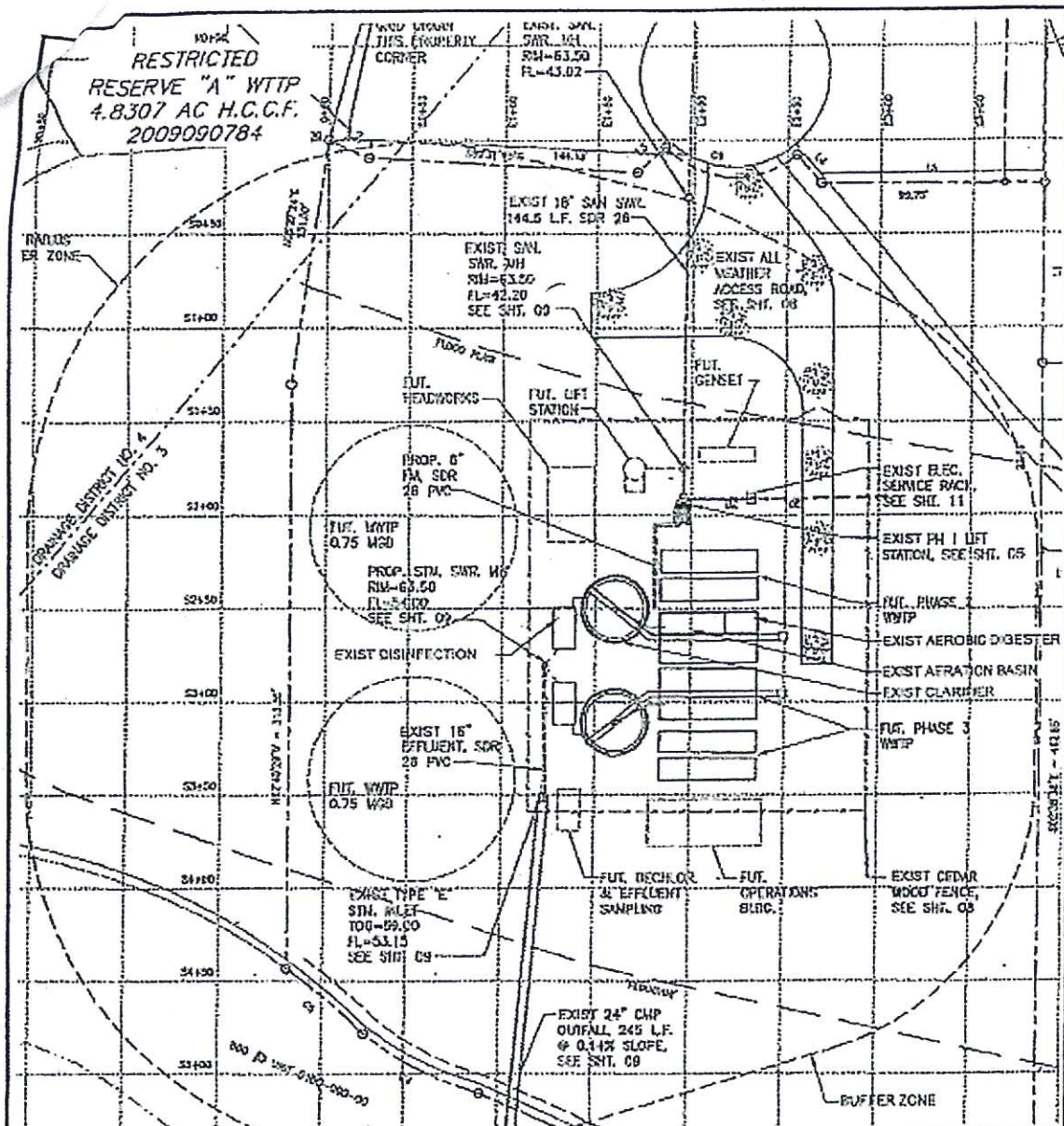
7. The permittee shall notify the TCEQ Regional Office (MC Region 12) and the Applications Review and Processing Team (MC 148) of the Water Quality Division, in writing at least forty-five (45) days prior to the completion of the Final phase facilities on Notification of Completion Form 20007.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

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 or BOD), 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
Sedona Lakes MUD No. 1
TPDES Permit No. WQ0014756001

SEDONA LAKES M.U.D. No. 1

**BROWN
& GAY**
ENGINEERS, INC.

Brown & Gay Engineers, Inc.
10777 Westheimer, Suite 400, Houston, TX 77042
Tel: 281-558-8700 Fax: 281-558-8791
Civil Engineers and Surveyors
www.browngay.com

WWTP TPDES Permit

Site Plan with Buffer Zone
Corresponds to Domestic Administrative
Report 1.1, Item 2.a, Page 16 and Domestic
Technical Report 1.0, Item 3.d, Page 2

DATE: June 2013	PROJECT #: 4823.3	EXCHG: 2
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TPDES PERMIT NO.
WQ0014322001
[For TCEQ office use only - EPA I.D.
No. TX0124737]

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

This is a renewal that replaces TPDES
Permit No. WQ0014322001 issued on
July 27, 2016.

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

Brazoria County Municipal Utility District No. 25

whose mailing address is

c/o Allen, Boone, Humphries & Robinson LLP
3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

is authorized to treat and discharge wastes from the Brazoria County MUD No. 25 Wastewater
Treatment Facility, SIC Code 4952

located at 3451 1/2 Southfork Freeway, in the City of Manvel, in Brazoria County, Texas 77578

to the American Canal in Segment No. 1100. Note, this discharge does not enter the classified segment
of the San Jacinto-Brazos Coastal 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, **five years from the date of issuance.**

ISSUED DATE: October 17, 2018


For the Commission

INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the date of issuance and lasting through completion of expansion to the 0.75 million gallons per day (MGD) facility, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.48 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,313 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)	10 (40)	15	25	35	One/week Grab
Total Suspended Solids	15 (60)	25	40	60	One/week Grab
Ammonia Nitrogen	3 (12)	6	10	15	One/week Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	One/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored five times per week by grab sample at each chlorine contact chamber. 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 4.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon completion of expansion to the 0.75 million gallons per day (MGD) 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 0.75 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,545 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. & Daily Max. Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (63)	15	25	35	One/week Composite
Total Suspended Solids	15 (94)	25	40	60	One/week Composite
Ammonia Nitrogen	3 (19)	6	10	15	One/week Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	Two/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), and shall be monitored daily by grab sample at each chlorine contact chamber. 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 twice 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 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.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. 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.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

- 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, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **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 12) 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 12) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 landfill) 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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 12) 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 12) 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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

OTHER REQUIREMENTS

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 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.

2. The facility is not located in the Coastal Management Program boundary.
3. 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).
4. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
5. 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, 1/month may be reduced to 1/quarter in the Interim phase, and 2/month may be reduced to 1/month in the Final phase. **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.
6. Within 60 days of the date of permit issuance for the Interim phase facilities, and prior to construction of the Final phase treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). 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 effluent limitations

required on Page 2 and 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.

7. The permittee shall notify the TCEQ Regional Office (MC Region 12) 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 final phase facilities on Notification of Completion Form 20007.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

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 or BOD), 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



TPDES PERMIT NO. WQ0014641001
[For TCEQ office use only - EPA I.D.
No. TX0128163]

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

This is a renewal that replaces TPDES
Permit No. WQ0014641001 issued on
November 15, 2013.

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

Brazoria County Municipal Utility District No. 39

whose mailing address is

3200 Southwest Freeway, Suite 2600
Houston, Texas 77027

is authorized to treat and discharge wastes from the Brazoria County Municipal Utility District No. 39
Wastewater Treatment Facility, SIC Code 4952

located at 4554 Croix Parkway (County Road 84), in Brazoria County, Texas 77578

to Mustang Bayou; thence to Persimmon Bayou; thence to New Bayou; thence to Chocolate Bay in
Segment No. 2432 of the Bays and Estuaries

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, **five years from the date of issuance.**

ISSUED DATE: January 2, 2019

A handwritten signature in black ink, appearing to read "T. G. Baker".

For the Commission

INTERIM I EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the date of issuance and lasting through the completion of expansion of the 0.25 million gallons per day (MGD) facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.125 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 347 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)	10 (10)	15	25	35	One/week Grab
Total Suspended Solids	15 (16)	25	40	60	One/week Grab
Ammonia Nitrogen	3 (3.1)	6	10	15	One/week Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab sample. 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 4.0 mg/l and shall be monitored once per week by grab sample.

INTERIM II EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon completion of expansion of the 0.25 million gallons per day (MGD) facilities and lasting through the completion of expansion of the 0.375 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.25 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 694 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)	10 (21)	15	25	35	One/week Grab
Total Suspended Solids	15 (31)	25	40	60	One/week Grab
Ammonia Nitrogen	3 (6.3)	6	10	15	One/week Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab sample. 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 4.0 mg/l and shall be monitored once per week by grab sample.

INTERIM III EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the completion of expansion of the 0.375 million gallons per day (MGD) facilities and lasting through the completion of expansion of the 0.50 MGD facilities, the permittee is authorized to discharge subject to the following effluent limitations:

The daily average flow of effluent shall not exceed 0.375 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,040 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 Totalizing Meter
Flow, MGD	Report	N/A	Report	N/A	Continuous	
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (31)	15	25	35	One/week	Grab
Total Suspended Solids	15 (47)	25	40	60	One/week	Grab
Ammonia Nitrogen	3 (9.4)	6	10	15	One/week	Grab
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	N/A	399	One/month	Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow) and shall be monitored five times per week by grab sample. 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 4.0 mg/l and shall be monitored once per week by grab sample.

FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTSOutfall Number 001

1. During the period beginning upon the completion of the 0.50 million gallons per day (MGD) facilities 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 0.50 MGD, nor shall the average discharge during any two-hour period (2-hour peak) exceed 1,390 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. & Daily Max. Measurement Frequency Sample Type
Flow, MGD	Report	N/A	Report	N/A	Continuous Totalizing Meter
Carbonaceous Biochemical Oxygen Demand (5-day)	10 (42)	15	25	35	One/week Composite
Total Suspended Solids	15 (63)	25	40	60	One/week Composite
Ammonia Nitrogen	3 (13)	6	10	15	One/week Composite
<i>E. coli</i> , colony-forming units or most probable number per 100 ml	126	N/A	399	N/A	One/month Grab

2. The effluent shall contain a chlorine residual of at least 1.0 mg/l and shall not exceed a chlorine residual of 4.0 mg/l after a detention time of at least 20 minutes (based on peak flow), for each treatment train and shall be monitored daily by grab sample. 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 twice 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 minimum dissolved oxygen of 4.0 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 $(\text{Flow, MGD} \times \text{Concentration, mg/l} \times 8.34)$.
 - 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 219) 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.

- b. The plans and specifications for domestic sewage collection and treatment works associated with any domestic permit must be approved by the Commission and failure to secure approval before commencing construction of such works or making a discharge is a violation of this permit and each day is an additional violation until approval has been secured.
 - c. Permits for domestic wastewater treatment plants are granted subject to the policy of the Commission to encourage the development of area-wide waste collection, treatment, and disposal systems. The Commission reserves the right to amend any domestic wastewater permit in accordance with applicable procedural requirements to require the system covered by this permit to be integrated into an area-wide system, should such be developed; to require the delivery of the wastes authorized to be collected in, treated by or discharged from said system, to such area-wide system; or to amend this permit in any other particular to effectuate the Commission's policy. 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.
9. Domestic wastewater treatment plants shall be operated and maintained by sewage plant operators holding a valid certificate of competency at the required level as defined in 30 TAC Chapter 30.
10. For Publicly Owned Treatment Works (POTWs), the 30-day average (or monthly average) percent removal for BOD and TSS shall not be less than 85%, unless otherwise authorized by this permit.
11. Facilities that generate industrial solid waste as defined in 30 TAC § 335.1 shall comply with these provisions:
- a. Any solid waste, as defined in 30 TAC § 335.1 (including but not limited to such wastes as garbage, refuse, sludge from a waste treatment, water supply treatment plant or air pollution control facility, discarded materials, discarded materials to be recycled, whether the waste is solid, liquid, or semisolid), generated by the permittee during the management and treatment of wastewater, must be managed in accordance with all applicable provisions of 30 TAC Chapter 335, relating to Industrial Solid Waste Management.
 - b. Industrial wastewater that is being collected, accumulated, stored, or processed before discharge through any final discharge outfall, specified by this permit, is considered to be industrial solid waste until the wastewater passes through the actual point source discharge and must be managed in accordance with all applicable provisions of 30 TAC Chapter 335.
 - c. The permittee shall provide written notification, pursuant to the requirements of 30 TAC § 335.8(b)(1), to the Environmental Cleanup Section (MC 127) of the Remediation Division informing the Commission of any closure activity involving an Industrial Solid Waste Management Unit, at least 90 days prior to conducting such an activity.

- 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.

TCEQ Revision 08/2008

SLUDGE PROVISIONS

The permittee is authorized to dispose of sludge only at a Texas Commission on Environmental Quality (TCEQ) authorized land application site, co-disposal landfill, wastewater treatment facility, or facility that further processes sludge. **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 12) 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 12) and the Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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 12) 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 12) 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division by September 30th 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 12) and Compliance Monitoring Team (MC 224) of the Enforcement Division, by September 30th 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.

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OTHER REQUIREMENTS

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 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.

2. The facility is not located in the Coastal Management Program boundary.
3. 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).
4. The permittee shall provide facilities for the protection of its wastewater treatment facility from a 100-year flood.
5. 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, 1/month may be reduced to 1/quarter in the Interim I, I III and Final phases. **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.
6. Prior to construction of the Interim II, III and Final phases of treatment facilities, the permittee shall submit to the TCEQ Wastewater Permitting Section (MC 148) a summary transmittal letter in accordance with the requirements in 30 TAC § 217.6(d). 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 effluent limitations required on Page 2a, 2b and 2c 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.

7. The permittee shall notify the TCEQ Regional Office (MC Region 12) 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 Interim II, III, and Final phases facilities on Notification of Completion Form 20007.

CONTRIBUTING INDUSTRIES AND PRETREATMENT REQUIREMENTS

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., biochemical oxygen demand or BOD), 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

APPENDIX D
TCEQ Chapter 210 and Chapter 344

**SUBCHAPTER B : GENERAL REQUIREMENTS FOR THE PRODUCTION,
CONVEYANCE, AND USE OF RECLAIMED WATER
§§210.21 - 210.25**

§210.21. Applicability.

This subchapter establishes general requirements applicable to producers, providers, and users of reclaimed water. This subchapter also establishes requirements and specifications for transfer, storage, and irrigation using reclaimed water and design criteria of reclaimed water systems. Additionally, this subchapter establishes requirements and specifications necessary to minimize discharges of waste into or adjacent to waters in the state.

Adopted January 8, 1997

Effective February 12, 1997

§210.22. General Requirements.

- (a) Reuse of untreated wastewater is prohibited.
- (b) Food crops that may be consumed raw by humans shall 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.
- (c) There shall be no nuisance conditions resulting from the distribution, the use, and/or storage of reclaimed water.
- (d) Reclaimed water shall not be utilized in a way that degrades ground water quality to a degree adversely affecting its actual or potential uses.
- (e) Reclaimed water managed in ponds for storage must be prevented from discharge 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. If any unauthorized overflow of a holding pond occurs causing discharge into or adjacent to waters in the state, the user or provider, as appropriate, shall report the noncompliance. A written submission of such information shall also be provided to the TNRCC regional office and to the Austin Office, Water Enforcement Section (MC-149), within five (5) working days of becoming aware of the overflow. 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 anticipated 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.

Adopted January 8, 1997

Effective February 12, 1997

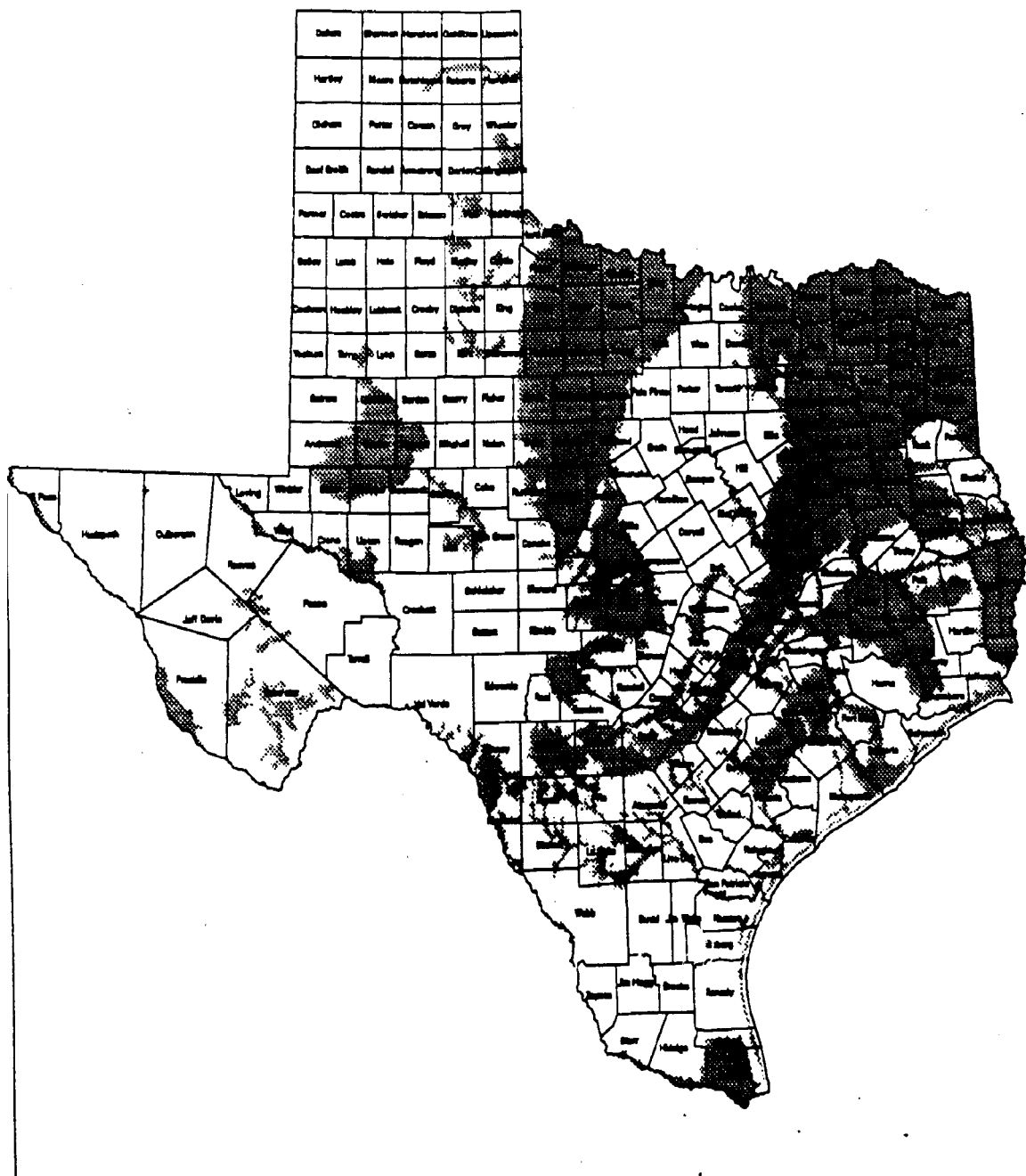
§210.23. Storage Requirements for Reclaimed Water.

(a) Except for authorized on-channel ponds, storage facilities for retaining reclaimed water prior to use shall not be located within the floodway.

(b) Except as provided by subsection (e) of this section, all initial holding ponds must be lined in accordance with either subsection (c) or (d) of this section, as appropriate.

(c) All initial and subsequent holding ponds containing Type I and Type II effluent, located within the recharge zone of the Edwards Aquifer, as defined in Chapter 213 of this title (relating to Edwards Aquifer), and all initial holding ponds containing Type II effluent, located in a vulnerable area as defined by a rating of 110 or greater on the statewide “*Ground-Water Pollution Potential - General, Municipal, and Industrial Sources*” (DRASTIC) map (as shown in Figure 1 of this chapter), shall conform to the following requirements: (Figure 1: 30 TAC §210.23(c)).

DRASTIC Pollution Potential Index of 110 or Greater



(1) The ponds, whether constructed of earthen or other impervious material, shall be designed and constructed so as to prevent groundwater contamination;

(2) Soils used for pond lining shall be free from foreign material such as paper, brush, trees, and large rocks;

(3) 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. In-situ clay soils meeting the soils liner requirements shall be excavated and re-compacted a minimum of 6 inches below planned grade to assure a uniformly compacted finished surface.

(4) Soil liners must meet the following particle size gradation and Atterberg limits:

(A) 30% or more passing a number 200 mesh sieve; and

(B) a liquid limit of 30% or greater; and a plasticity index of 15 or greater and have a permeability less than or equal to 1×10^{-7} cm/sec;

(5) Synthetic membrane linings shall have a minimum thickness of 40 mils with a leak detection system. In situ liners at least 24 inches thick meeting a permeability less than or equal to 1×10^{-7} cm/sec are acceptable alternatives;

(6) Certification shall be furnished by a Texas Registered Professional Engineer that the pond lining meets the appropriate criteria prior to utilization of the facilities; and

(7) Soil embankment walls shall have a top width of at least five feet. The interior and exterior slopes of soil embankment walls shall be no steeper than one foot vertical to three feet horizontal unless alternate methods of slope stabilization are utilized. All soil embankment walls shall be protected by a vegetative cover or other stabilizing material to prevent erosion. Erosion stops and water seals shall be installed on all piping penetrating the embankments.

(d) All initial holding ponds designed to contain Type I effluent, located outside of the recharge zone of the Edwards Aquifer, and Type II effluent, located in areas in the state not identified in subsection (c) of this section shall conform to the following requirements:

(1) The ponds, whether constructed of earthen or other impervious materials, shall be designed and constructed so as to prevent groundwater contamination;

(2) Soils used for pond lining shall be free from foreign material such as paper, brush, trees, and large rocks;

(3) All soil liners must be of compacted material having a permeability less than or equal to 1×10^{-4} cm/sec, at least 24 inches thick, compacted in lifts no greater than 6 inches each;

(4) Synthetic membrane linings shall have a minimum thickness of 40 mils. In situ liners at least 24 inches thick meeting a permeability less than or equal to 1×10^{-4} cm/sec are acceptable alternatives;

(5) Certification shall be furnished by a Texas Registered Professional Engineer that the pond lining meets the appropriate criteria prior to utilization of the facilities; and

(6) Soil embankment walls shall have a top width of at least five feet. The interior and exterior slopes of soil embankment walls shall be no steeper than one foot vertical to three feet horizontal unless alternate methods of slope stabilization are utilized. All soil embankment walls shall be protected by a vegetative cover or other stabilizing material to prevent erosion. Erosion stops and water seals shall be installed on all piping penetrating the embankments.

(7) An alternative method of pond lining which provides equivalent or better water quality protection than provided under this section may be utilized with the prior approval of the executive director.

(8) A specific exemption may be obtained from the executive director if, after the review of data submitted by the reclaimed water provider or user, as appropriate, the executive director determines containment of the reclaimed water is not necessary, considering:

(A) soil and geologic data, and ground water data, including its quality, uses, quantity and yield; and

(B) adequate demonstration that impairment of ground water for its actual or potential use will be prevented.

(e) Reclaimed water may be stored in leak-proof, fabricated tanks.

(f) 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 ground water for its actual or intended use will also be subject to the storage requirements of this section.

Adopted January 8, 1997

Effective February 12, 1997

§210.24. Irrigation Using Reclaimed Water.

(a) The reclaimed water user shall provide reasonable control of the application rates for reclaimed water applied to irrigation areas. These controls shall encourage the efficient use of reclaimed water and avoid excessive application of reclaimed water that results in surface runoff or excessive percolation below the root zone.

(b) The reclaimed water provider or user, as applicable shall determine and document typical irrigation demands for the proposed use based on type of vegetation and land area to be irrigated. As one alternative, a typical method for determining irrigation needs is shown in Table 1 of this section. However, other alternative methods may be used. (Figure 1: 30 TAC §210.24(b))

FIGURE 1: 30 TAC §210.24(b)

TABLE 1
WATER BALANCE EXAMPLE
(All Units are Inches of Water per Acre of Irrigated Area)

	a	b	Ri	c	d			e	f	g
Month	Average	Average	Average	Evapo-	Required	Total	Effluent	Evapo-	Effluent	Consumption
(1)	Precipitation	Runoff	Infiltrated	transpiration	Leaching	Water	Needed	ration	to be	from
(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Jan.	2.11	0.40	1.71	0.80	0.00	0.80	0.00	0.02	0.00	0.02
Feb.	2.43	0.57	1.86	1.20	0.00	1.20	0.00	0.01	0.00	0.01
Mar.	2.02	0.36	1.66	2.80	0.20	3.00	1.34	0.09	1.58	1.67
Apr.	3.19	1.03	2.16	3.40	0.22	3.62	1.46	0.05	1.72	1.77
May	4.19	1.74	2.45	6.10	0.64	6.74	4.29	0.10	5.05	5.15
June	3.30	1.10	2.20	6.50	0.76	7.26	5.06	0.20	5.95	6.15
July	2.20	0.45	1.75	6.70	0.87	7.57	5.82	0.34	6.85	7.19
Aug.	2.12	0.41	1.71	4.60	0.51	5.11	3.40	0.34	4.00	4.34
Sept.	3.58	1.30	2.28	5.10	0.50	5.60	3.32	0.19	3.91	4.10
Oct.	3.09	0.96	2.13	4.10	0.35	4.45	2.32	0.14	2.73	2.87
Nov.	2.23	0.46	1.77	2.10	0.06	2.16	0.39	0.07	0.46	0.53
Dec.	2.34	0.52	1.82	1.00	0.00	1.00	0.00	0.03	0.00	0.03
	32.80	9.30	23.50	44.40	4.11	48.51	27.40	1.58	32.25	33.83

Table 1 Footnotes

- a. Up-to date rainfall and evaporation data sets are available from the Texas Natural Resources Information System.

- b. Runoff should be determined by an acceptable method such as the Soil Conservation Service method found in SCS Technical Releases No. 55. For calculation purposes only, a CN value of 74 was assumed for good pasture with Class "C" soils.
- c. Suggested source of values is the "Bulletin 6019, Consumptive Use of Water by Major Crops in Texas", Texas Board of Water Engineers.
- d. In low rainfall areas, this is the required leaching to avoid salinity build-up in the soil where:

$$L = \frac{C_e}{C_1 - C_e} (E - R_i)$$

R_i = Infiltrated rainfall

C_e = Electrical conductivity
of effluent

C_1 = Maximum Allowable Conductivity
of Soil Solution (Table 3)

E = Evapotranspiration

For calculation purposes only, C_e is measured to be 1.5 millimhos/cm @ 25 ° and C_1 is 10.0 (Bermuda Grass)

- e. Net evaporation from reservoir surface. For the purpose of calculation, an assumption must be made as to the ratio of irrigated land area to reservoir surface area. For this example problem, the necessary reservoir area was assumed to be 17% of the irrigated area. If, after all calculations are made, the reservoir dimensions do not seem reasonable, then a new assumption must be made and the calculations repeated. Values in column (9) are adjusted to be inches per irrigated acre.
- f. K is the irrigation efficiency which for this example is taken to be 0.85.
- g. The total of this column together with the expected annual volume of effluent will determine the acreage of irrigated land required.

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(c) The reclaimed water provider shall be responsible for conducting periodic audits of appropriate controls implemented by reclaimed water users. Other typical irrigation operational considerations that must be addressed include the following:

(1) Irrigation of Food Crops.

(A) Irrigation of edible crops that will be peeled, skinned, cooked, or thermally processed before consumption is allowed. Direct contact of the reclaimed water with such crops is allowed.

(B) Irrigation of citrus fruit is allowed. Direct contact of the reclaimed water with citrus is allowed.

(C) Irrigation of edible crops that will not be peeled, skinned, cooked, or thermally processed before consumption is allowed if an indirect application method is used which will preclude the direct contact with the reclaimed water. For instance, a ridge and furrow, drip irrigation, or a subsurface distribution system may be used to irrigate such above ground crops. However, these methods would not be suitable for crops such as carrots or radishes.

(D) Irrigation of edible crops that will not be peeled, skinned, cooked, or thermally processed before consumption that allows for direct contact of the reclaimed water on the crop is prohibited.

(2) Irrigation of pastures used by animals milked for human consumption shall be conducted in a manner to avoid contact of reclaimed water with such animals.

(3) Irrigation of landscaped areas:

(A) Application of reclaimed water on public access facilities shall be controlled by agreement with the reclaimed water provider or by local ordinance.

(B) Reclaimed water may not be used to fill swimming pools, hot tubs, wading pools, or other structures designed for contact recreation.

(d) General irrigation requirements.

(1) A provider or user designing or operating an irrigation system using reclaimed water is responsible for ensuring that reclaimed water overflow, crop stress, and undesirable soil contamination by a salt does not occur. To prevent such occurrences, the provider or user is required to consider, evaluate, and respond appropriately to the following factors as the need arises:

(A) Precipitation inputs to the water balance should utilize the average monthly precipitation based on past rainfall records.

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(B) The consumptive use requirements (evapotranspiration losses) of the crop system should be developed on a monthly basis. The method of determining the consumptive use requirement shall be documented by the provider or user as a part of the water balance study and the records of the study maintained for possible commission review.

(C) A leaching requirement, calculated as shown in Table 1 of this section, shall be included in the water balance study when the total dissolved solids concentration of the reclaimed water presents the potential for developing excessive soil salinity buildup due to the long term operation of the irrigation system.

(2) The irrigation site must be maintained with a vegetative cover or be under cultivation during times when reclaimed water is being applied.

(3) The irrigation practices shall be designed so as to prevent incidental ponding or standing water except where local farming conditions and the accepted irrigation delivery systems and cropping patterns are such that, as an unavoidable consequence of such conditions, systems, and patterns, there will be standing water.

(4) Irrigation application rates and application times shall be developed so as to minimize "wet grass" conditions in unrestricted landscaped areas during the periods the area could be in use.

(5) Irrigation systems shall be designed so that the irrigation spray does not reach any privately-owned premises outside the designated irrigation area or reach public drinking fountains.

(6) There shall be no application of effluent when the ground is water saturated or frozen.

(7) Distribution systems must be designed to prevent operation by unauthorized personnel.

(8) Irrigation operations shall be managed in a manner to minimize the inadvertent contact of reclaimed water with humans.

(9) Operational or tailwater controls shall be provided to preclude discharge of reclaimed water from irrigation sites.

Adopted January 8, 1997

Effective February 12, 1997

§210.25. Special Design Criteria for Reclaimed Water Systems.

(a) All hose bibs and faucets shall be painted purple and designed to prevent connection to a standard water hose. Hose bibs shall be located in locked, below grade vaults which shall be clearly labeled as being of non-potable quality. As an alternative to the use of locked, below grade vaults with standard hose bibs services, hose bibs may be placed in a non-lockable service box which can only be operated by a special tool so long as the hose bib is clearly labeled as non-potable water, in accordance with subsection (b) of this section.

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(b) One of the following requirements must be met by the user or provider, for any area where reclaimed water is stored or where there exist hose bibs or faucets:

(1) Signs having a minimum size of eight inches by eight inches, as shown in Figure 1, shall 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. (Figure 1: 30 TAC §210.25(b)(1));

FIGURE 1: 30 TAC §210.25(b)(1)



DO NOT DRINK THE WATER

NO TOMAR EL AGUA

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(2) The area shall be secured to prevent access by the public.

(c) Reclaimed water piping shall be separated from potable water piping by a horizontal distance of at least nine feet. Where the nine foot separation distance cannot be achieved, the reclaimed water piping must meet the line separation requirements of Chapter 290 of this title (relating to Water Hygiene).

(d) Where a reclaimed water line parallels a sewer line, the reclaimed water line shall be constructed in accordance with subsection (e) or (f) of this section. The horizontal separation distance shall be three feet (outside to outside) with the reclaimed water line at the level of or above the sewer line. Reclaimed water lines which parallel sewer lines may be placed in the same benched trench. Where a reclaimed water line crosses a sewer line, the requirements of §290.44(e)(5)(B) of this title (relating to Location of Water Lines) shall be followed, with "reclaimed water line" substituted in §290.44(e) of this title (relating to Location of Water Lines) for "water line."

(e) Reclaimed water lines which transport reclaimed water under pressure shall be sized according to acceptable engineering practices for the needs of the reclaimed water users. The designer shall consider methods to prevent or maintain lines to mitigate the effect of the deposition of solids in such lines. Pipe specified for reclaimed water force mains shall be of a type having an expected life at least as long as that of the lift station and shall be suitable for the reclaimed water being pumped and operating pressure to which it will be subjected. All pipe shall be identified in the technical specifications with appropriate American Society for Testing and Materials, American National Standard Institute, or American Water Works Association (AWWA) standard numbers for both quality control (dimensions, tolerance, and installation such as bedding or backfill). All pipes and fittings shall have a minimum working pressure rating of 150 pounds per square inch. Final plans and specifications shall describe required pressure testing for all installed reclaimed water force mains. Minimum test pressure shall be 1.5 times the maximum design pressure. Allowable leakage rates shall be determined as described in §317.2(d)(4) of this title (relating to Pressure Sewer Systems).

(f) Gravity flow reclaimed water lines shall meet the requirements of §317.2 (a) of this title (relating to General Requirements) and §317.2(c) of this title (relating to High Velocity Protection). The designer shall consider methods to prevent high velocity scour or maintain line fluid velocity to mitigate the effects of the deposition of solids in the gravity conveyance.

(g) All exposed piping and piping within a building shall be either purple pipe or painted purple. All buried piping installed after the effective date of these rules shall be one of the following: manufactured in purple, painted purple, taped with purple metallic tape, or bagged in 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 requirements of this section.

(h) When applicable, in accordance with §317.1(a)(3) - (4) of this title, (relating to General Provisions), the design of distribution systems which will convey reclaimed water to a user shall be submitted to the executive director and must receive an approval. The design of the distribution systems must meet the requirements of Chapter 317 of this title (relating to Design Criteria for Sewerage Systems). Where a municipality is the plan review authority for certain sewer systems which transport primarily domestic waste,

Texas Natural Resource Conservation Commission
Chapter 210 - Use of Reclaimed Water

in accordance with §317.1(a)(5) of this title, in lieu of the commission, design submittal will not be subject to submittal to the commission and instead must be approved by the municipality. Materials shall be submitted for approval by the executive director in accordance with the Texas Engineering Practice Act (Article 3271a, Vernon's Annotated Texas Statutes).

(i) All ground level and elevated storage tanks shall 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.

Adopted January 22, 1997

Effective February 12, 1997

SUBCHAPTER C: QUALITY CRITERIA AND SPECIFIC USES FOR RECLAIMED WATER
§§210.31 - 210.36

§210.31. Applicability.

This subchapter applies to the reclaimed water producer, the reclaimed water provider and the reclaimed water user. This subchapter sets the specific uses, the quality standards, as well as the monitoring, record keeping, and reporting standards for reclaimed water.

Adopted January 8, 1997

Effective February 12, 1997

§210.32. Specific Uses of Reclaimed Water.

Numerical parameter limits pertaining to specific reclaimed water use categories are contained in §210.33 of this title (relating to Quality Standards for Using Reclaimed Water). These limits apply to reclaimed water before discharge to initial holding ponds or a reclaimed water distribution system. It shall be the responsibility of the reclaimed water producer to 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 §210.34 of this title (relating to Sampling and Analysis).

(1) Type I Reclaimed Water Use. This type of use includes irrigation or other uses in areas where the public may be present during the time when irrigation takes place or other uses where the public may come in contact with the reclaimed water. The following types of uses would be considered Type I uses:

- (A) Residential irrigation, including landscape irrigation at individual homes.
- (B) Urban uses, including irrigation of public parks, golf courses with unrestricted public access, school yards, or athletic fields.
- (C) Use of reclaimed water for fire protection, either in internal sprinkler systems or external fire hydrants.
- (D) Irrigation of food crops where the applied reclaimed water may have direct contact with the edible part of the crop, unless the food crop undergoes a pasteurization process.
- (E) Irrigation of pastures for milking animals.
- (F) Maintenance of impoundments or natural 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.
- (G) Toilet or urinal flush water.
- (H) Other similar activities where the potential for unintentional human exposure may occur.

(2) Type II Reclaimed Water Use. This type of use includes irrigation or other uses in areas where the public is not present during the time when irrigation activities occur or other uses where the public would not come in contact with the reclaimed water. The following are examples of uses that would be considered Type II uses.

(A) Irrigation of sod farms, silviculture, limited access highway rights of way, and other areas where human access is restricted or unlikely to occur. The restriction of access to areas under irrigation with reclaimed water could include the following:

(i) The irrigation site is considered to be remote.

(ii) The irrigation site is bordered by walls or fences and access to the site is controlled by the owner/operator of the irrigation site.

(iii) The irrigation site is not used by the public during the times when irrigation operations are in progress. Such sites may include golf courses, cemeteries, and landscaped areas surrounding commercial or industrial complexes. The "syringing" or "wetting" of greens and tees on golf courses shall be allowable under Type II so long as the "syringing" is done with hand-held hoses as opposed to automatic irrigation equipment. The public need not be excluded from areas where irrigation is not taking place. For example, irrigation of golf course fairways at night would not prohibit the use of club house or other facilities located a sufficient distance from the irrigation.

(iv) The irrigation site is restricted from public access by local ordinance or law with specific standards to achieve such a purpose.

(B) Irrigation of food crops where the reclaimed water is not likely to have direct contact with the edible part of the crop, or where the food crop undergoes pasteurization prior to distribution for consumption.

(C) Irrigation of animal feed crops other than pasture for milking animals.

(D) Maintenance of impoundments or natural water bodies where direct human contact is not likely.

(E) Soil compaction or dust control in construction areas where application procedures minimize aerosol drift to public areas.

(F) Cooling tower makeup water. Use for cooling towers which produce significant aerosols adjacent to public access areas may have special requirements.

(G) Irrigation or other non-potable uses of reclaimed water at a wastewater treatment facility.

(3) Any Type I reclaimed water may also be utilized for any of the Type II uses identified in paragraph (2) of this section.

Adopted January 8, 1997

Effective February 12, 1997

§210.33. Quality Standards for Using Reclaimed Water.

The following conditions apply to the types of uses of reclaimed water. At a minimum, the reclaimed water producer shall only transfer reclaimed water of the following quality as described for each type of specific use:

(1) for Type I reclaimed water uses, reclaimed water on a 30-day average shall have a quality of:

BOD ₅ or CBOD ₅	5 mg/l
Turbidity	3 NTU
Fecal coliform or <i>E. coli</i>	20 CFU/100 ml*
Fecal coliform or <i>E. coli</i>	75 CFU/100 ml**
<i>Enterococci</i>	4 CFU/100 ml*
<i>Enterococci</i>	9 CFR/100 ml**

* 30-day geometric mean

** maximum single grab sample

(2) for Type II reclaimed water use, reclaimed water on a 30-day average shall have a quality of:

(A) for a system other than pond system:

BOD ₅	20 mg/l
or CBOD ₅	15 mg/l
Fecal coliform or <i>E. coli</i>	200 CFU/100 ml*
Fecal coliform or <i>E. coli</i>	800 CFU/100 ml**
<i>Enterococci</i>	35 CFU/100 ml*

Enterococci 89 CFU/100 ml**

* 30-day geometric mean

** maximum single grab sample

(B) for a pond system:

BOD₅ 30 mg/l

Fecal coliform or *E. coli* 200 CFU/100 ml*

Fecal coliform or *E. coli* (not to exceed) 800 CFU/100 ml**

Enterococci 35 CFU/100 ml*

Enterococci 89 CFU/100 ml**

* 30-day geometric mean

** maximum single grab sample

Adopted November 4, 2009

Effective November 26, 2009

§210.34. Sampling and Analysis.

The reclaimed water producer shall sample the reclaimed water prior to distribution to a user to assure that the water quality is in accord with the intended contracted use. Analytical methods shall be in accord with those specified in Chapter 319 of this title (relating to Monitoring and Reporting). The minimum sampling and analysis frequency for reclaimed water for the applicable parameters identified in §210.33 of this title (relating to Quality Standards for the Use of Reclaimed Water) is as follows:

(1) Type I Reclaimed Water Uses twice per week.

(2) Type II Reclaimed Water Uses once per week.

Adopted January 8, 1997

Effective February 12, 1997

§210.35. Guidelines for Certain Distribution Systems.

The commission recommends that a provider or user maintain a plan to carry out periodic fecal coliform sampling within certain reclaimed water distribution piping systems. Such a plan does not need the approval or review of the commission. This periodic sampling should occur in instances where residential irrigation, including landscape irrigation at individual homes occurs, or where specific urban

uses such as irrigation of public parks, school yards, or athletic fields occurs. The plan should specify activities by the provider or user to respond to human health threats if undesirable fecal coliform test results or trends are detected.

Adopted January 8, 1997

Effective February 12, 1997

§210.36. Record Keeping and Reporting.

The reclaimed water provider and user shall maintain records on site for a period of five years.

(1) Records to be maintained by the provider include:

(A) copies of notifications made to the commission concerning reclaimed water projects.

(B) as applicable, copies of contracts made with each reclaimed water user (this requirement does not include reclaimed water users at residences that have separate distribution lines for potable water).

(C) records of 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).

(D) reclaimed water quality analyses.

(2) 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. Such reports are due to the commission by the 20th day of the month following the reporting period.

(A) volume of reclaimed water delivered to a user or provider.

(B) 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" which shall be reported as individual analyses.

Adopted January 22, 1997

Effective February 12, 1997

**SUBCHAPTER F: STANDARDS FOR DESIGNING, INSTALLING, AND MAINTAINING
LANDSCAPE IRRIGATION SYSTEMS**

§§344.60 - 344.65

Effective January 1, 2009

§344.60. Water Conservation.

All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined in §344.1(44) of this title (relating to Definitions).

Adopted June 4, 2008

Effective January 1, 2009

§344.61. Minimum Standards for the Design of the Irrigation Plan.

(a) An irrigator shall prepare an irrigation plan for each site where a new irrigation system will be installed. A paper or electronic copy of the irrigation plan must be on the job site at all times during the installation of the irrigation system. A drawing showing the actual installation of the system is due to each irrigation system owner after all new irrigation system installations. During the installation of the irrigation system, variances from the original plan may be authorized by the licensed irrigator if the variance from the plan does not:

- (1) diminish the operational integrity of the irrigation system;
- (2) violate any requirements of this chapter; and
- (3) go unnoted in red on the irrigation plan.

(b) The irrigation plan must include complete coverage of the area to be irrigated. If a system does not provide complete coverage of the area to be irrigated, it must be noted on the irrigation plan.

(c) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:

- (1) the irrigator's seal, signature, and date of signing;
- (2) all major physical features and the boundaries of the areas to be watered;
- (3) a North arrow;
- (4) a legend;
- (5) the zone flow measurement for each zone;
- (6) location and type of each:
 - (A) controller;

(B) sensor (for example, but not limited to, rain, moisture, wind, flow, or freeze);

(7) location, type, and size of each:

(A) water source, such as, but not limited to a water meter and point(s) of connection;

(B) backflow prevention device;

(C) water emission device, including, but not limited to, spray heads, rotary sprinkler heads, quick-couplers, bubblers, drip, or micro-sprays;

(D) valve, including, but not limited to, zone valves, master valves, and isolation valves;

(E) pressure regulation component; and

(F) main line and lateral piping.

(8) the scale used; and

(9) the design pressure.

Adopted June 4, 2008

Effective January 1, 2009

§344.62. Minimum Design and Installation Requirements.

(a) No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.

(b) Spacing.

(1) The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure.

(2) New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters. If pop-up sprays or rotary sprinkler heads are used in a new irrigation system, the sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar.

(3) Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.

(c) Water pressure. Emission devices must be installed to operate at the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.

(d) Piping. Piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second for polyvinyl chloride (PVC) pipe.

(e) Irrigation Zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.

(f) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

(g) Irrigation systems shall not spray water over surfaces made of concrete, asphalt, brick, wood, stones set with mortar, or any other impervious material, such as, but not limited to, walls, fences, sidewalks, streets, etc.

(h) Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention device on all new installations.

(i) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a colored primer prior to applying the PVC cement in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(j) Rain or moisture shut-off devices or other technology. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Loving, Winkler, Ward, Reeves, Ector, Crane and Pecos are excluded from this requirement.

(k) Isolation valve. All new irrigation systems must include an isolation valve between the water meter and the backflow prevention device.

(l) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

(1) If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan and discussed with the irrigation system owner or owner's representative to address any safety issues.

(2) If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the pipe and the natural grade of the topsoil.

(3) All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.

(m) Wiring irrigation systems.

(1) Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.

(2) Electrical wiring that connects any electrical components of an irrigation system must be sized according to the manufacturer's recommendation.

(3) Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.

(4) Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.

(n) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a covered purple valve box and the hose bib and any hoses connected to the bib must be labeled "non-potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

(o) Beginning January 1, 2010, either a licensed irrigator or a licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not on-site, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

Adopted June 4, 2008

Effective January 1, 2009

§344.63. Completion of Irrigation System Installation.

Upon completion of the irrigation system, the irrigator or irrigation technician who provided supervision for the on-site installation shall be required to complete four items:

(1) a final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system;

(2) The maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include but are not limited to:

(A) the manufacturer's manual for the automatic controller, if the system is automatic;

(B) a seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration or monthly historical reference evapotranspiration (historical ET) data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;

(C) a list of components, such as the nozzle, or pump filters, and other such components; that require maintenance and the recommended frequency for the service; and

(D) the statement, "This irrigation system has been installed in accordance with all applicable state and local laws, ordinances, rules, regulations or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan and is properly adjusted for the most efficient application of water at this time."

(3) A permanent sticker which contains the irrigator's name, license number, company name, telephone number and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist. The information contained on the sticker must be printed with waterproof ink and include:

(4) The irrigation plan indicating the actual installation of the system must be provided to the irrigation system's owner or owner representative.

Adopted June 4, 2008

Effective January 1, 2009

§344.64. Maintenance, Alteration, Repair, or Service of Irrigation Systems.

(a) The irrigator is responsible for all work that the irrigator performed during the maintenance, alteration, repair, or service of an irrigation system during the warranty period. The irrigator or business owner is not responsible for the professional negligence of any other irrigator who subsequently conducts any irrigation service on the same irrigation system.

(b) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be returned to the original grade with compacted select backfill.

(c) Colored PVC pipe primer solvent must be used on all pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(d) When maintenance, alteration, repair or service of an irrigation system involves excavation work at the water meter or backflow prevention device, an isolation valve shall be installed, if an isolation valve is not present.

Adopted June 4, 2008

Effective January 1, 2009

§344.65. Reclaimed Water.

Reclaimed water may be utilized in landscape irrigation systems if:

- (1) there is no direct contact with edible crops, unless the crop is pasteurized before consumption;
- (2) the irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;
- (3) the irrigation system is installed using purple components;
- (4) the domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device, in accordance with §290.47(i) of this title (relating to Appendices);
- (5) a minimum of an eight inch by eight inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER – DO NOT DRINK" and "AGUA DE RECUPERACIÓN – NO BEBER"; and
- (6) backflow prevention on the reclaimed water supply line shall be in accordance with the regulations of the water purveyor.

Adopted June 4, 2008

Effective January 1, 2009



MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: February 7, 2022

TOPIC Animal Control Advisory Committee

BACKGROUND The following persons have volunteered to be part of the Animal Control Advisory Committee. These individuals are being submitted to council for consideration and appointment to the committee.

James McClain Administrative Sergeant Manvel Police

Jessica Rodriguez Development Services Director

Amanda Hoffpauir, DVM Alvin Animal Clinic (Currently on the Advisory Committee)

Alayna Goodson – Three Little Pitties Rescue

RECOMMENDATION The staff recommends approval and appointment

ATTACHMENTS

FUNDING ISSUES

☒ Not applicable

☐ Not budgeted

☐ Full amount already budgeted

☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Keith Traylor

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

Employee Personnel Policies and Procedures Handbook of the City of Manvel, Texas

Adopted:
May 29, 2012

Amended:
October 9, 2012
June 10, 2013
April 27, 2015
September 14, 2015
March 14, 2016
September 3, 2019
April 6, 2020

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Acknowledgement Form
Policy Dated 4-6-2020

I have received a copy of the City of Manvel Personnel Policies and Procedures Handbook and I understand that they govern the terms of my employment. I understand that I can direct any questions that I may have regarding these Personnel Regulations to my supervisor.

THIS HANDBOOK IS INTENDED AS A GUIDE AND ITS PROVISIONS DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP OR CONSTITUTE AN EMPLOYMENT AGREEMENT, A CONTRACT, OR A GUARANTEE OF CONTINUED EMPLOYMENT.

THE CITY OF MANVEL RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS HANDBOOK AT ANY TIME AND WITHOUT PRIOR NOTICE. THE PROVISIONS CONTAINED IN THIS POLICY HANDBOOK ARE APPLICABLE TO ALL CITY OF MANVEL EMPLOYEES.

ANY PROMISES THAT CONFLICT WITH PROVISIONS IN THIS HANDBOOK ARE EFFECTIVE ONLY IF IN WRITING, SIGNED BY THE CITY MANAGER, AND APPROVED BY CITY COUNCIL AS REFLECTED BY ITS OFFICIAL MINUTES.

Signature of Employee

Printed Name of Employee

Date

I. INTRODUCTION

The City of Manvel welcomes you to our staff. We want to make your first days on the job as pleasant and comfortable as possible.

As a new employee you may have questions about City policies, procedures, and expectations of you as an employee. This handbook will answer most of those questions.

The information in this handbook is to provide a consistent guide to you on policies and other personnel matters. It is not intended to give specific guidelines for every conceivable personnel interaction. These guidelines are sufficiently broad to provide the latitude of discretion, which may be needed in individual situations. This policy should be referred to regularly when making decisions affecting you and City personnel. It will help ensure that decisions are fair, consistent, and in accordance with the desires of City Management. It is your responsibility to ask questions if you do not understand any policy or procedure. The more you know about Manvel, the easier it will be for you to understand your role in relation to other positions.

The City retains the right to change, modify, suspend, interpret, add to or cancel any of the benefits, policies and procedures at any time and at its sole discretion. Any employee who continues to work after a policy has been revised and implemented is deemed to have accepted the change in policy. This handbook is subject to the City Charter as well as the constitution and laws of the State of Texas and the United States. The City of Manvel is an At-Will employer (see Section 2.01). This handbook does not create, reflect or imply any contractual, legal, or vested rights. Either you or the City may terminate this relationship at any time with or without cause.

References to benefits, insurance coverage, leave accruals and holiday pay are applicable to regular full-time employees and may be applicable to part-time employees on a pro-rated basis.

The City Manager or his/her designee is authorized and directed to administer this handbook, including the right to establish whatever detailed regulations and procedures may be necessary to further explain and clarify the provisions of this handbook, except with respect to those employees appointed directly by the City Council, unless further delegated to do so by the City Council.

In addition to the policies outlined in this manual, it is the prerogative of each department director to develop and implement standard operating procedures, guidelines or general orders, which are separate from or in addition to the policies contained in this handbook. Department procedures must be consistent with City policies and in no case will departmental policies supersede those contained in this handbook. The City Manager or his/her designee will resolve any conflicts between department policies and citywide policies.

Many of the policies and descriptions in this handbook are summarized from laws, rules, plans, insurance policies and other official documents which actually control specific matters. These official documents take precedence over this handbook, although the handbook may be more

restrictive. The Human Resource representative is responsible for providing access to the official documents during normal business hours.

It is your responsibility as an employee to read, understand and comply with all policies, procedures, guidelines and practices of both the City and individual departments.

This version of the City of Manvel Employee Personnel Policies and Procedures Handbook supersedes all prior versions issued by the City. This handbook was approved by the City of Manvel City Council on May 29, 2012.

1.01 Purpose and Objectives

The purpose of this Handbook is to provide you with a better understanding of the City of Manvel, what we stand for, and what we expect of our employees. This Handbook cannot cover every situation that may arise during your employment, but is designed to be a general guide to key policies. Flexibility is crucial to meeting the changing needs of our City and, if appropriate, the City may depart from the policies and procedures contained in this Handbook. The City Manager may, with approval of the City Council, unilaterally change, rescind, supplement, or supersede these rules at any time without notice. The provisions of these rules shall control over any contradictory statements made by any City supervisor.

The objectives of the personnel policies are as follows:

- (A) To promote good and uniform personnel practices and administration in the management of the City's human resources;
- (B) To develop sound practices of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee's best services to the residents of the City;
- (C) To ensure that compensation is based upon individual merit and the relative duties and responsibilities of positions in the service of the City;
- (D) To promote high morale by the consistent administration of these policies; and
- (E) To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.

1.02 Application of Policies

The Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in this employee handbook.

The City Council reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein.

1.03 Management Authority

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

Management Authority. The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to administer City operations.

Departmental Policy and Procedural Requirements. Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Director of Human Resources or other appropriate departments. All others, however, are subject to approval by the appropriate City department. All employment related department policies must be reviewed by the Director of Human Resources. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

Miscellaneous. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Manager or City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to the department head or to others as deemed appropriate in the City Manager's sole discretion.

1.04 Amendment of Policies

This handbook has been approved by the City Council of the City of Manvel, Texas. The City Manager is responsible for the implementation of the personnel policies.

Amendments of substance require approval by the City Council. Minor amendments (formatting, updating per changes in federal or state law, changes due to re-organization, etc.) may be done by the City Manager, but must be reported to City Council.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter.

Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Manvel, Texas supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

II. DEFINITIONS

2.01 At-will employment. Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, and the City retains the right to terminate any employee at any time, for any or no reason.

2.02 City Manager. City Manager shall include the City Manager and his/her designee.

2.03 Controlled Substance. A controlled substance is a substance, including a drug or an immediate precursor, listed in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act, TEXAS HEALTH AND SAFETY CODE ch. 481.

2.04 Director of Human Resources. Director of Human Resources shall include the actual position, or, if there is no such designated employee, then the City Manager or his/her designee.

2.05 Director. The individual in charge of a department of the City, or the person authorized to act on his or her behalf.

2.06 Drug. A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.

2.07 Illegal Drug. An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal; as well as any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally.

2.08 Regular employee. An employee whose position has a required work week equal to or exceeding the full-time established work week and budgeted for more than 1,000 hours work in a 12-month period.

2.09 Under the influence. For alcohol, a blood alcohol content (BAC) of .04 or above. A BAC of 0.04 means that 0.04% (four hundredths of one percent) of a person's blood, by volume, is alcohol. For illegal drugs, any detectable amount. For legal drugs taken according to a prescription or consistent with over the counter instructions, under the influence shall mean the state of not having the normal use of mental and physical faculties.

III. EMPLOYMENT STATUS

3.01 Employment Status

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

•A. **Orientation Period Employee.** The status of a full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. Newly hired employees are not subject to progressive levels of discipline and are not eligible to use the City's employee appeals policy during the Orientation Period.

•B. **Regular full-time.** An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Police shift personnel who have different work cycles) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

•C. **Regular part-time.** An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed 6 months of active service with the City. Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, who work at least 1,000 hours in a year, are eligible to participate in Texas Municipal Retirement System.

•D. **Temporary/Seasonal.** An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Director of Human Resources. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits.

•E. **Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid, are not entitled to any benefits, and are not covered by worker's compensation.

3.02 Exempt/Non-Exempt status

In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by the Director of Human Resources.

IV. EQUAL EMPLOYMENT OPPORTUNITY AND COMPLIANCE WITH LAWS

4.01 Equal Employment Opportunity Policy

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, religion, sex, national origin, citizenship, disability, genetics, veteran's status or other unlawful basis, is prohibited.

See Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.; Texas Commission on Human Rights Act, TEXAS LABOR CODE ch. 21.

4.02 ADA Policy

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability. Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by Human Resources.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Human Resources, the City Manager or designee.

4.03 Job Descriptions

Job descriptions will be established for all positions.

4.04 Dissemination

The Director of Human Resources shall inform all employees of the existence of these rules and each department shall keep a copy available for reference by its employees. Upon employment, The Director of Human Resources shall give each new employee a copy of these rules.

The Director of Human Resources shall place at City Hall, Public Works, and the Police Department bulletin boards for communications that Texas Law, federal law or these rules require, or that the Director approves. Postings on these boards should include this Handbook, notice of job vacancies, Age Discrimination Act notices (29 U.S.C. § 627), Disability § Act notices (42 U.S.C. § 12115), Civil Rights Act notices (42 U.S.C. § 2000e-10a), Family Leave and Medical Act notices (29 U.S.C. § 2619), as well as Workers Compensation Act notices (TEXAS LABOR CODE § 406.005), Whistleblower Act notices (TEXAS GOVERNMENT CODE § 554.009), hazardous chemical notices (TEXAS HEALTH & SAFETY CODE ch. 502), Unemployment

Act notices (TEXAS LABOR CODE § 208.001(a)) and Fair Labor Standard Act notices (29 U.S.C. § 211(c)).

4.05 Employee Safety

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee shall immediately report it to a supervisor or to management at once.

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS Sheets) - You will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.

- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

4.06 Accident Reporting

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the Director of Human Resources. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

4.07 Accident Involving City Equipment or Vehicles

Any employee involved in an accident while operating City equipment or City vehicle, whether during business hours or after hours, shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit to the supervisor and to the Human Resources Director. The employee may be subject to a post-accident drug screen, as provided for by law and in this handbook.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. The wearing of seat belts for the driver and all passengers is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

V. CODE OF CONDUCT

5.01 Weapons Control and Violence Prevention Policy

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

(a) Zero Tolerance. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

(b) Weapons Control. Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer or other person expressly authorized by law (judge, prosecutor, etc), shall carry or possess a firearm or other weapon on City property.

An employee who is licensed by State of Texas to carry a concealed weapon (LTC) may possess a weapon on city property only upon the express authorization of the City Manager under the following guidelines:

Qualifiers:

1. The employee must have completed an authorized course of instruction as required by the State of Texas.
2. The employee must hold a current Texas License to Carry (LTC).
3. The employee must have completed an annual instructional course administered by the Manvel Police Department and have shown proficiency by passing a course of fire designed and conducted by the Manvel Police Department.

Process:

1. An employee who has completed the requirements stated in this policy may submit a request in writing to the City Manager who will review such request and approve or deny the request.
2. An employee who has received approval to carry a firearm on city property may do so under the following guidelines.

Guidelines:

1. Firearms shall be concealed at all times while conducting city business.
2. Firearms will be kept secure at all times. Secured is defined as within a locked/secure vehicle, in a secure lockbox in the employee's office or work area, or concealed on the employee's person.
3. Firearms will not be openly displayed to the public for any reason unless it is in defense of the employee or other employees.

4. All weapons that will be carried by an employee shall be registered with the Police Department. This will be considered the approved weapon. If an employee chooses to change weapon(s) that he/she carries, the employee must follow the guidelines for the qualification process.
5. Only employees who work in an office environment shall be permitted to carry while working as an employee of the City of Manvel.

Employees who do not work in an office environment may have a firearm on city property if they have been licensed by the State of Texas to carry a firearm, and only in the City parking lot if it is locked in the employee's vehicle.

Employees are also prohibited from carrying a prohibited weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, location restricted knives (with blades exceeding 5 ½ inches), [switchblades,] etc. Employees do not have an expectation of privacy and by continued employment an employee consents to any search for firearms or other weapons on City property by the City and/or law enforcement officials.

(c) Mandatory Reporting. Each City employee must immediately notify his/her supervisor, Department Director, the Director of Human Resources and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Director of Human Resources.

(d) Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Director of Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Director of Human Resources of any protective or restraining order issued against them.

(e) Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

(f) City Property. For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

(g) Documentation. All threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and/or the Police Department.

(h) Policy Violations. Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

5.02 Sexual and Workplace Harassment Policy

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

(a) Sexual Harassment. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

(b) Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by state or federal law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or

pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

(c) Applicability. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

(d) Mandatory Reporting.

(i) Employees. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately in writing, or through a complaint form available from the Director of Human Resources, to:

- the Director of Human Resources; or
- the City Manager.

(ii) Supervisors. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the Director of Human Resources in writing, or through a complaint form available from the Director of Human Resources.

(iii) Under this policy, an employee or lower level supervisor may report to and/or contact the City Manager directly, without regard to the employee's normal chain of command.

(e) Investigation. All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

(f) Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

(g) Responsive Action. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee

who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action may be imposed in situations where employees are untruthful during an investigation.

5.03 Nepotism

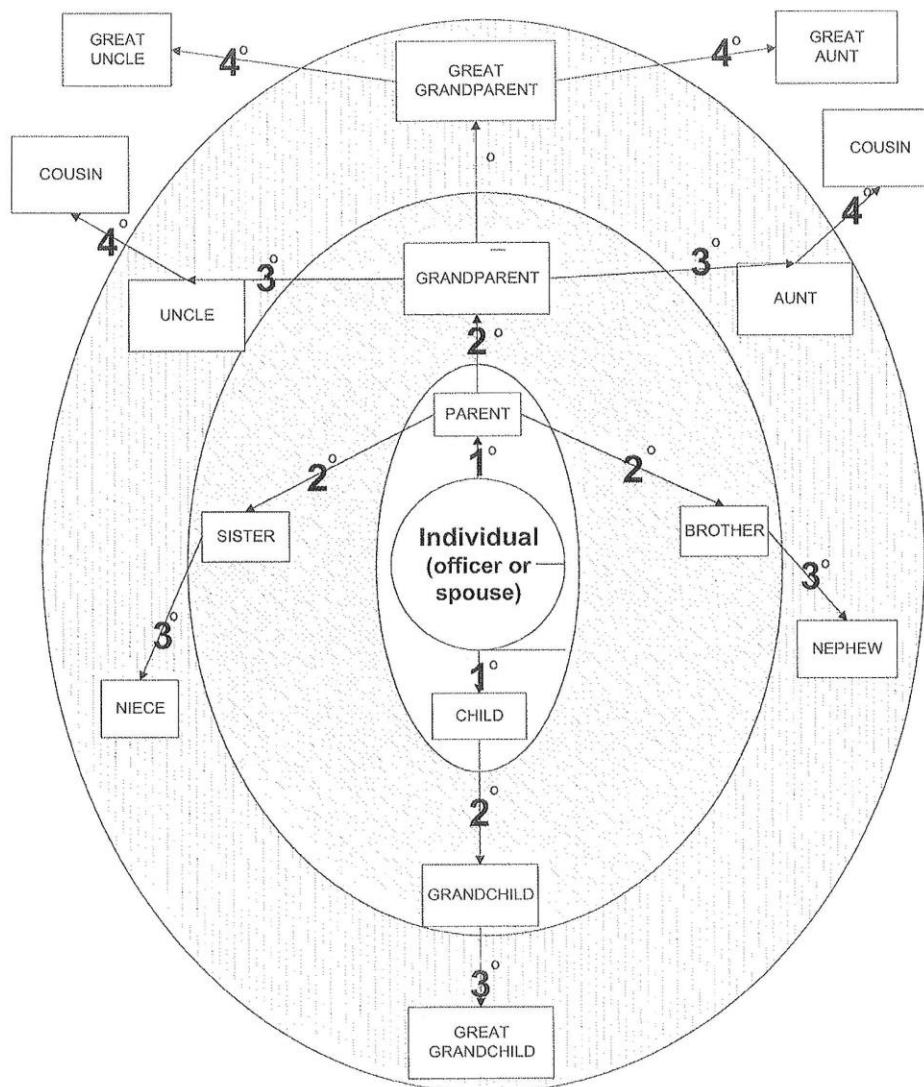
An employee's relationship must not create a conflict between the employee's and the City's interests. In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City to restrict the employment of certain applicants, based on their degree of relationship to current employees.

Application of Policy This policy applies to all full-time employees of the City.

Applicants

- The City Manager may not employ an applicant related to the City Manager by blood or marriage within the second degree according to common law. (City Code, Sec. 2-121(a))
- An applicant related by blood or marriage within the second degree according to common law to any member of the City Council shall not be employed by the City.
- An applicant related to another city employee by blood or marriage within the second degree by affinity or within the third degree by consanguinity to the person may be employed by the City, except that under no circumstances will the applicant be employed in a department in which the employee would directly or indirectly supervise, or be supervised by, a person related to that employee by blood or marriage, within the second degree. City Code, Sec. 2-121(b))
- In the event of a promotion, reorganization, a marriage between two city existing employees, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the city for which he or she is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made, within 30 calendar days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment. An exception to this section is provided for existing supervisory relationships of full-time employees who are employed as of the effective date of this ordinance, except that nothing herein is intended to modify the employment-at-will relationship in any way. City Code, Sec. 2-121(b))

This policy shall be applied by using the common law relationship chart as follows:



Degrees of Relationship Chart

When determining the degree of relationship by consanguinity, the individual in the center is the officer. For relationships by affinity, the officer's spouse is the individual in the center.

Periodic Review

Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this policy.

5.04 Political Activity

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

- Publicly endorse or campaign in any manner for any person seeking a City public office while in city uniform or on duty with the City.
- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes.

Candidacy

No employee of the city shall be a candidate for a city elective office. If any employee of the city becomes a candidate for election to any public office of the city he/she shall, immediately upon becoming a candidate, forfeit the employment held with the city.

Additionally, city employees may not hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* Alvin ISD and Brazoria County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.

VI. VACANCIES; EMPLOYMENT

6.01 Announcement of Vacancies; Job Postings

(a) Vacancies in general. The City Manager, or a Director with notice to the City Manager, may limit the selection process to qualified City employees, and City employees may be given preference in application and/or consideration.

Directors may designate and appoint employees to serve temporarily in vacant positions of higher classifications; provided, that if such appointment extends over a period more than ninety (90) days, and in absence of extenuating circumstances, it will be the general policy to promote such employees to the advanced position. Step-up pay is at the discretion of the City Manager. Promotions, demotions and employee reassignments shall be made on the basis of skills, abilities and demonstrated performance.

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

(b) Recruitment Requirements. The recruitment process is initiated by a Department Director submitting a request of staffing to the Director of Human Resources. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Director of Human Resources, along with the applicable form. Offers for City employment will be communicated by the Director of Human Resources [if applicable] upon receipt of the hiring recommendation and all related paperwork.

The recruitment method for vacant director level positions may be determined by the City Manager on a case by case basis.

(c) Applications. Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the Director of Human Resources.

(d) Hiring Process. Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to pre-employment testing and investigation.

(e) Disqualification. Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and are not eligible for rehire, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirement of 16;
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
- Any other reason deemed to be in the best interests of the City

6.02 General Requirements

All employment with the City shall be based on merit, ability and fitness for duty, as evidenced by:

- 1) training and experience as reflected by the application form plus other documentary evidence as to certification registration, etc. if required;
- 2) mental examination or performance test, if required; and
- 3) physical examination, if required.

Along with the required physical examination, all prospective employees will be required to undergo testing to be screened for substance abuse. The prospective employee will not be considered for employment should the test prove positive for controlled substances.

Background investigations may be conducted by the Director of Human Resources and/or the Director concerned. The applicant will not be considered for employment for a position for which he or she is determined to be unsuitable based upon the background information.

6.03 Application Process

All persons seeking employment or promotion will be required to complete, sign, and file an application with the Director of Human Resources. Supplies of application forms will be furnished by the City Hall to other departments upon request and are available for the use of

individuals interested in applying for employment. The application shall include a release permitting the City free inquiry regarding the employee's background, and all information in the application shall be subject to verification.

In order to comply with the Immigration Reform and Control Act of 1986, all individuals selected for employment after November 6, 1986, must complete a Form I-9. (4 U.S.C. § 1324a.)

6.04 Physical Standards; Medical Examinations

(a) Exam. Except as hereinafter provided, all applicants for employment with a conditional offer of employment may be required to undergo a medical and physical examination by one or more physicians designated by the City. The purpose of the examination will be the determination and certification of physical fitness and ability to perform the duties of the position to which appointment is being considered. Such examinations are to be done after a conditional offer of employment but prior to employment.

The Director of Human Resources shall make the appointments and arrangements for the examination, and matters concerning the initiating and completing of the requirements should be taken up with the Director of Human Resources. All medical and physical examinations required by the City shall be performed at the expense of the City.

The Director of Human Resources will advise the examining medical official regarding any special or unusual requirements of this nature. The examining medical official will complete and forward to the Director of Human Resources a complete report on the prescribed form indicating his or her specific recommendation as to the suitability of the person for the employment in the position indicated.

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

(b) Serious Health Condition/Disabilities. The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

(c) Medical Exams for Current Employees-Fitness for Duty. The Director of Human Resources, or an employee's Department Director (with the prior written approval of the Director of Human Resources) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident;

and as otherwise permitted in accordance with applicable laws. The employee may be placed on administrative leave with pay pending the medical examination results.

Time Off From Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, and/or other leave as circumstances warrant as determined by the City Manager or designee.

Return to Work. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate the return to work through the Director of Human Resources. *Americans with Disabilities Act, 42 U.S.C. § 12132.*

6.05 Valid Driver's License

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check. More than four (4) moving traffic violations in a twelve (12) month period is considered excessive and will result in failure to hire in the case of prospective employees, and will likely result in removal from driving responsibilities which could result in loss of job, and/or disciplinary action, up to and including termination, of an active employee. In certain instances, two (2) or fewer moving traffic violations in a six (6) month period may also be considered excessive. The Police Department may have stricter standards imposed.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

6.06 Polygraphs

No City employee shall directly or indirectly request another City employee to take a polygraph examination; however, the City Manager may require or authorize a polygraph examination for:

- 1) an individual applying for employment, or employed by the City, in the design, installation, and/or maintenance of security systems, or uniformed or plain clothes police or security functions; or
- 2) an individual if there is reasonable suspicion that the individual was involved in an act involving economic loss or injury to the City, such as theft, embezzlement or sabotage.

This policy does not affect or limit the City Police Department's use of polygraphs in criminal investigations, including criminal investigations of City employees. *Employee Polygraph Protection Act, 29 U.S.C. § 2001.*

6.07 Minimum Age Requirements

Where an age limit is not otherwise specified by statutory requirements, the minimum age for initial employment may vary in accordance with the duties and responsibilities of the positions and conditions under which they are performed, subject to the following restrictions:

No person under eighteen (18) years of age shall be employed as a regular employee in a budgeted position.

No person under eighteen (18) years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned by the City.

The City may employ a person sixteen (16) years of age in a temporary position involving only casual non-hazardous employment if the person and the person's parents furnish the City with appropriate releases.

The City may employ a lifeguard at least sixteen (16) years of age.

6.08 Processing New Employees; Bonds; Oaths of Office

At the time of employment, all new employees (or previous employees who are being re-employed) will report to the City Hall for necessary processing and instructions.

Within one (1) week of employment, an employee must sign the acknowledgement form indicating that he or she has received this Handbook.

6.09 Confidentiality of Medical Information

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- 1) a note to request an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any

genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Director of Human Resources. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

6.10 Insurance

The City shall furnish medical, dental, vision, life insurance, and accidental death and dismemberment for each full-time employee, to the extent permitted by the City budget as adopted by the City Council. Employees are eligible to participate in a Cafeteria Benefit Plan. For details of coverage, see the City's current Benefits Summary. This insurance is effective 30 days after the full-time, regular employee begins employment with the city and continues so long as the employee remains on the full-time payroll.

Additional supplemental insurance coverage for employees and members of their families, beyond those types (and amounts) provided by the City, shall be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated.

6.11 Orientation Period

(a) Except for Council appointees, all new employees or re-hires hired to fill regular full-time or part-time positions must satisfactorily complete an orientation period of twelve (12) continuous months. Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position must satisfactorily complete a performance orientation period of thirty (30) days. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their orientation period will be retained as employees. The orientation period may be extended for additional training as determined by the supervisor. Employees are considered in the orientation period until they have actually performed their regular job duties for at least twelve (12) continuous months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

Each employee serving in the orientation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the orientation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

(b) Seasonal/Temporary Employees. Seasonal and temporary full and part-time employees do not serve a performance orientation period and have no right of appeal when terminated at any time.

(c) Change In Assignment of Employee serving in the Initial Orientation Period. Employees serving in the orientation period may not request or make application for reassignment, promotion, or voluntary transfer during the orientation period without written approval from the City Manager, or if requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a thirty (30) day performance orientation period in the new position beginning with the date of the position change.

(d) Absences During Performance Orientation Period. During the performance orientation period, an employee is eligible to use sick leave for qualifying absences, and may use personal leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the performance orientation period may be used as approved per established City/departmental policy or practice. Transferred or promoted employees serving in the orientation period retain eligibility for all types of leave established by City policy.

(e) Orientation Performance Evaluations. All employees serving in the orientation period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the "Performance Management Process" policy. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee. Newly hired employees who successfully complete their performance orientation period may receive a salary increase, if budgeted for that position.

(f) Extensions to Orientation Period. The performance orientation period may be extended under the following circumstances:

At the end of the twelve (12) month initial period, the performance orientation period may be extended for up to an additional thirty (30) days when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's orientation period may not be appealed. If an extension is granted, the employee will be advised in writing

and given the date on which the extended orientation period will be completed. Such extension will be at the sole discretion of the Department Director and the Director of Human Resources.

An orientation period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the orientation period will normally extend the orientation period by an additional day.

(g) Successful Completion of Orientation Period - “Regular” Status Granted. An employee is granted “regular” status in the new position if the employee satisfactorily completes the performance orientation period.

(h) Failure of Orientation Period. An employee is considered to have failed the orientation period when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the orientation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation must be reviewed by the Director of Human Resources before an employee serving in the orientation period can be terminated.

(i) Termination of Employees Serving in the Orientation Period. Employees serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee serving in the initial orientation period who is terminated has no right of appeal. These employees are not entitled to progressive levels of discipline. Employees serving in the initial orientation period are otherwise subject to all policies and procedures of the City.

(j) Sexual and Other Unlawful Harassment. Employees serving in the orientation period are subject in all respects to the City’s Sexual and Other Unlawful Harassment Policy. Employees serving in the orientation period have no right of appeal. If it is believed that unlawful harassment or discrimination has occurred, such conduct must immediately be reported as set out in City Policy.

6.12 Promotions

Open positions shall be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.

Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.

Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until an orientation period of one (1) month shall have been successfully completed. Should a promoted employee not successfully complete the orientation period, the employee is eligible to return to the previous position held, if available. If no other position is available for which the employee is qualified, the employee will be terminated.

6.13 Searches

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, pagers, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the Director of Human Resources and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

6.14 Dress and Appearance

(a) Appearance. Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits, dress shirts and ties for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e. City Council meetings, receptions, etc.). Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

(b) Standards for Work Attire:

- Jeans, pants shorter than ankle length, and athletic shoes are not acceptable, unless a special day is declared or as specifically approved by the City Manager or appropriate Department Director as work assignments dictate.
- Sweat-shirts, sweat pants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City management or shorts have been approved as part of the standard uniform.
- Flip-flop sandals and “Croc” type shoes are not acceptable.
- T-shirts are not acceptable.
- Women: Blouses/tops must be tucked in or belted, unless designed as an over-blouse. Skirts and culottes shall be worn no shorter than 4 inches above the top of the knee. Ankle length dress slacks are appropriate. Dress shoes or sandals with a professional length heel are required. Stirrup pants are permitted (as long as not form-fitting). Leggings are not acceptable. No more than two (2) earrings in each ear may be worn provided the earrings are not unprofessional in appearance.
- Men: Knit shirts with collar, banded collar shirts, short sleeve or dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. Men are not to wear earrings.

The following are inappropriate:

- provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics;
- bare shoulders or tank tops;
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- wrinkled, ripped and tattered clothing;
- visible tattoos which could be deemed offensive;
- nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry.

(c) Hair. Hair styles and hair colors must be appropriate to the employee’s position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times. Sideburns may not extend below the ear lobe.

Uniforms. The City supplies many Police, Parks and Recreation, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director’s prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by

itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City related events.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.

ID Cards. All employees must carry and wear a city issued ID card while on duty. Those employees who are required to wear city issued uniforms that include a name tag, must carry their city issued ID card with them while on duty. All city issued ID cards must be returned when an employee ceases to work for the city and before a final payroll payment is made.

Enforcement. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, or the Director of Human Resources.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

The Department Director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

6.15 Residency Requirements

The City Council has adopted standards pursuant to Section 150.021 of the Texas Local Government Code (Resolution No. 2012-R-10 on May 14, 2012), employees who are likely to be called to work in cases of civil emergency may be required to reside within reasonable response commuting ranges of their places of work. For these purposes, the City Council has established these standards for employees hired after the adoption of such ordinance or resolution. A reasonable response time to a civil emergency is thirty (30) minutes. As a general rule, only those employees who reside within the City are potentially eligible for a City issued "take-home" vehicle.

VII. ELECTRONIC EQUIPMENT, MEDIA, AND SERVICES POLICY

7.01 Scope of Policy

This policy applies to the use of computers, e-mail, telephones, cellular phones, voicemail, fax machines, radios and wireless devices, wire services, on-line services, and the Internet that are City property, accessed using City computer equipment, accessed via City-paid access methods, and/or used in a manner that identifies the individual as an employee or officer of the City.

7.02 Proper Use of Services

City electronic equipment, media, and services must not be used for knowingly transmitting, retrieving, or storing any communications that are: (1) discriminatory or harassing; (2) derogatory toward any individual or group; (3) obscene; (4) defamatory or threatening; (5) “chain letters”; or (6) for any other purpose that is illegal or against City policy.

The use of City electronic equipment, media, and services is presumed to be work-related. No e-mail or other electronic communication may be sent that attempts to hide the identity of the sender or represent the sender as someone else.

7.03 No Expectation of Privacy; Consent

Employees have no expectation of privacy in their work-related conduct or the use of City-owned or City-provided equipment or supplies. Employees should not expect privacy in the use or content of City electronic equipment, media, and services.

To the extent allowed by law, City officials may monitor usage patterns for voice and data communications (*e.g.* website accessed, length, and times of day), including, but not limited to, cost analysis, cost allocation, and the management of the City’s gateway to the Internet.

To the extent allowed by law, City officials and others are permitted to review an employee’s electronic files, messages, and usage to ensure that the City’s electronic equipment, media, and services are being used in compliance with the law and this and other policies.

By your continued employment with the City you consent to work or law enforcement related searches involving city or city-related property, including physical property, and searches of content of City electronic equipment, media, and services.

7.04 Cell Phone Use in the Workplace

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee’s use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker’s ability to do their jobs. Employees who use cell phones to violate City policy,

including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Employees with city-issued cell phones are allowed to use city cell phones for reasonable personal phone calls. At the determination of the City Manager, the city may withdraw the privilege of a city-issued cell phone for any employee and instead provide a flat rate per month as a cell phone allowance to an employee. The employee would be required to obtain and maintain a personal cell phone to be used for city-related business. Any additional expenses would be the responsibility of the employee. Employees acknowledge that information on a personal cell phone may be subject to the **Texas Public Information Act**.

Except in emergency circumstances, employees may not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting, if the phone is equipped with a texting feature. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records. Employees using City-issued cell phones have no expectation of privacy in either cell phone calls, pictures, text messages, location, or other information contained or generated by these telephones.

7.05 Texas Public Information Act

Employees are advised that records related to calls and text messages made and received on City owned cellular telephones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

7.06 Monitoring of Cell Phone Calls

Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

By your continued employment with the City, you acknowledge you are aware of and you consent to monitoring of cell phone calls by the City.

7.07 Electronic Communications and Systems Access Use

The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic communications systems" or "systems." These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related

communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City's electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communications systems. The City's electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

Internet, Instant Message and E-mail Access. Users desiring Internet, instant messaging and/or email access must obtain written permission from their Department Director and provide it to the City Manager or his/her designee. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use. Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City's internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Minimal personal use of the Internet, instant messaging or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers or third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission

- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Excessive use of bandwidth (such as by watching movies, downloads, etc) not for city business

Filtering. The City uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

Responsibility. The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Misuse is subject to disciplinary action.

Copyright Restriction. Any software or other material, including music, downloaded onto a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Manager is

required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

7.08 Social Networking

An employee's use of social media, both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City, not only reflects positively on the employee as an individual, but also on the City.

Personal use of the Internet is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Electronic Communications policy. Violations of the City's Social Networking Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the City's Grievance policy without resorting to social media.

Employee Guidelines

- Any blogging or posting information on the Internet, must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Blogging, or posting information of a personal nature on the Internet, is prohibited during work hours. Employees are not permitted to engage in social networking while using any of the city's electronic resources.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the Internet.

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees must obtain written authorization from the City Manager or designee to update or post on behalf of the City and all content must be approved prior to posting. In which case the employee must disclose their relationship to the City in accordance with FTC guidelines. All of the employee's time spent updating or posting on behalf of the City and as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
- Respect coworkers and the City. Do not put anything on your blog or post any information and /or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites, unless you are posting them on the City official website as part of your job duties.
- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests.

Individual supervisors do not have the authority to make exceptions to these guidelines.

VIII. ATTENDANCE, ABSENCES & COMPENSATION

8.01 Accounting and Timekeeping;

(a) Responsibility. Directors are responsible for maintaining records relative to all forms of leave, attendance and absence of their employees due to any cause and whether with or without pay. Proper indications by the use of appropriate symbols, such as the cause of absence, will be made on department payroll and/or any other required records set up from time to time under special operating rules. Each department will be responsible for the designation of one or more capable employees who, as part of their regular duties, will keep and certify as to the accuracy of daily records covering all forms of attendance and absence of each of their employees. Such records constitute the basis for preparation of departmental payrolls (when the payroll form itself is not actually used as the basic record), and will be preserved by departments in accordance with the City's record retention policy.

Certification of records will be by means of signing or initialing individual time cards, departmental payrolls, or other such records. Directors must check attendance records and payrolls in order to ensure that salary and wage expenditures stay within budgetary limits.

The Director of Human Resources is responsible for certifying as to the compliance of departments with the requirements and policies established by the officials as to the conformity with the established policies governing personal leave, sick leave, retirement, etc.

(b) Attendance Records. Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, the time(s) they left for and returned from any unpaid break during the work day, and the time they leave work each day. Exempt employees are required to document hours worked each day as well as any time off. This documentation is for reporting purposes only and not for compensation.

(c) Attendance and Punctuality. To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to the supervisor the date and time of anticipated return. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned employment.

8.02 Wages and Hours

(a) Pay Plan. Wages, salaries and working schedules for various positions shall be in general accordance with the provisions of the official pay plan currently in effect including amendments thereto and within the limitations of the financial provisions of each department as approved by the City Manager for each fiscal year. Salary is based on a total number of regular hours worked per year.

The city's pay period is bi-weekly. Timesheets indicating hours worked or leave taken over the past two weeks are due no later than Monday. Payroll is issued on the Friday after the two week pay period. In the event that a payday falls on a city holiday or a weekend, payroll will be distributed on the previous workday.

(b) Direct Deposit. The City Manager will determine an appropriate date after this personnel policy has been adopted when all payments to employees, including, but not limited to payroll and expense reimbursement payments, will be made by electronic (ACH) direct deposit. Employees will be required to furnish account information to the City so that these electronic payments can be processed. After the use of direct deposit for payments has begun, no payments by paper check to employees will be produced unless approved by the City Manager.

(c) Regular Work Hours. Nonexempt employees of the City normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks as necessary to properly perform the duties assigned. The salaries for exempt employees are determined and established in accordance with this assumption. Exempt employees are not eligible for overtime compensation. The work week begins at 12:01 a.m. on Monday, and ends at 12:00 a.m. on Monday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours, if approved by the City Manager. In times of disaster or emergency, working hours shall be determined by the City Manager.

(d) Adjustment to Work Hours. In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and indicates that the employee will be available to do such work.

(e) Overtime. Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

(f) Non-Exempt Employees. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as

practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 12:01 a.m. on Monday and ends at 12:00 a.m. the following Monday.) An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc.

Time off on account of personal leave, paid holiday leave, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Employees are required to report to the City Manager, or his designee, any time they are improperly required to work "off the clock" without pay.

(g) Compensatory Time. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Public safety -- i.e., police officers are subject to a 480-hour cap on accrual of compensatory time. Other employees are subject to a cap of 240 hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Comp time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time log.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

(h) Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or comp time. Likewise, an employee who is either promoted, transferred or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current base hourly rate.

NOTE: Exempt employees are not eligible to accrue compensatory time.

(i) Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle (if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

(j) Exempt Employees. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Director of Human Resources.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made, must immediately notify the Director of Human Resources. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

8.03 Longevity Compensation

The City will pay a regular full-time employee annually for each year of service, in addition to other money paid for services rendered, longevity pay in an amount budgeted by City Council. Longevity pay will be based upon the number of years the employee has worked for the City and will be paid the last pay period in November. An employee will be eligible to receive longevity pay upon completing one year of service. Longevity will not be prorated upon the termination of employment with the City, whether termination is voluntary or non-voluntary.

8.04 Authority for Absences

No City employee shall be absent from his or her regularly scheduled duties except by authority of the employee's Director or other responsible supervisor. An employee who is absent from work due to any reason beyond his/her control is responsible for reporting his/her absence and its reason to the Director or other responsible supervisor as soon as possible after the beginning of the employee's assigned shift or regular schedule of duties. Whenever possible, the City Manager must approve all absences for periods in excess of two weeks.

8.05 Family and Medical Leaves of Absence (Including Leaves Based on Military Service)

It is the policy of the City to grant employees extended leaves of absence under certain circumstances. Except under the limited circumstances expressly provided herein, employees will not receive compensation during a leave of absence:

- 1. The City will comply with the provisions of the Family and Medical Leave Act ("FMLA"), which provides eligible employees with up to twelve (12) weeks of leave in a single twelve-month period for various family and medical reasons and up to 26 weeks of leave in a single twelve-month period for leave to care for a seriously ill or injured military family member. The single twelve-month period is established as the calendar year beginning January 1 and ending December 31.
- 2. An employee is generally eligible for a leave of absence if the employee has completed at least twelve (12) months of service (which need not be consecutive months but generally must be within the past seven (7) years), and has worked 1,250 hours in the previous twelve-month period. Whether the City grants any leave, the length of any such leave, and the compensation received by the employee, if any, during the leave of absence, will be determined by the City in conjunction with applicable federal and state law.

Medical Leave of Absence: An employee who is unable to work because of a serious health condition, disability, or work-related injury may be granted a medical leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The City requires certification of an employee's need for medical leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

Parental Leave of Absence: An employee may be granted leave of absence to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care.

Family Care Leave of Absence: An employee may be granted a family care leave of absence for the purpose of caring for the employee's child, spouse or parent who has a serious health condition. The City requires certification of the family member's serious health condition, both

before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave to Care for a Seriously Ill or Injured Family Member in Military Service: An employee who is the spouse, child, parent, or next of kin of a covered service member may be granted up to 26 weeks of leave in a "single" twelve-month period to care for a service member who has a serious injury or illness incurred while on active duty. The City requires certification of the family member's serious injury or illness, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave for a Qualifying Exigency Arising Out of Active Duty or a Call to Active Duty: Employees may be granted a leave of absence because of a qualifying exigency arising out of the active duty or call to active duty status of a parent, spouse, or child in the National Guard or Reserves in support of a contingency operation.

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

- 3. If intermittent leave is requested, please notify your supervisor as soon as possible regarding medical or exigency required scheduling changes.
- 4. Requests for a leave of absence or any extension of a leave ordinarily should be submitted in writing to the employee's supervisor with a copy to the City at least thirty (30) days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The final decision concerning the request will be made by the City Manager. All employees on approved leave are expected to report to his or her supervisor any change of status in their need for a leave.
- 5. An employee who is on an approved leave of absence may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military service and the employee's reason for leave does not preclude the outside employment.

- ◆6. An employee who is on a **Medical Leave, Family Care Leave, or Leave to Care for a Seriously Ill or Injured Family Member in the Military** will be required to use all accrued personal, vacation, and sick days while on leave. An employee on **Parental Leave** or **Leave for a Qualifying Exigency of a Family Member in the Military** shall use all accrued personal and vacation days while on leave. Employees must meet the procedural requirements of the paid leave policies to use the paid time off during an otherwise unpaid leave.
- ◆7. The City will continue to pay its share of existing health insurance coverage and provide other benefits to employees on leave as required by law. Failure of the employee to pay his/her share of any such dependent health insurance premium may result in loss of coverage. While on Family and Medical Leave, the employee must also pay life insurance premiums plus the deferred compensation costs if the employee desires to retain such benefits during the leave period. Benefits that accrue according to length of service (such as paid vacation, holiday, personal, and sick days) do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or disability benefits.
- ◆8. An employee who returns from a leave of absence will be reinstated to the employee's same job or to an equivalent job with equivalent status and pay, to the extent required by law. An employee who returns from a medical leave must provide certification of the employee's ability to perform the functions of the job.
- ◆9. In the event that an employee elects not to return to work upon completion of an approved family and/or medical leave of absence, the City may recover from the employee the cost of any payments it incurred to maintain the employee's coverage, unless the failure to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as of the last paid workday prior to the date of the unpaid leave of absence.
- ◆10. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.
- ◆11. In the event of any conflict or inconsistency between these policies and the actual requirements of the FMLA, the actual requirements of the FMLA shall control.

8.06 Sick Leave

(a) Notification. Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

(b) Eligibility. All full-time employees begin accruing paid sick leave upon employment. Part-time, temporary, and seasonal employees do not accrue sick leave. Full-time employees who are in their initial orientation period may use accrued sick leave only if approved by their supervisor and/or Department Director. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

(c) Accrual Rate. Sick leave for employees shall be computed on the basis of one (1) working day for each full month employed in a calendar year, so as to total twelve (12) working days to a full-time employee's credit each 12 months. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for 80 hours.

(d) Maximum Accrual. The maximum sick leave time which may be accumulated by any employee shall be 480 hours.

(f) Authorized Use of Sick Leave.

For the employee. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).

For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. An employee can initially use up to 40 hours of accrued sick leave to care for immediate family members. If additional time is needed, employees must first use all accrued compensatory time, accrued holiday leave and then accrued personal leave before any remaining accrued sick leave can be used. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use up to 24 hours of accrued sick leave. Sick leave may also be used by employees for their own and /or their immediate family's scheduled doctor and dentist appointments.

Minimum Increments. Sick leave must be taken in minimum increments of one hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

(g) Failure to Report Absence/Abuse of Sick Leave. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

(h) Use of Sick Leave Before/After a Holiday. If an employee takes sick leave immediately prior to or after a holiday:

- 1) A doctor's excuse for each day taken may be required or an employee may not be paid for the time off. This requirement will be at the discretion of the Division Director.
- 2) Should this practice become a habit for an employee, prompt termination or disciplinary action will take place.

(i) Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director and the Director of Human Resources. See Outside Employment Policy.

(j) Use of Other Leave. If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial orientation period may use accrued personal leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule ("flex time") to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek, or work cycle.

(k) Documentation. Employees requesting paid sick leave must complete a form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents the employee from working whenever sick leave for 3 or more consecutive work days is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a

timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

(l) Payment For Unused Sick Leave. No employee shall be entitled to payment in lieu of using sick leave time.

(m) Sick Leave at Separation. At the time of separation, the City will not pay any accrued sick time. The City will not restore sick leave in the event of rehire.

8.07 Sick Leave Donation Program

Purpose

To provide a method for the city manager to authorize voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. This donation may only be authorized in the event of an extended absence where the employee is unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.

Policy: The city manager is authorized to approve, on a case by case basis, specific voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. The approval is discretionary with the city manager. Nothing herein shall preclude the city manager from making an employment decision based on a medical separation, or disciplinary action.

(a) General Guidelines

- 1) The Program and donated hours are strictly voluntary.
- 2) Absences due to a Workers Compensation injury are ineligible for the Program.

(b) Eligibility of Recipient

- 1) Recipients must be a full-time employee.
- 2) Recipients must be unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.
- 3) Recipient shall conform to requirements of applicable policies, agreements, and statutes.
- 4) Recipients must exhaust all available accrued paid leave prior to utilizing donated time.
- 5) Recipients cannot receive more than 80 hours of donated leave per pay period.
- 6) Recipients cannot receive more than a total of 480 hours per calendar year.
- 7) Recipients shall no longer be eligible for this Program if they are eligible for long or short term disability.

(c) Eligibility of Donor

- ~~1.1~~ Donor must be a full-time employee.
- ~~2.2~~ Donor shall conform to requirements of applicable policies, agreements, and statutes.
- ~~3.3~~ Donor must maintain a minimum of 40 hours of sick leave on the books.
- ~~4.4~~ Donor cannot donate more than 80 hours of sick leave per pay period.
- ~~5.5~~ Donor cannot donate more than a total of 120 hours of sick leave per calendar year.

(d) Donation Parameters

- ~~1.1~~ Donations will involve accrued sick leave only, no other forms of leave may be donated.
- ~~2.2~~ Donations are considered donated sick leave, not accrued leave
- ~~3.3~~ Donations do not count as an absence for the purpose of performance evaluations.
- ~~4.4~~ Donations must be made in hour increments.
- ~~5.5~~ Donations will be taken from donors on a first come basis, up to the max 80 hours per pay period.
- ~~6.6~~ Assignment of donated hours to recipients shall be made in chronological order of the date and time stamp on the requests.

(e) Tax/IRS Issues

- ~~A.1~~ Payments to the recipients shall be made at their normal rate of pay.
- ~~B.2~~ Deductions included on a recipient's paycheck prior to the use of donated leave shall be continued on the donated leave.
- ~~C.3~~ Amounts paid by the City pursuant to the Sick Leave Donation Program are included in the gross income of the recipient as compensation and are considered wages for employment tax purposes.

(f) Separation

- ~~1~~ Recipients shall not be entitled to receive separation pay for unused donated hours at time of separation.

8.08 Personal Leave

(a) Accruals. Regular full-time employees accrue personal leave on a monthly basis. Personal leave accrues at the end of the first full month of employment at a rate as detailed below:

<u>Years of service</u>	<u>Accruals rate per month</u>	<u>Total number of days per year</u>
0 to 4 years	6.67 hours per month	10 days of personal time
5 to 9 years	10 hours per month	15 days of personal time
10 to 19 years	13.3 hours per month	20 days of personal time
20 or more years	16.67 hours per month	25 days of personal time

An employee may not use any accrued personal leave until successfully completing the initial employment orientation period unless approved by the City Manager. Employees may not

“borrow” unearned personal leave; employees shall not receive payment of personal leave in lieu of taking time off, except as provided below.

Regular part-time, temporary, and seasonal employees do not earn personal leave.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect personal leave balances. Paid personal leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as personal days.

(b) Use and Scheduling of Personal Leave. Personal leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Personal leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in four (4) hour increments. Employees must schedule their annual personal leave in accordance with their Department's guidelines governing employees scheduling and utilizing the personal leave form. Whenever possible, personal leave time will be scheduled at the convenience of employees. However, Department Directors must be certain that personal leave does not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred personal leave schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of personal leave pay, employees must make sure they have an approved personal leave request on file before leaving on personal leave. No more than ten (10) consecutive days of personal leave time may be taken off, unless the City Manager grants an exception.

(c) Maximum Accruals. All employees, after one (1) year of service, must take a minimum of five (5) days (40 hours) of personal leave each year. The maximum number of personal leave days that may be accumulated is two times the employee's current accrual rate. All days in excess of the maximum are lost on the employee's next anniversary date (except as otherwise provided for in this policy). Employees will not be paid for personal leave in excess of the maximum accrual or for personal leave that is “lost” on their anniversary date. If the needs of the City and/or Department preclude the taking of a scheduled personal leave, the Department Director may defer an employee's scheduled personal leave. In such cases, the Department Director shall grant the employee's deferred personal leave within thirty (30) days or payment will be made to the affected employee for the deferred personal leave hours. All personal leave carryover granted by Directors must be forwarded to Payroll before the employee's anniversary date.

(d) Compensation for Personal Leave. Personal leave is paid at the employee's base rate at the time of use. It does not include overtime or any special forms of compensation. Personal leave time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused personal leave, except upon separation of employment, or if an employee is precluded from taking a scheduled personal leave due to City and/or department needs as set out above.

Upon termination, retirement, resignation, or death, an employee in good standing shall be paid for accrued personal leave up to a maximum of two times the employee's current accrual rate at the rate of pay the employee was receiving at the time of separation. For purposes of this policy, an employee is not in "Good Standing" if he or she is under threat of disciplinary action due to a sustained violation of City policy or other illegal or improper activities that adversely affect the employee's ability to perform their job.

Only employees who have successfully completed their initial orientation period of employment with the City are entitled to this payout provision upon separation.

(e) Definitions

Compensable Hours - The hours worked or taken in a month must equal 160 for full-time employees.

Work Day – A "work day" is defined for personal leave as an 8-hour period for all employees.

8.09 Military Leave.

(a) Laws. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

(b) Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a military leave form along with the official documents setting forth the purpose of the leave and, if known, its duration. The military leave form must be turned into the Department Director and the Director of Human Resources as far in advance of the leave as possible.

(c) Paid and Unpaid Leave for Training and Duty.

Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the

year.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., personal leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

Benefits. The City will continue to provide employees on paid military leave with most City benefits.

Medical, Dental, and Vision Insurance. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

(d) Other Benefits. While on *paid* military leave, employees continue to accrue personal, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as personal and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as personal accrual and longevity pay.

(e) TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

(f) Returning from Leave.

Return to Work: A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the T.L.G.C. before being reinstated.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- A) For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
- B) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- C) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

8.1009 Holiday Leave

The City provides paid holidays to employees serving in the initial orientation period and regular full-time. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

New Year's Day (January 1)
Martin Luther King Day (third Monday in January)
Presidents' Day (third Monday in February)
Good Friday
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Columbus Day (second Monday in October)
Veterans' Day (November 11)
Thanksgiving Day (fourth Thursday in November)
Day after Thanksgiving (Friday after Thanksgiving)
Christmas Eve (December 24)

Christmas Day (December 25)

If one of the designated holidays occurs on Saturday, then the City shall observe the preceding Friday as such holiday. When any designated holiday occurs on Sunday, then the City shall observe the following Monday as such holiday

Holidays. A holiday is a period of 8 hours, paid at the employee's regular rate.

Scheduling of Holiday. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Temporary and Seasonal Employees. Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

Employees required to work on a Holiday. Employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours for the holiday at their regular rate of pay, in addition to the hours worked, at the employee's request.

The City Manager will permit as many employees as possible to observe each holiday, consistent with the maintenance of essential City functions. No employee shall work more than one regularly scheduled shift on a holiday without approval of the City Manager.

Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave to be taken at a later date, but no later than the end of the fiscal year.

Nonexempt Emergency Personnel Called Back on a Holiday. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the regular rate and will be given an alternate day off with pay or will be paid 8 hours for the holiday at the employee's request.

Ineligibility for Holiday Pay. Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

Holiday Occurring During Personal Leave. A holiday that falls within an employee's personal period will be counted as holiday in lieu of a day of personal leave.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Paid Leave Status. An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to personal, compensatory time, or an excused absence without pay.

Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay.

8.110 Bereavement Leave

In addition to personal leave, the City provides employees serving their initial orientation period and regular full-time employees paid time off, up to a maximum of three (3) work days in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as current spouse, child, parent, brother, sister, grandparent, aunt, uncle, or grandchild, by blood or marriage.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as personal leave, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director. All bereavement leave time taken must be requested on the City's appropriate form.

Employees who wish to attend funerals for other than immediate family must use personal leave, compensatory time, or unpaid leave.

8.121 Job-Related Injury Leave

When an employee is injured on the job, the employee shall immediately report such injury to his or her supervisor, who shall take the steps that the supervisor and employee determine necessary to secure proper first aid or other treatment for the injured employee. The employee's supervisor shall also complete within forty-eight (48) hours an accident report and forward copies to the Director of Human Resources.

Injury leave is an absence from work arising from an on the job accidental injury. An employee injured on the job and in the line of duty shall be granted up to five days injury leave with pay within any 12-month period. Any employee injured on the job shall also be covered by and entitled to all benefits accruing under the Texas Workers' Compensation Act. Additionally, the City will permit the employee to make up the difference between the benefit payments made under the Act and the employee's regular pay from the employee's accrued leave entitlement (sick leave, personal leave and compensatory time), if any, for up to 180 consecutive calendar days from the date of injury. Under no circumstances, however, will the employee receive more than full regular pay

while on injury leave. A doctor's written statement that the employee is unable to return to work shall be required for an employee to receive injury leave.

An employee may be requested to provide a "fitness for duty" certification before returning to work after the employee's workplace illness or injury. An employee may return to the employee's former position, if it is available, and if the employee's medical restrictions, if any, permit the employee to perform the essential functions of the employee's former job, with or without reasonable accommodation. If the employee's job has been filled or if the employee's medical restrictions are inconsistent with the employee's former job, the employee will be considered for any open job for which he or she is qualified. If there is no open job for which he or she is qualified, then the employee will remain on an unpaid leave of absence after all accrued leave is exhausted. During this time, the employee shall periodically report to his or her supervisor to determine if there are new openings for which they may qualify. Under the City's automatic termination policy, employment will end automatically after an absence of six consecutive months, regardless of the reason for the absence. After an employee is terminated under the automatic termination policy, he or she may later reapply for any open position for which he or she is qualified.

An employee shall forfeit all rights to any injury leave benefits if the employee works, either part-time or full-time, for pay for any other person, including self-employment, while on city injury leave; the employee resigns for any reason while receiving injury leave; the employee is discharged for any reason; the employee retires or dies; the employee fails or refuses to comply with or follow, or disregards or violates the treating physician's instructions regarding treatment and/or rehabilitation of the injury; the employee refuses to perform light, partial or part-time duty when offered by the Division Director and which does not require him or her to perform activities that are restricted by his or her treating physician; the employee falsifies or misrepresents his or her physical condition or capacity; the employee refuses to return to duty on the working day that he or she is released to duty by the treating physician; the employee fails to submit an acceptable physician's statement when requested by his or her supervisor; and/or the employee has been injured as a result of his or her failure to observe safety policies, procedures, or instructions as determined by the employee's Division Director.

8.132 Jury Leave

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued personal, holiday or compensatory leave; otherwise a nonexempt employee's time off to testify will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit a copy of the jury duty summons, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

8.143 Voting Leave

Employees are encouraged to exercise their right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours.

Upon ten (10) days notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to personal leave, accrued compensatory time, or leave without pay for the period of time missed.

8.154 Catastrophic Leave

Upon the written recommendation of a Director, the City Manager may grant leave with pay to an employee when an illness or injury incapacitates the employee or his/her immediate family member and such incapacity requires that the employee take time off from work for an extended period of time. In no event shall any employee be entitled to more than 160 hours catastrophic leave for any one incident; further, in no event shall any employee be entitled to catastrophic leave for more than three separate incidents during their employment with the City.

8.165 Pandemic Event Leave Policy; Administrative Leave With or Without Pay

(a) Notwithstanding other provisions contained in this "Employee Personnel Policies and Procedures Handbook," when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the "Pandemic Event Leave Policy," attached as Exhibit B, shall take effect. The goal of the "Pandemic Event Leave Policy" is to allow the City Manager the flexibility to adjust scheduling, pay, leave, working conditions, and telecommuting, in order to help sick employees recuperate from illness, allow employees to work from home for their safety, and allow employees to care for dependents or sick relatives, while maximizing the continuity and effectiveness of city government. The "Pandemic Event Leave Policy" shall remain in effect until the City Manager determines that the emergency or potential emergency is no longer a threat to the organization and the city employees, unless sooner terminated by the city council.

(b) Directors may grant special leaves of absence without pay for periods not exceeding two (2) weeks subject to approval by the City Manager. The City Manager may grant special leaves of absence with or without pay for periods not exceeding two (2) weeks, for extenuating

circumstances. No leave will be granted under this policy, however, for the purpose of enabling employees to accept outside employment. There shall be no accrual of benefits while on leave without pay.

8.176 Physical Incapacity

If the Department Director and the Director of Human Resources, based on the assessment of a medical doctor licensed to practice in the State of Texas, determines that an employee is not able to perform the required physical duties or tasks of his or her present position with or without reasonable accommodation (regardless of whether the incapacity is due to on the job injuries, off the job injuries, or illness), then that employee will not be returned to his or her full duty with the City until a medical doctor states in writing that the employee is able to perform all the required and essential physical tasks or duties of the position with or without reasonable accommodation.

If a job vacancy exists during the 180 calendar days that the employee is qualified for and can physically perform, the City Manager shall offer the employee that position. The employee has the choice to either accept or decline the offered position.

- 1) If the offer is accepted, it is recognized and understood that the employee may have to take a reduction in salary.
- 2) Any employee so reassigned will be compensated at a pay rate in the pay range of the position to which the employee has been reassigned.

8.187 Modified Duty; Absence Rule; Reinstatements; COBRA

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond sixty (60) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director of Human Resources to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within sixty (60)

calendar days from the approval of modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, administrative leave, or personal leave benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment. No employee on modified duty will work overtime.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the Director of Human Resources.

Absences. An employee who is unable to return to full duty status with or without a reasonable accommodation within 180 days may be separated for incapacity.

If an employee does not perform actual work for the City for a period of 180 calendar days, the employee shall be deemed to have forfeited his or her position unless such termination is contrary to applicable federal or state law (e.g., military leave). A person in this status may apply for positions with the City for which he or she is qualified and physically able to perform. An employee who is unable to return to work in full duty status within six months of an injury may be separated for incapacity.

Reinstatements. In the event a former employee is rehired within 180 calendar days after their date of termination, the employee will retain the seniority the employee had achieved for purposes of longevity pay and leave accruals. The rate of pay will be determined based on the pay scale classification for the new position.

COBRA. To the extent not otherwise required by state or federal law, once an employee has exhausted his or her accrued leave benefits, the employee shall no longer be paid a salary or wages by the City, and the employee shall no longer accumulate sick leave or annual leave. The employee may continue to receive his or her worker's compensation benefits and may retain the City's health insurance if he or she pays the rate as established by the City under the Consolidated Omnibus Budget Reconciliation Act (COBRA.). Such coverage shall be limited to the minimum lengths of time established by COBRA.

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at city hall.

8.198 Breaks

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue and comply with applicable laws.

Rest Break Conditions. As authorized, an employee is allowed a paid rest break of up to fifteen (15) minutes for each four (4) hours of work that is not interrupted by a meal period. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods. Full-time employees (excluding most Police Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

Lactation Breaks. Non-exempt employees who are nursing are provided with reasonable break time to express breast milk for up to one year after the birth of a child as long as providing such break time does not unduly disrupt operations. Employees will not be retaliated against for exercising their rights under this policy.

Supervisor Responsibility: Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted: The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;
- saving rest period time to extend lunch periods or shorten the scheduled work day; or
- requesting compensatory time off or overtime pay for work performed during rest period time.

8.2019 Certification Pay

In addition to regular pay, certification pay is available to all certified police officers as authorized by the City Council, as follows:

Certification	Annual Certification Pay
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Intermediate	\$ _____
Advanced	\$ _____
Masters	\$ _____

An eligible employee should be paid only for the highest level of certification held.

In addition to regular pay, certification pay is available to utility employees who accomplish classification levels based on certain testing requirements and qualifications as follows:

Wastewater Treatment		Collection Systems		Waterworks	
Class A	\$	Class I	\$	Class A	\$
Class B	\$	Class II	\$	Class B	\$
Class C	\$	Class III	\$	Class C	\$
Class D	\$			Class D	\$

Annual certification pay amounts will be divided by 26 and paid during normal pay periods.

8.219 On-Call/Call Back Compensation

The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame

required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

8.221 Payroll Deductions

The following deductions are authorized for payroll deductions:

- (1) Social security contributions;
- (2) Income withholding taxes;
- (3) Medicare contributions
- (4) Contributions to the Texas Municipal Retirement System;
- (5) Presently authorized medical insurance premiums;
- (6) Presently authorized "other insurance" premiums;
- (7) United States savings bonds;
- (8) Contributions to an individual retirement annuity or deferred compensation plan;
- (9) Association or Union dues; and
- (10) Required child support payments

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law. A reasonable administrative fee may be collected as authorized by law.

8.232 Performance Management Process

The City uses a thorough performance management process for assisting supervisors in communicating job expectations, measuring the employee's level of past performance,

recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance management process provides necessary information for management decisions including career development and training, assignments, advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance management process as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

Schedule. Regular full and part-time employees hired are eligible for:

- A performance review after six (6) months of their initial orientation period; and
- 3. Annual performance evaluation before the end of the fiscal year (September 30).

Newly transferred or promoted employees who are serving their initial orientation period shall also receive periodic evaluations during their orientation period.

Department Directors and Council appointees are not governed by the above schedule. The City Manager's office establishes a performance evaluation system for Director-level positions. The City Council establishes a performance evaluation system for Council appointees.

Supervisory Responsibilities. All performance evaluation information must be written where required and forwarded to the Director of Human Resources for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Employee Development Area. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the Director of Human Resources for filing in the employee's official personnel file and provide the employee a copy.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, in order to correct any obvious errors or rating bias.

Director of Human Resources Responsibilities. The Director of Human Resources will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Director of Human Resources is responsible for maintaining original evaluation documents in the official personnel files.

Employee Responsibilities. Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address concerns.

8.243 Telephone Contact

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work related matters.

All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

8.254 Police Officer 7(k) Exemption

Notwithstanding the foregoing, the City has adopted the "7(k) exemption" of the Fair Labor Standards Act (FLSA) and provides for a maximum 86 hour pay period for police officers. Any and all of the rules and regulations contained herein still apply where not in conflict with this section 8.23. If there is any conflict between this section and the general rules and regulation of this Handbook, this section 8.23 shall prevail.

FLSA: The FLSA requires that all covered nonexempt employees be paid overtime pay at no less than time and one-half their regular rates of pay for all hours worked in excess of 40 in a workweek. Section 7(k) of the FLSA provides that employees engaged in law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 171 (police) as the number of days in the work period bears to 28. For example, law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

Work week: For most non-exempt employees, the City's work period is defined as the seven (7) days period beginning at 12:01 a.m. Monday and ending at midnight Sunday. For non-exempt fulltime paid police officers, the work period shall be a 14-day period beginning Monday at 12:01am and ending at midnight Sunday. Overtime worked will be paid the next pay period after being earned. Police officers shall receive overtime after 86 hours worked during a 14-day work period.

Holidays: Most non-exempt employees working on city holidays are compensated at straight time plus 8 hours, unless the employee has already worked 40 hours in that pay period. For purposes of administering the 14-day work period, police officers will be compensated for working city holidays at straight time, unless the hours worked result in more than 86 total hours in the work period. Holiday compensation will be provided through an hourly holiday bank system.

Holiday bank system: For most non-exempt employees, holidays are accumulated on a monthly basis but for purposes of administering the 14-day work period, police officers will be provided “front loaded” holiday hours allocated in advance, which must be taken as follows:

This holiday leave must be taken as follows:

- 32 hours between January 1 to April 30
- 32 hours between May 1 to September 30
- 40 hours between October 1 to December 31

If an employee fails to take the holiday leave between the above scheduled times, the employee will lose the right to take the leave.

Employees will start to accrue holiday leave after their initial hire date. Holidays prior to the initial hire date will not be counted as leave.

Benefit time use will be hour for hour (Example: 24-hours taken off would require 24-hours of vacation/holiday to be used).

IX. EDUCATION INCENTIVES AND OTHER BENEFITS

9.01 Education Incentives

City employees who are interested in continuing their education in a job-related field may be eligible for tuition reimbursement payments in accordance with the following policies.

The employee must inform the City Manager, in advance, of the specific courses the employee will take and the specific school, college or university to be attended. Each “online” class must be expressly pre-approved.

It will be the employee's responsibility to register and successfully complete the course(s) with a grade of "B" or better on each course taken.

Tuition reimbursement payments for employees will be subject to the following limitations:

- 1) The City will not pay for more than six semester hours per semester per employee;
- 2) Payments will be limited to tuition only;
- 3) The City will not make payments for any fees (e.g. student lab, etc.), I.D. cards, books, parking permits, travel expenses unless specifically authorized in writing by the City Manager;
- 4) No employee may receive both City tuition payments and G.I. Bill benefits for the same schooling;
- 5) No employee may receive City tuition benefits for courses not directly related to a major approved by the individual's Director and the City Manager. The course must be for bona fide purpose of preparing the employee for advancement through upgrading the employee to a higher skill level and not directly related to the employee's current job;
- 6) The tuition reimbursement will be paid to the student after the completion of the course with documentation that the course was successfully completed with a grade of “B” or better. No tuition reimbursement payment will be made to the student if the course was not successfully completed or a grade lower than “B” was received for the course;
- 7) No payments will be made for courses enrolled in by an employee who has worked for the City less than six months at the time of enrollment unless an exception is approved in writing by the City Manager; and
- 8) Any employee who resigns or retires within one year of receiving tuition reimbursement for a course or courses at the City's expense will be liable for repayment of the City payment(s).

X. CONDUCT; RATIONALE FOR DISCIPLINE; GROUNDS FOR DISMISSAL

10.01 General Rules for Conduct

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

Progressive Discipline: In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- 1)• oral warning
- 2)• letter of counseling
- 3)• written reprimand
- 4)• probation
- 5)• suspension (without pay)
- 6)• demotion
- 7)• last chance agreement
- 8)• discharge

Documentation: All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the Director of Human Resources for review, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Review by Director of Human Resources: Any proposed disciplinary action in excess of an oral warning must be reviewed by the Director of Human Resources prior to being given to the employee. This applies to both employees serving in the initial orientation period and regular employees that have completed the initial orientation period.

Appeal Rights: Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Employee Grievance Policy). However, positions classified as Director level and above are employed at the will and pleasure of the City Manager, with the concurrence of the City Council, and have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial orientation period have no right of appeal for disciplinary action taken against them.

Prohibited Activities: Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- 1)• Theft or inappropriate removal or use of City property or other property not belonging to the employee
- 2)• Falsification of timekeeping or other records, including employment application
- 3)• Working under the influence of or a presence in the system of alcohol or illegal drugs
- 4)• Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned equipment
- 5)• Violation of City's policy regarding sexual or other unlawful harassment
- 6)• Interfering with work schedules or another employee's ability to work
- 7)• Misuse of City telephones, computers, mail systems, internet, etc.
- 8)• Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
- 9)• Breaks in excess of the allotted time allowed
- 10)• Violation of tobacco use policy
- 11)• Violation of safety or health rules and failure to immediately report an on the-job injury/accident
- 12)• Profanity, abusive language, or racial slurs
- 13)• Unauthorized disclosure of confidential information
- 14)• Violation of any provision of the City Charter
- 15)• Violation of City or departmental policies, codes of conduct, rules and procedures
- 16)• Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others

- 17)• Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others
- 18)• Unsatisfactory performance or conduct
- 19)• Inefficiency, incompetence or neglect of duty
- 20)• Fighting, provoking or instigating a fight, or threatening violence
- 21)• Disruptive activity in the workplace
- 22)• Engaging in a work stoppage
- 23)• Conduct which results in waste or damage of a coworker's, City, or citizen-owned property
- 24)• Insubordination or other disrespectful or unprofessional conduct
- 25)• Discourteous treatment of the public
- 26)• Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle)
- 27)• Violation of local, state or federal law
- 28)• Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime
- 29)• Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- 30)• Outside employment that conflicts or potentially conflicts with City interests
- 31)• Acceptance of payment of any kind for activities related to City Employment
- 32)• Failure or refusal to follow lawful orders
- 33)• Sleeping on the job
- 34)• Dishonesty, including misrepresentation during the hiring process
- 35)• An accumulation of minor infractions

Disciplinary Meeting: A disciplinary meeting will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, the affected employee, the Director of Human Resources and anyone else deemed necessary by the Department Director typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

Administrative Leave: During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay, and may be charged to available accrued leave if authorized by the City Manager.

10.02 Outside Employment

City employees may engage in outside or self-employment provided they receive prior written approval from the City Manager.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform the job with the City are also prohibited.

By accepting and performing outside or self-employment, the employee waives all rights to sick leave, or any other time off, in the event such employee is unable to perform the duties as an employee of the City because of accident, injury, or illness resulting from travel to or from, or performance of another job. Further, an employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the Director of Human Resources.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith-based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

10.03 Incident Reports

An employee shall immediately report to his or her supervisor any incident that involves either (1) personal injury to any person, or (2) any damage or loss to City property or the property of others.

The employee's supervisor shall notify the Division Director or City Manager immediately of any incident that involves personal injury to the employee or any other person.

An employee and the employee's supervisor shall reduce the above reports of personal injury or damage of property to writing within one (1) working day of the incidents and send the reports to the Division Director and the Director of Human Resources.

10.04 Arrests, Confinements and Indictments

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

Employee Detained by Law Enforcement Authorities: An employee that is questioned by law enforcement authorities and not free to leave is considered to be “detained.” A detained employee, who fails to report to work at the employee’s regularly scheduled time, and/or provide timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, including traffic stops, to report the detainment, arrest, confinement or indictment and reason. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered, and that adversely affects their ability to perform their job, may result in disciplinary action, up to and including termination.

Exempt Employees: Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full work day.

Non-exempt Employees: If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

Felonies and Misdemeanors: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Director of Human Resources. An employee on administrative leave may, in the City’s sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

Employee Status after Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense that may conflict with their ability to perform their job, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- 1.● allowing the employee to return to regular duty with pay;
- 2.● allowing the employee to return to restricted duty with pay;
- 3.● placing the employee on paid administrative leave;
- 4.● placing the employee on unpaid administrative leave; or
- 5.● terminating the employee.

Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

10.05 Code of Conduct

A. Conflict of Interests - Without prior written approval by the City Manager no employee of the City may:

- i. Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City and its related entities;
- ii. Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;
- iii. Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- iv. Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- v. Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City, or
- vi. Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

B. Bribery - No employee of the City may accept or agree to accept:

- i. Any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion as a city employee;
- ii. Any benefit as consideration for a decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding;
- iii. Any benefit as consideration for a violation of a duty imposed by law on a city employee; or
- iv. Any benefit that is a political contribution in violation of state law.

C. Acceptance of Gifts – No employee of the City may:

- i. solicit, accept, or agree to accept any benefit from a person the official or employee knows is subject to regulation, inspection or investigation by the official or the city.
- ii. solicit, accept, or agree to accept any benefit from a person with whom the official or employee knows litigation is pending or contemplated by the official or the city.
- iii. (for a city employee who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government) solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.
- iv. (for a city official or employee who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision) solicit, accept, or agree to accept any benefit from a person the official or employee knows is interested in or likely to become interested in any matter before the official/employee or tribunal.
- v. The above does not apply to:

Fees prescribed by law to be received by the city employee or any other benefit to which the employee is lawfully entitled and for which he has given legitimate consideration;

Gifts or other benefits conferred on account of kinship or personal, professional or business relationships independent of the employee's status with the city;

Certain honorariums in consideration of legitimate services; or

Benefits consisting of food, lodging, transportation or entertainment accepted as a guest and reported as required by law;

D. Tampering with governmental records – No employee of the City may make a false entry in, or false alteration of, a governmental record, or to make, present or use any record, document or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

E. Misuse of official information - No employee of the City may:

- (i) in reliance on information to which an employee has access by virtue of their employment, and that has not been made public:
 - a. acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
 - b. speculate or aid another to speculate on the basis of the information; or
 - c. coerce another into suppressing or failing to report that information to a law enforcement agency.
- (ii) with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
 - a. the employee has access to by means of his employment; and
 - b. has not been made public.

F. Official Oppression; Abuse of Official Capacity –

- (i) It shall be a violation for a city employee, acting under color of his employment, to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment.
- (ii) It shall be a violation for a city employee, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misuse government property, services, personnel, or anything of value belonging to the government that has come into his custody or possession by virtue of his office or employment.

G. Political contributions to city campaigns. City employees are prohibited from making any contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate to a city office.

H. Gift in favor of appointment. Persons seeking appointment to or promotion in the administrative service of the city are prohibited from directly or indirectly giving, rendering or paying any money, service or other valuable thing to another for or on account of or in connection with his appointment or promotion, or any examination conducted therefor.

Violations of this policy may result in disciplinary action. Employees should direct questions

regarding the prohibitions imposed by this policy to your Department Director, the Director of Human Resources, or the City Manager's office.

XI. DRUG AND ALCOHOL POLICY; COMMERCIAL DRIVERS

11.01 Purpose and Scope of Drug and Alcohol Policy

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Tobacco and Vaping Use Prohibited. The use of all tobacco and vaping products (including smokeless) inside city-owned or leased buildings and city-owned or leased vehicles or equipment is prohibited. Additionally, smoking and vaping are prohibited within 25 feet outside entrances, exits, wheelchair ramps (serving any entrance or exit), operable windows, and ventilation systems of enclosed areas where tobacco and vaping use is prohibited, so as to ensure that smoke and vapors do not enter those areas.

Any employee who violates this policy is subject to discipline, up to and including termination.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except possession under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased

vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police Department Employees. Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy only when in possession of confiscated alcohol and/or drugs while carrying out their official duties. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Rehabilitation/Treatment.

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to

participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

•3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

1)A. Initial negative test for drugs and/or alcohol before returning to work;

2)B. A written release to return to work from the City-approved rehabilitation or treatment facility/program;

3)C. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

4)D. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;

5)E. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance

abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

Testing

Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedures.

Testing of Applicants. All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs: (1) after a workplace injury or accident or “near miss,” when reasonable suspicion exists; (2) where reasonable suspicion exists even where no accident or injury occurred; or (3) in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.
2. Police Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

6. A positive test result is a violation of the City's Drug and Alcohol Policy and may result in disciplinary action up to and including termination of employment.

7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for Commercial Drivers for additional information.

Testing Procedures.

•1. All testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.

3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.

4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

11.02 Commercial Drivers

Employees/Applicants Subject To Testing. City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Director of Human Resources will advise the employee if the

employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun.

All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT or City regulations in any way, the more stringent regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor or subcontractor engaged by the City or an employee of such contractor or subcontractor. Refer to the Director of Human Resources for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use.

On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- While using alcohol; or
- Within 4 hours after using alcohol.

Use Following An Accident. An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

Prohibited Drug Use. Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up

testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

1. Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

2. Post-accident testing. Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.
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An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

a. Post-Accident Alcohol Testing. If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

b. Post Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

3. Reasonable suspicion testing. Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

a. Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

b. Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

4. Random Testing. Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

5. Return-to-duty and follow-up testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

Refusal to Test. An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the

failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

Additional Information About Alcohol Testing.

Consequences of a Positive Alcohol Test. An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave or other accrued leave during the treatment period.)

Alcohol Testing Procedures. A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Additional Information About Drug Testing.

Drug Testing Procedures. Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Director of Human Resources. The second test will be at the driver’s own expense.

Drugs Tested For. DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Policy.

Review of Drug Test Results. All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

Consequences of a Positive Drug Test. A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. A confirmed positive result for illegal drugs will result in termination of employment. The termination cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance.

Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

Information From Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver’s written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver’s application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City

will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations.

Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with an MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;

- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Transportation to Testing Site. With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

Questions. Anyone with questions regarding this policy should contact the Director of Human Resources.

XII. EMERGENCY OPERATIONS PROCEDURES

12.01 Emergency Operations

This policy will be in effect whenever the Mayor or the Mayor's designee declares that emergency conditions warrant either in preparation for or as a reaction to, a potentially disastrous event. Each emergency situation is unique and this policy is intended for overall guidance only. Upon declaration of an emergency, Directors are authorized to release employees in Tiers 2-3 from duty as outlined below.

12.02 Emergency Operations; Classification and Staffing

Directors are responsible for appointing individual classifications to each of their employees. Every City employee will have one of the following classifications. Any employee classification can be immediately or temporarily reclassified upward or downwards depending on the needs of the City.

“Tier 1” – ESSENTIAL – Employees with specific responsibilities who remain in the City on the job or at a designated location during an emergency and are authorized to remain during a mandatory evacuation.

“Tier 2” – RE-ENTRY ESSENTIAL – Employees who must return to supplement or relieve Tier 1 employees immediately upon roads becoming accessible.

“Tier 3” – NON-ESSENTIAL – Employees whose presence is not essential in carrying out the emergency plan, but who cannot leave their positions until released by their supervisor, and must return to work as usual under normal operations after emergency status has ended.

Employees not at work are responsible for remaining in contact with their supervisor regarding assignments, and to stay abreast of the situation by monitoring radio and television for instructions or by calling the Emergency Operations Center.

12.03 Emergency Preparation Phase

City property will be secured and protected and other actions will be taken as necessary in individual departments. Directors will reconsider and reschedule or cancel, if necessary, all personal leave requests of Tier 1 and Tier 2 employees who are on personal leave, or are scheduled for personal leave. When assigned tasks under the Preparation Phase are completed in accordance with the Departmental Emergency Plan, Tier 2 and Tier 3 employees released from duty may choose to evacuate. Tier 1 employees will be allowed to secure their property and make arrangements for their families as scheduled by the Director. Each employee of the City shall have a hurricane evacuation plan for his/her family well in advance of an approaching storm.

12.04 Essential Services Phase

This phase occurs during the emergency situation. Only those employees whose assigned functions are necessary for the benefit of the general public during the emergency situation will work during the Essential Service Phase. Tier 1 employees will not be authorized to evacuate.

Shifts during the Essential Services Phase will be established according to departmental needs. Employees who are assigned on call status must advise supervisors of locations where they can be contacted at all times. Employees released from work will follow instructions regarding evacuation and shelter, as applicable.

If additional days are needed by the employee after the declaration to return to duty, the employee may request personal leave time or compensatory time off for personal emergency recovery. However, that request may be denied if the situation warrants.

Employees who do not remain on, or return to, duty when so ordered are subject to disciplinary action up to and including termination.

12.05 Return to Duty Phase

By reporting to work on the return-to-duty date and/or time specified by the Mayor, each employee meets their responsibility to work with other City employees as a team in helping to restore the community to normal service levels following a disaster period. Employees who choose to evacuate will be expected to report to work at the start of their next normal shift on the return-to-work date.

12.06 Departmental Responsibilities

Directors shall:

- 1)• Review this Emergency Policy with their employees annually and identify each position in which employees in their department are required to work during an emergency. This list of positions and employees who occupy them must be maintained and posted on the department's official bulletin board or circulated to all their employees.
- 2)• Develop, post, communicate and circulate to all their employees the Standard Operating Procedures (SOPs) under each phase of an emergency, and annexes to the City's Emergency Plan pertinent to that department(s).
- 3)• Hold an annual meeting to reiterate to employees their individual responsibilities and to inform them of any changes in this policy or the SOP.
- 4)• Ensure that all job descriptions state the Emergency Classification of their positions.
- 5)• Complete the "Emergency Preparedness Employee Classification Form" for every employee.

Each employee must be provided with a copy of his or her Tier classification form. The original must be forwarded to the Human Resource Department.

12.07 Supervisor Duties

Supervisors shall:

- 1)• Assist with the responsibility of the consistent and fair implementations of this policy.
- 2)• Document and initiate any disciplinary action resulting from any violations of this policy.

12.08 Employee Duties

All City Employees shall know his/her responsibility under this policy because compliance with this policy is mandatory and be responsible for complying with waiver request procedures as outlined in this policy.

12.09 Waivers

If an employee has personal circumstances that would affect his or her ability to work during any phase of this Policy, then the employee must notify his or her Director upon employment or within 30 days of the onset of the extenuating circumstances. The requests will be reviewed and approved/disapproved by the City Manager. Documentation of qualifying circumstances shall accompany the request.

12.10 Inclement Weather/Emergency Closing

Except for extraordinary circumstances, City offices DO NOT CLOSE. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to personal leave or comp time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, or if a mandatory evacuation has been declared, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department

Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

12.11 Compensation during Emergencies

Policy Summary

When an emergency impacts City employees' work schedules and status during emergency conditions and a "state of emergency" or "state of disaster" has been declared by the President, Governor, County Judge or Mayor, the City Manager may grant emergency administrative leave with pay immediately prior to and/or after the occurrence of a disaster, whether natural or man-made.

If it is determined that a civil emergency condition exists, including, but not limited to, riots, civil disorders, severe weather or hurricane conditions, other natural disasters, chemical incidents, or similar conditions, the Mayor and/or City Manager may suspend all provisions of the City of Manvel's Personnel Rules except for those sections concerning Safety and Wages and Discipline.

Scope

This policy applies to all non-exempt and exempt employees.

A. Declaration of Emergency

Notification of State of Emergency: When a state of emergency is imminent or has been declared, the Mayor and/or City Manager or **designee** will notify all employees through department directors or managers of such declaration.

B. Emergency Periods

Pre-Impact Period This is the time period prior to the impending disaster and includes emergency response activities and preventive measures by the City of Manvel's departments in preparing for the impending emergency. This period begins when the City Emergency Operations Center is activated because a "state of emergency" or "state of disaster" has been declared by the President, Governor, County Judge or Mayor, or for other good cause by the City's Emergency Management Coordinator or City Manager.

Emergency Period This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended. During this period, the City Manager may designate key essential personnel to take mandatory shelter in the City Emergency Response Operations Center. The Emergency Period begins when the City is closed for **normal** business and ends when the Mayor and/or City Manager declares it safe for all employees to return to work.

Post Impact/Recovery Period This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. This period begins when the Mayor and/or City Manager declares it safe for all employees to return to work, and ends when the Mayor and/or City Manager declares the period is over.

No one is excused from work until the Mayor and/or City Manager, through the department directors, authorizes employees to leave, even if a public announcement of office closures or suspension of services is issued. Employees must return to work as soon as an emergency is over to participate in the Post Impact/Recovery Period. Employees excused from work during an emergency will be on emergency paid administrative leave.

Emergency paid administrative leave will start when the employee is excused by his/her Department Director and will continue until the Mayor and/or City Manager declares it is safe for all employees to return to work. Employees are expected to return to work on their next scheduled day or shift following the Mayor and/or City Manager's declaration. If an employee fails to show up for work or cannot show up for other reasons then the time lost will be Leave of Absence Without Pay, unless other paid leave (vacation, sick, etc.) is approved.

The City of Manvel recognizes that employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or state of local emergency. When evacuation of personal residences is required, Emergency Essential employees will be permitted and expected to make arrangements for their families like any other citizen, including the use of authorized shelters. The Emergency Essential Employees may be granted up to 4 hours of administrative leave for this purpose. Employees who are not able to return to work due to emergency conditions (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to work at City facilities due to impassable roadways, etc.) must contact their department director **or designated supervisor** as soon as possible and utilize appropriate leave time.

During a state of emergency, any unauthorized absence from work or assignment may be considered sufficient cause for discharge.

C. Employee Status

Prior to a declaration of a civil emergency, Department Directors shall, designate "Emergency Essential" and "Emergency Non-Essential" personnel. All personnel shall be advised of their status as of **January 1st** each year. Individual employee status may change, as the needs of the City change during the civil emergency, or at the discretion of the Department director.

"Emergency Non-Essential" – After a needs assessment is made, some employees may be temporarily excused from work, concurrently or successively, as determined by the type of emergency event, those will be designated as "Emergency Non-Essential." They will be placed on Emergency Paid Administrative Leave pursuant to this policy.

“Emergency Essential” – Each department director is responsible for identifying those employees who will be required to remain or respond in the event of emergency conditions and those employees will be designated as “Emergency Essential.” “Emergency-Essential” employees may be required to be available immediately before (Pre-Impact), during (Emergency)—*e.g.*, those within the Emergency Operations Center—and/or after the disaster or emergency condition (Post-Impact/Recovery) to perform duties directly related to the emergency conditions, as determined by City.

“Post-Impact/Recovery Assigned” – Post-emergency, all City employees are considered Post-Impact/Recovery Assigned employees. All City employees are to return to work after the Mayor or City Manager declares it is safe. After the return to work, some employees may be further identified as “Essential Recovery,” while others may be temporarily excused from work. The City Manager and each department or function is responsible for identifying those employees who are essential to the quick restoration of critical services to the community. These employees designated as “Essential Recovery” employees are required to work during periods after the emergency when other employees may be dismissed on leave or furlough.

Emergency Duty Assignment: In the event of an emergency, the Mayor and/or City Manager may assign employees to any duty to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

D. Compensation for Hours Worked During a Declared State of Emergency – Non-Public Safety / Non-Emergency Management Personnel

During declared emergency status, the exempt employees shall receive their regular salary except during the Emergency Period when key essential exempt employees are required to reside in the City Emergency Operations Center. *The exempt-status employee(s) base salary will be computed to arrive at an hourly rate; then the City shall pay the exempt-status employee(s) 1 times their hourly rate for each hour of mandatory residency in the City Emergency Operations Center (EOC).* Nothing herein shall be construed to affect the exempt status of such employees.

During the Emergency Period, employees (exempt and non-exempt) released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall **not** count as “time worked” for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

During the Emergency Period, non-exempt employees authorized to perform work for the benefit of the City shall be paid at a rate of one and one-half times (1.5x) base straight pay for all hours worked during the declared emergency conditions, when other employees are allowed administrative leave, until the Mayor or City Manager declares that it is safe for all employees to return to work. After such time, the employee will be paid according to the normal pay policy. During the period when essential employees are required to reside in the City’s Emergency Operations Center they shall be paid one- and one-half times (1.5x) their normal rate of pay for all hours worked and one times (1x) their normal rate of pay for all non-work hours. Mandatory

residency in a City Emergency Operation Center may vary by department as determined by the Department Director and approved by the City Manager.

Employees who are out on prior-approved leave or who called in sick or took unscheduled leave during any of the three periods will continue to be charged for such leave and if they do not have sufficient accruals will be placed on Leave Without Pay.

All other policies concerning remuneration shall comply with the City of Manvel's Personnel Rules and the Fair Labor Standard Act.

At the director's discretion, previously approved leave, vacation, etc., for essential employees may be cancelled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that leave has been cancelled will be deemed as an unauthorized absence from work or assignment which may be sufficient cause for termination.

E. Compensation for Hours Worked During a Declared State of Emergency – Public Safety / Emergency Management Personnel

When the Police Department or Emergency Management exempt personnel are ordered to reside, take shelter, in City Emergency Operation Centers during a declared emergency, they shall be paid for all hours while under mandatory residency requirement in excess of their normal work schedule. *The exempt-status employees' base salary will be computed to arrive at an hourly rate. The City shall pay the exempt-status employees 1 times (1x) their hourly rate for each hour while under the mandatory residency period.* Nothing herein shall be construed to affect the exempt status of such employees.

During the Emergency Period, employees (exempt and non-exempt) released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall **not** count as "time worked" for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

During the Emergency Period, non-exempt (hourly, overtime eligible) employees shall be paid at a rate of one-time (1x) base straight pay. When Public Safety / Emergency Management employees are under mandatory residency at the Emergency Operations Center, non-exempt employees shall be paid at a rate of one and one-half (1.5x) base rate for all hours worked and one times (1x) for all non-work hours. Mandatory residency in a City Emergency Operation Center may vary by department as determined by the Department Director and approved by the City Manager. After discontinuing mandatory residency in the Emergency Operations Center, the employee will be paid according to the City's normal pay policy.

Employees who are out on prior-approved leave or who called in sick or took unscheduled leave during any of the three periods will continue to be charged for such leave. If accrued leave is exhausted the employee will be placed on Leave Without Pay.

All other policies concerning remuneration shall comply with the City of Manvel's Personnel Rules and the Fair Labor Standard Act.

At the director's discretion, previously approved leave, vacation etc., for essential employees may be cancelled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that leave has been cancelled will be deemed as an unauthorized absence from work or assignment which may be sufficient cause for termination.

F. Summary of Emergency Periods

<u>Pre-Impact Period</u>	<u>Emergency Period</u>	<u>Post Impact/Recovery Period</u>
This is the time period prior to the impending disaster. This period includes emergency response preparation activities and preventive measures by the City of Manvel departments in preparing for the impending emergency.	This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended.	This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions, and some City services may be suspended.
Starts –City activates EOC or state of emergency or state of disaster is declared	Starts – City is closed for business	Starts – Mayor and/or City Manager declares all clear
Ends –City closes for business or emergency conditions pass and City resumes normal operations	Ends -- Mayor and/or City Manager declares all clear	Ends -- As determined by Dept. Directors with Mayor and/or City Manager approval. This may vary by department.

XIII. SEPARATIONS FROM SERVICE; REINSTATEMENTS

13.01 Separations

The City designates all employee separations as one of the following types:

Resignation. An employee who intends to resign is requested to notify the supervisor and/or the Director of Human Resources in writing at least 2 weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the Director of Human Resources.

Retirement. An employee who intends to retire is requested to notify the Department Director, supervisor, and the Director of Human Resources, in writing at least 2 weeks prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

Dismissal/Termination. The City may terminate an employee's employment consistent with this policy and state and federal law. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

Job Abandonment. If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated.

Long-Term Absence. Any employee who is absent from work for more than 180 days in a year, for whatever reason, will be terminated. Brief appearances at work during an overall absence of 180 days will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a modified duty capacity) but is unable to perform the essential functions, with or without reasonable accommodation, of the actual position after a period of 60 days will be returned to off duty status. The City may elect to end the employee's employment before the expiration of 180 days if it is unlikely that the employee will be able to return to full-time active duty at the end of the leave. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend the leave using any available paid leave balance, or be terminated and paid for accrued leave balances. This policy will be administered consistently with the City's reasonable accommodation obligations under the Americans with Disabilities Act.

Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

Death. If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

13.02 Layoffs/ Reorganizations

The City may layoff an employee, transfer an employee to another position, or demote an employee because of changes in duties or organization or lack of work or funds. The City will decide the order of layoff or reorganization among employees based on demonstrated job performance and efficiency and seniority. Layoffs, transfers and demotions resulting from reorganizations are not disciplinary actions.

13.03 Incapacity

An employee may be separated for incapacity or medical reasons when the employee no longer meets the standards of fitness required for the position.

13.04 Exit Interview; Return of City Property; Final Payments

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The Director of Human Resources shall complete an Exit Interview Form, and the supervisor also completes a form. Exit interviews are conducted confidentially by the Director of Human Resources. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the Director of Human Resources of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Final payment of compensation may be withheld pending return of City property (including city-issued ID cards), completion of necessary paperwork, and other requirements of separation.

13.05 Reinstatement

The City may recall to work a person whom it laid off. Employees who left City employment in good standing to enter duty with the armed forces of the United States shall be eligible for reinstatement according to applicable Texas and federal laws.

13.06 Retirement

The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7.5% of the employee's pay to be deposited into the member's account. The City of Manvel currently contributes matching funds pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system

enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched with the required IRS rates for employers by the City for this benefit. Participation by every employee is a condition of employment.

XIV. DISCIPLINARY POLICIES

14.01 Disciplinary Guidelines

The following disciplinary guidelines are advisory and the City Manager may alter, combine, or bypass any or all of the listed procedures when the City Manager deems such action appropriate. The City Manager may use the methods described below to enforce and maintain proper standards of discipline and personal conduct among employees. The methods described below should be used in the manner deemed most effective for meeting the described management goals.

14.02 Disciplinary Process

Oral Reprimand or Warning. An oral reprimand or warning may be used by managers to identify violations and indicate needed improvement. A written record of this warning may be maintained within the employee's department.

Written Reprimand or Warning. A written reprimand, which is normally the second step in the disciplinary procedure, shall be signed by both the employee and the supervisor and may be maintained within the department. If an employee refuses to sign, the supervisor shall have a witness sign that a copy was given to the employee. The employee's signature indicates receipt of the document only, not acceptance of its contents. This document should include identification of the violation, indication of the necessary improvement, and information concerning further disciplinary action that may result.

Disciplinary Suspension. An employee may be suspended without pay. An employee who is suspended shall be given written notice of the reasons for the action. A copy shall be forwarded immediately to the Director of Personnel to be made a part of the employee's official personnel history record. Following completion of the suspension period, the employee will be automatically reinstated. However, an employee may be terminated without prior disciplinary action. Exempt employees may be issued disciplinary suspensions in accordance with the Fair Labor Standards Act and the appropriate regulations.

Administrative Suspension. During an investigation, hearing, or trial on any civil or criminal charge, an employee may be suspended upon recommendation by the Director with approval of the City Manager. The administrative suspension may be for the duration of the proceedings, or any appropriate portion thereof as would be in the best interest of the City. The employee may be administratively suspended with or without pay. The City may take further action including dismissal or reinstatement, at any point in the process, as determined by the City Manager.

XV. GRIEVANCE POLICY

15.01 Grievance Eligibility

Except for Council appointees, an employee of the City who has been employed by the City for more than six (6) months and has completed their probationary period and who feels that disciplinary action has been improperly taken against them shall have the right to file a grievance. Disciplinary action shall mean a demotion, suspension, or termination. Actions or results which occur that are beyond the control of the City, or that relate to policy matters (such as job eliminations or reductions in force) shall not be considered grounds for a grievance.

15.02 Grievance Administrator

The Director of Human Resources will serve as the administrator of grievances and perform work incidental to the grievance policy.

15.03 Non-Termination Grievance Procedure

Step A

- 1) The employee informally discusses the grievance with his or her supervisor.
- 2) The supervisor decides what action, if any, will be taken in regard to the grievance.
- 3) If Step A does not result in a resolution of the grievance, the employee may proceed to Step B. Step B must be initiated within three working days after the informal discussion with his or her supervisor.

Step B

- 1) The employee prepares and gives to his or her supervisor a written statement giving the details of the grievance and stating the specific remedial action requested.
- 2) The supervisor reviews the facts of the grievance, makes a written decision as to what action, if any, is to be taken to resolve the grievance. The supervisor then communicates the decision to the employee within five working days after having received the grievance.

Step C

- 1) If the employee is not satisfied with the decision in Step B, or, if the supervisor fails to respond within five working days, the employee may submit a written copy of the grievance to the Director along with a copy of the decision made by the supervisor, or, a statement that the supervisor failed to provide a decision within the five-day limit if such is the case.
- 2) The Director reviews the details of the grievance and, within five working days, provides the employee with a written statement of what action, if any, is to be taken to resolve the

grievance.

3) If the employee's immediate supervisor is the Director, Step C of the grievance procedure may be eliminated, and the employee may go immediately to Step D.

Step D

1) If the employee is not satisfied with the decision of the Director, or, if the Director fails to respond within five working days, the employee may within three working days after the expiration of the five days submit a copy of the grievance to the City Manager. Copies of any decisions made in Steps B and C, or statements of a failure of the supervisor or Director to respond where such is the case, are presented at this time.

2) The City Manager gathers any additional information that may be pertinent to the grievance and determines what action, if any, is to be taken to resolve the grievance. The City Manager's decision is final in any non-termination grievance.

15.04 Termination Grievance; City Manager Action

The City Manager may terminate an employee for one or more of the grounds contained in this Handbook or for other reasons deemed sufficient by the City Manager to warrant such action. If the City Manager discharges an employee, the City Manager shall, within five working days of the date of the termination, mail, deliver, or cause to be delivered, a written statement ("letter of termination") to the terminated employee

An employee who wishes to appeal the termination decision must appeal the decision in writing to the City Manager within five working days of receiving the letter of termination. The written appeal must include a short statement of the basis for the appeal. The City Manager may choose to meet with the appealing employee before rendering a decision on the appeal. The City Manager will respond to the employee in writing within five working days of the later of receipt of the appeal letter or the date of the meeting with the former employee. The City Manager's decision will state whether the termination is upheld, reversed, or modified. If the termination is reversed or modified, the City Manager will decide whether the employee is entitled to full back pay, partial back pay or no back pay. The City Manager will not hold any other type of hearing. The City Manager's decision is final in any termination grievance.

15.05 Stopping the Grievance Process

a. Only the employee who has filed the grievance shall be able to stop the grievance procedure by either action or inaction.

b. The grievance procedure shall be stopped if:

1) The employee indicates he or she is satisfied with the action to resolve the grievance at any level of the grievance procedure; or

- 2) The employee, for any reason, indicates that he or she no longer wishes to continue the grievance procedure; or
- 3) The employee fails to take action to continue with the next step of the procedure within three working days of completion of the prior step; or
- 4) The employee has exhausted all available steps of the grievance procedure.

XVI. CITY PROPERTY

16.01 Issuance. The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

16.02 Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.

16.03 Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

16.04 Take Home Vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. or for any outside employment without prior written approval of the City Manager. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties or with approval of the City Manager. No smoking in city vehicles is permitted.

If approved by the City Manager, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy, but will be regulated within the terms of the contract.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

16.05 Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation and ensure permitted passenger wear seatbelts.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the City Manager.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the City Manager.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- A. Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with them at all times.
- A. At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a city vehicle or a personal vehicle while conducting city business.
- Employees involved in an accident while operating a city vehicle or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department director, and /or City Manager. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and the Director of Human Resources.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

16.06 Personal Property. All employees shall be solely responsible for their personal property at all times. The City is not responsible for theft, loss, or damage to items of personal property.

XVII. TRAVEL

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

17.01 Transportation. The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile; equivalent to the current IRS rate at the time, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager (or designee).

17.02 Travel Approval and Cash Advances. All travel and cash advances must be approved in advance by the employee's Department Director (or designee), unless otherwise stated in this policy. In addition, any travel out of state must be approved by the City Manager as set out below.

17.03 Lodging. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/ reimbursed by the City.

17.04 Meal Allowance. The City shall pay actual necessary food expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. In lieu of itemized receipts for meals for in state travel, a per diem allowance as outlined by the Texas Comptroller's office will be reimbursed. Even if supported by a receipt, reimbursement shall not exceed fifty (\$50) dollars for any one meal.

17.05 Long Distance Phone Calls. Reasonable and necessary long-distance business phone calls and computer related expenses for City business reasons only will be reimbursed.

17.06 Non-Allowable Expenses. Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- Alcoholic beverages;
- Personal long distance telephone calls; and
- Other items of a personal nature.

17.07 Request for Reimbursement and Return of Unexpended Funds. Upon return to the City, a complete accounting of all expenditures of City funds is to be filed within ten (10) days on the City's expense form. Receipts for all expenses, including hotel bills and registration fees, must be attached to the statement. All unexpended advance funds must be returned with the statement. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

17.08 Travel to Training. The current IRS rate mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities. Reimbursement will be made only for the difference in miles from the normal work location to the further training location. Actual mileage readings must be submitted for reimbursement.

17.09 Expenses Not Covered in Policy. The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

17.10 Compliance. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

APPENDIX A

Charter Positions

Appointive offices

In addition to the elected officers, the other officers of the city shall be the city manager, city secretary, municipal court judge, and city attorney, and such other officers as the council may from time to time establish. The council may abolish or consolidate such offices and positions as it may deem to be in the best interest of the city and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion, except the offices of city manager, city secretary, municipal court judge, and city attorney.

Removal of officers appointed by the city council shall be at the discretion of the council, by vote of the majority of the entire council.

At-will Positions

- a. The City Council appoints the City Manager, City Attorney, and the Judge of the Municipal Court to serve as at-will employees or officers of the City.
- b. The City Manager appoints, suspends, and/or removes all or one of the directors of the city departments, including the City Secretary, with the concurrence of the City Council. The City Manager appoints, suspends, and/or removes all other employees of the City.

Term Position

The City Council appoints the City Judge, who serves a three-year term to run concurrent with the term of the mayor and may be removed or replaced at any time at the discretion of the City Council.

Outside Employment

The City's Officers shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or adversely affect the person's job performance unless the Officer discloses the conflict in writing to the City Council prior to, or as soon as practicable, the existence of the conflict.

APPENDIX B

Pandemic Event Leave Policy

Policy Summary

During the occurrence of a pandemic event, the City of Manvel must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent, protect the health of the employees and citizens of the community, and reduce the impact on the workplace and city operations.

For this to be accomplished the City will allow the City Manager the flexibility to adjust workplace schedules, grant paid administrative leave, allow for negative sick leave accruals, and permit telecommuting, under certain conditions.

Policy

Notwithstanding other provisions contained in this “Employee Personnel Policies and Procedures Handbook,” when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the “Pandemic Event Leave Policy,” this Policy shall take effect.

The Policy will remain in effect until the City Manager determines that a pandemic or potential pandemic is no longer a threat to the organization or its employees. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.

I. ADMINISTRATIVE LEAVE AND FLEXIBLE SCHEDULING.

A. In the event of a pandemic, the City Manager is authorized to adjust normal policies regarding workplace schedules and administrative leave. Specifically, the City Manager may:

- (1) Allow employees flexibility in their work schedule for work performed at the office;
- (2) Allow employees to work from home, in whole or in part, subject to the telecommuting policy below;
- (3) Provide for a minimal “skeleton crew” at city hall and/or city facilities, alternating employees where possible, to maximize the best possible city operations with due regard to safety of the employees and citizens;

(4) Provide for paid administrative leave for those employees who are ready and able to work, but due to the necessity of a “skeleton crew” order, or the closure of city hall or city work facilities, are unable to come to work and are unable to telecommute;

(5) Allow employees to use sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic;

(6) Grant negative sick leave, for those employees with no available accrued leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic but subject to the policy outlines below; and

(7) Make other reasonable accommodations for those employees with disabilities, as defined under the Americans with Disabilities Act (ADA).

B. An employee who is not ill with the pandemic causative agent may not take leave, or refuse to work, simply to avoid possible exposure to the pandemic causative agent in the workplace.

C. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create “overtime” for any non-exempt employee, except where expressly approved by the employee’s supervisor.

D. Employees who may have a disability that creates an increased risk associated with exposure to pandemic causative agent are encouraged to notify the City Manager as soon as possible, in order to seek an accommodation under the City of Manvel’s disability policy or this policy.

II. NEGATIVE SICK LEAVE.

A. The City of Manvel, in the event of a pandemic, will permit eligible employees who have no available sick leave (or other relevant personal leave) to realize a negative sick leave accrual balance under certain conditions. The goal is to enable employees who have no available sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic.

B. The policy shall apply to all full-time employees (exempt and non-exempt), who work a minimum of forty (40) hours per week on a regular basis.

C. If the leave qualifies as FMLA protected leave, the City of Manvel will require the employee to use paid sick leave, vacation leave or personal leave pursuant to its general policy for FMLA leave. Notwithstanding the foregoing, for leave taken in connection with the **Families First Coronavirus Response Act of 2020**, or other federal law mandating paid sick leave in certain instances, the negative sick leave may be used to compensate the employee

during an initial startup period that is unpaid leave, if the employee has no other available paid leave. The 80-hour accrual maximum still applies.

D. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave if a local pandemic event is determined by the City Manager or his/her designee. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the city either through future accruals or cash payment.

E. Before an employee shall be allowed to enter a negative sick leave balance, they shall have exhausted all accrual balances of sick, vacation, floating holiday, and personal leave in addition to any compensatory time available to the employee. Donated time will not be allowed to be utilized to satisfy the negative accrual nor used in conjunction with negative sick leave accruals.

F. To obtain negative sick time accruals an employee must be eligible and request in writing or email to be allowed to accrue negative sick leave. Before negative sick leave accruals can be obtained the request must have the approval by the employee's supervisor and the City Manager.

G. After the employee's negative sick leave has accrued, payback shall be settled by applying all earned vacation, sick, floating holiday or personal leave accruals against the negative balance until the balance is satisfied.

H. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining. The signature of the employee evidencing receipt of this policy shall serve as permission for the City to make said deduction, without the need for a separate agreement.

I. During a pandemic the City of Manvel may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.

III. TELECOMMUTING.

A. Background.

(1) Telecommuting is intended to be one of the flexible conditions that will help employees accomplish their work effectively without disruption to City services especially leading up to, during and immediately after a pandemic event. Telecommuting may be appropriate for some employees and jobs but not for others.

(2) Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with the City of Manvel.

(3) The City of Manvel realizes a need to develop a formal process to implement telecommuting to during a pandemic, to preserve a safe work environment and for the well-being of the City of Manvel employees and citizens of the community.

B. Definitions.

(1) Telecommuting – an arrangement in which an employee regularly performs work at an alternate work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Manvel business, does not constitute telecommuting and does not require the formal arrangement specified in this policy.

(2) Telecommuter – an employee who has an approved telecommuting work arrangement authorization on file and working from an approved alternate work site.

(3) Authorized Designee – a person who has been authorized by the City Manager to act in the City Manager capacity.

(4) Alternate Work Site – an employee will establish an appropriate work site within their home for work purposes. The City of Manvel will not be responsible for the costs associated with the initial setup of the employee's home office such as remodeling, furniture, etc.

C. Scope.

(1) Certain requirements for all telecommuting arrangements are set forth in this policy and are intended to ensure that such arrangements comply with all applicable laws, as well as to prevent losses and claims. Aside from these requirements, and with the caveat that careful consideration must be given to the issues presented in this policy, the intent is to allow telecommuting arrangements as an alternative to working at the employee's normal worksite in the event that there is a wide scale catastrophic event, in order to maintain the City's essential services, or at any other time determined by the City Manager or an authorized designee.

(2) A telecommuting arrangement is not an entitlement and in no way changes the terms and conditions of employment with the City of Manvel. Telecommuting is not a formal, universal employee benefit or a condition of employment, but rather an alternate method of meeting the needs of both the City and the employee. The City of Manvel considers telecommuting to be a viable work arrangement in certain cases where job characteristics are best suited to such an arrangement.

(3) The duties, responsibilities, and conditions of employment remain the same as if the employee were working at the normal work site. The employee will continue to comply with City of Manvel policies and procedures while working at the alternate work site.

(4) The Employee understands that telecommuting is a mutually agreed upon work alternative between the City and the Employee and the Employee will be required to obtain a written authorization from the City Manager, or designee. The City, with or without cause, can revoke or modify the Employee's participation as a telecommuter at any time.

(5) Telecommuting by one employee should not negatively affect the workload or productivity of others either by shifting burdens or creating delays and additional steps in the workflow. Telecommuting will not affect an employee's compensation, benefits, work status or

work responsibilities. A telecommuting arrangement shall not result in any additional cost to the City of Manvel.

D. Procedures.

(1) Pandemic Event

In the event of a pandemic or potential pandemic that could impact our community, the City Manager, or an authorized designee, can declare the City in an emergency event status and activate the ability to utilize this policy. All employees must be ready to assist in managing the crisis and will be considered essential for the continuity of governmental operations.

(2) Eligibility

All telecommuting arrangements must be authorized by the City Manager or an authorized designee. Before entering into any telecommuting arrangement, the Employee, the Employee's immediate supervisor (if any), and the City Manager, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee, supervisor, and City Manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee, supervisor, and City Manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee, supervisor, and City Manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

(3) An appropriate level of communication between the telecommuting employee and supervisor will be agreed upon as part of the discussion process and will be at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved. Once all details are agreed to the City Manager may send written authorization.

(4) Determining positions that are appropriate for telecommuting

In making decisions about which positions are appropriate to designate or approve for telecommuting, department heads will analyze the duties of positions and how the work is performed. Generally, the following types of positions may be appropriate for telecommuting:

- Require independent work
- Require little face-to-face interaction with staff
- Require concentration
- Result in specific, measurable work products
- Can be monitored by output

(5) Guidelines of employee qualities that are appropriate for telecommuting

In making decisions about which employees are designated or approved for telecommuting, department heads will review the work qualities of employees, in addition to ensuring that their positions are appropriate for telecommuting. Generally, employees who are successful in telecommuting:

- Are able to work productively on their own
- Are self-motivated and flexible
- Are knowledgeable about the job
- Have a low need for social interaction
- Are dependable and trustworthy
- Have above average performance records
- Are organized
- Have good communication skills

(6) Equipment

On a case-by-case basis, City of Manvel will determine, with information supplied by the Employee and the Supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. City of Manvel accepts no responsibility for damage or repairs to employee-owned equipment. City of Manvel reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter may be required to sign an inventory of all City of Manvel property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City unless other arrangements have been made.

City of Manvel will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary and will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within their home for work purposes. City of Manvel will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

(7) Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of all City information accessible from their home office. Steps may include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

(8) Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the City's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

(9) Time Worked; Overtime.

Telecommuting employees who are "non-exempt" (not exempt from the overtime requirements of the Fair Labor Standards Act) will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's Supervisor. Failure to comply with this requirement may result in the immediate termination of the Telecommuting work arrangement. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create "overtime" for any non-exempt employee, except where expressly approved by the employee's supervisor.

(10) Ad Hoc Arrangements

Nothing in the policy affects the normal temporary telecommuting arrangements that may be approved by the City Manager for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

IV. GENERAL

- A. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to the City of Manvel disciplinary action in accordance with the City of Manvel policies and procedures up to and including termination.
- B. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action.
- C. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.

8.16 Pandemic Event Leave Policy; Administrative Leave with or Without Pay

(c) Police and Detention Officers – in accordance of the Local Government Code Chapter 180; the following policy will be followed as it relates to Police Officers and Detention Officers

Definitions:

(1) “Detention Officers” means an individual appointed or employed by for the care and custody of individuals incarcerated in a county or municipal jail.

(2) “Health Authority” has the meaning assigned be section 121.021, Health and Safety Code.

(3) “Peace Officer” mans an individual described by Article 2.12, Code of Criminal of Procedure, who is elected for, employed by, or appointed by a City.

Conditions.

The paid leave and benefits provided by this policy are only available to an employee who is ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty by his or her supervisor or the county health authority. Quarantine and isolation benefit periods shall follow the most current guidance from the Centers for Disease Control (CDC) or the county public health authority. The City reserves the right to require proof of such an order and deny paid leave or benefits if an employee fails to provide proof within a reasonable time.

If ordered to isolate or quarantine under this policy, the employee must remain in their home (isolation) or wear a mask (quarantine) as indicated by the CDC guidelines. Failure to follow those guidelines may result in disciplinary action, up to and including termination.

Benefits.

If an employee is ordered to quarantine or isolate under the conditions set above, the employee will receive all employment benefits and compensation for the duration of the leave, including paid leave accrual, pension benefits, and health benefit plan benefits that the employee would customarily be provided on paid leave.

Reimbursement for Expenses.

If an employee is ordered to quarantine under the conditions stated above, the employee may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment and transportation, as outlined below by submitting a reimbursement request to the department director within three (3) days after returning from the leave ordered under this policy. The City may require that receipts or proof of payment be submitted with the request and reserves the right to deny any request that it deems unreasonable or unrelated to quarantine.

Allowed reimbursements are as follows:

1. Lodging at a motel within 10 miles of the city limits at a rate not to exceed \$75 per day for up to five days if ordered by the City to quarantine or isolate at a location other than the employee’s own residence.

2. Transportation to a medical or testing facility up to \$25 per appointment or mileage reimbursement at the IRS mileage reimbursement rate if ordered by the City to use transportation other than a city-owned vehicle and/or the employee's own personal vehicle.

3. Medical treatment is covered by the City's insurance for eligible employees and therefore will not be reimbursed.

Effect on Paid Leave Balances.

The City will not reduce an eligible employee's sick leave, vacation leave, holiday, or other paid leave balance for quarantine under this policy.

VIII. Attendance, Absences & Compensation

8.26 Mental Health Leave

PURPOSE

The purpose of this policy is to provide guidance in accordance with Texas Government Code Chapter 614, Section 614.015 regarding the use of Mental Health Leave for authorized peace officers employed by the City of Manvel.

DEFINITIONS

“Peace Officer” means police officers licensed by the Texas Commission on Law Enforcement and employed by the City of Manvel.

“Traumatic event” – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

1. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
2. Incidents involving multiple casualties which may include shootings or traffic accidents;
3. Line of duty death or suicide of a department member;
4. Death of a child resulting from violence or neglect;
5. Officer(s) involved shooting of a person.
6. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer’s employment.
7. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

Requesting Mental Health Leave

An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that he or she seek mental health leave and the assistance of a mental health professional.

Confidentiality of request

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to himself or herself or others and department personnel must confer with mental health professionals.

Duration of Mental Health Leave

An officer directly involved in a traumatic event may request up to three (3) working days of mental health leave which is equivalent to 36 hours.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three (3) working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension.

Employee Personnel Policies and Procedures Handbook of the City of Manvel, Texas

Adopted:
May 29, 2012

Amended:
October 9, 2012
June 10, 2013
April 27, 2015
September 14, 2015
March 14, 2016
September 3, 2019
April 6, 2020
February 7, 2022

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Acknowledgement Form
Policy Dated 4-6-2020

I have received a copy of the City of Manvel Personnel Policies and Procedures Handbook and I understand that they govern the terms of my employment. I understand that I can direct any questions that I may have regarding these Personnel Regulations to my supervisor.

THIS HANDBOOK IS INTENDED AS A GUIDE AND ITS PROVISIONS DO NOT ALTER THE AT-WILL EMPLOYMENT RELATIONSHIP OR CONSTITUTE AN EMPLOYMENT AGREEMENT, A CONTRACT, OR A GUARANTEE OF CONTINUED EMPLOYMENT.

THE CITY OF MANVEL RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS HANDBOOK AT ANY TIME AND WITHOUT PRIOR NOTICE. THE PROVISIONS CONTAINED IN THIS POLICY HANDBOOK ARE APPLICABLE TO ALL CITY OF MANVEL EMPLOYEES.

ANY PROMISES THAT CONFLICT WITH PROVISIONS IN THIS HANDBOOK ARE EFFECTIVE ONLY IF IN WRITING, SIGNED BY THE CITY MANAGER, AND APPROVED BY CITY COUNCIL AS REFLECTED BY ITS OFFICIAL MINUTES.

Signature of Employee

Printed Name of Employee

Date

I. INTRODUCTION

The City of Manvel welcomes you to our staff. We want to make your first days on the job as pleasant and comfortable as possible.

As a new employee you may have questions about City policies, procedures, and expectations of you as an employee. This handbook will answer most of those questions.

The information in this handbook is to provide a consistent guide to you on policies and other personnel matters. It is not intended to give specific guidelines for every conceivable personnel interaction. These guidelines are sufficiently broad to provide the latitude of discretion, which may be needed in individual situations. This policy should be referred to regularly when making decisions affecting you and City personnel. It will help ensure that decisions are fair, consistent, and in accordance with the desires of City Management. It is your responsibility to ask questions if you do not understand any policy or procedure. The more you know about Manvel, the easier it will be for you to understand your role in relation to other positions.

The City retains the right to change, modify, suspend, interpret, add to or cancel any of the benefits, policies and procedures at any time and at its sole discretion. Any employee who continues to work after a policy has been revised and implemented is deemed to have accepted the change in policy. This handbook is subject to the City Charter as well as the constitution and laws of the State of Texas and the United States. The City of Manvel is an At-Will employer (see Section 2.01). This handbook does not create, reflect or imply any contractual, legal, or vested rights. Either you or the City may terminate this relationship at any time with or without cause.

References to benefits, insurance coverage, leave accruals and holiday pay are applicable to regular full-time employees and may be applicable to part-time employees on a pro-rated basis.

The City Manager or his/her designee is authorized and directed to administer this handbook, including the right to establish whatever detailed regulations and procedures may be necessary to further explain and clarify the provisions of this handbook, except with respect to those employees appointed directly by the City Council, unless further delegated to do so by the City Council.

In addition to the policies outlined in this manual, it is the prerogative of each department director to develop and implement standard operating procedures, guidelines or general orders, which are separate from or in addition to the policies contained in this handbook. Department procedures must be consistent with City policies and in no case will departmental policies supersede those contained in this handbook. The City Manager or his/her designee will resolve any conflicts between department policies and citywide policies.

Many of the policies and descriptions in this handbook are summarized from laws, rules, plans, insurance policies and other official documents which actually control specific matters. These official documents take precedence over this handbook, although the handbook may be more

restrictive. The Human Resource representative is responsible for providing access to the official documents during normal business hours.

It is your responsibility as an employee to read, understand and comply with all policies, procedures, guidelines and practices of both the City and individual departments.

This version of the City of Manvel Employee Personnel Policies and Procedures Handbook supersedes all prior versions issued by the City. This handbook was approved by the City of Manvel City Council on May 29, 2012.

1.01 Purpose and Objectives

The purpose of this Handbook is to provide you with a better understanding of the City of Manvel, what we stand for, and what we expect of our employees. This Handbook cannot cover every situation that may arise during your employment, but is designed to be a general guide to key policies. Flexibility is crucial to meeting the changing needs of our City and, if appropriate, the City may depart from the policies and procedures contained in this Handbook. The City Manager may, with approval of the City Council, unilaterally change, rescind, supplement, or supersede these rules at any time without notice. The provisions of these rules shall control over any contradictory statements made by any City supervisor.

The objectives of the personnel policies are as follows:

- (A) To promote good and uniform personnel practices and administration in the management of the City's human resources;
- (B) To develop sound practices of recruitment, advancement and tenure, that will make municipal employment attractive as a career and encourage each employee to render the employee's best services to the residents of the City;
- (C) To ensure that compensation is based upon individual merit and the relative duties and responsibilities of positions in the service of the City;
- (D) To promote high morale by the consistent administration of these policies; and
- (E) To provide that tenure of employees covered by these policies shall be subject to good conduct, satisfactory performance, necessity for the position, and availability of funds.

1.02 Application of Policies

The Handbook policies shall apply to all City employees, provided that the provisions may be varied in the case of an employee with a written employment agreement approved by the City Council. All employees must become familiar with and abide by these policies. The City reserves the right to revise or rescind any policy at any time. The City also reserves the right to make final decisions as to the interpretation and intent of all information contained in this employee handbook.

The City Council reserves the right to interpret, change, suspend, or cancel, with or without notice, all or any part of these policies, or procedures contained herein.

1.03 Management Authority

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by State law or the City Charter.

Management Authority. The City may modify, revoke, suspend, interpret, terminate, or change any or all of its policies and procedures, in whole or in part, at any time. The issuance of these policies and procedures does not constitute a contract between the City and its employees for any duration of employment. There is no specified length of employment, and either the City or the employee can terminate the employment relationship at any time, for any reason.

Policy administration rests with City management and City management reserves sole authority to administer City operations.

Departmental Policy and Procedural Requirements. Individual City departments may develop policies and procedures that are consistent with City policies and procedures. Department policies and procedures that are operational and that do not relate to those in this handbook, or other approved operational manuals, do not need to be reviewed and approved by the Director of Human Resources or other appropriate departments. All others, however, are subject to approval by the appropriate City department. All employment related department policies must be reviewed by the Director of Human Resources. Department Directors are responsible for obtaining the necessary review and approval prior to issuing such departmental policies and procedures. Departmental policies and procedures will not become effective unless they have been reviewed and approved in accordance with this policy.

Miscellaneous. Policies and procedures apply to all employees of the City, both on and off duty where applicable, unless otherwise indicated, restricted by proper authority, or prohibited by State and/or Federal law.

Only the City Manager or City Council has the authority to enter into an employment agreement, promise, or commitment contrary to these policies and procedures, and all such agreements, promises, and/or commitments entered into by the City Manager must be contained in an express written employment contract signed by both the City Manager and the affected employee.

Any statement in a policy and/or procedure found to be illegal, incorrect, and/or not applicable will not affect the validity and intent of the remaining content of such policy or procedure.

Titles utilized do not govern, limit, modify, or affect the scope of meaning or intent of any provision.

Any conflicts, questions, or ambiguities in City or departmental policies and procedures will be decided by the City Manager.

The City Manager may delegate rights and powers granted under these policies and procedures to the department head or to others as deemed appropriate in the City Manager's sole discretion.

1.04 Amendment of Policies

This handbook has been approved by the City Council of the City of Manvel, Texas. The City Manager is responsible for the implementation of the personnel policies.

Amendments of substance require approval by the City Council. Minor amendments (formatting, updating per changes in federal or state law, changes due to re-organization, etc.) may be done by the City Manager, but must be reported to City Council.

General and final authority for personnel administration rests with the City Manager, with the exception of matters reserved to the City Council by state law or the City Charter.

Authority may be delegated to appropriate staff members to act in the City Manager's behalf in the administration of this handbook; however, the final authority on personnel decisions shall be reserved to the City Manager. Operational changes to any policy, practice, or process will require approval by the City Manager.

No City of Manvel, Texas supervisor is authorized to modify this handbook for any employee or to enter into any agreement, oral or written.

II. DEFINITIONS

2.01 At-will employment. Employment with the City is for no fixed or definite term. All employment by the City has been and continues to be at-will, except for those positions that may have a written contract approved by the City Council. That means that both the employee and/or the City have the right to terminate employment at any time, with or without notice, and with or without cause. This Employee Handbook does not constitute a contract of employment. Nothing in this handbook is intended to alter the continuing at-will status of employment with the City.

Although adherence to these policies is considered a condition of continued employment, nothing in these policies alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any or no reason, and the City retains the right to terminate any employee at any time, for any or no reason.

2.02 City Manager. City Manager shall include the City Manager and his/her designee.

2.03 Controlled Substance. A controlled substance is a substance, including a drug or an immediate precursor, listed in Schedules I through V or Penalty Groups 1 through 4 of the Texas Controlled Substances Act, TEXAS HEALTH AND SAFETY CODE ch. 481.

2.04 Director of Human Resources. Director of Human Resources shall include the actual position, or, if there is no such designated employee, then the City Manager or his/her designee.

2.05 Director. The individual in charge of a department of the City, or the person authorized to act on his or her behalf.

2.06 Drug. A drug is any chemical substance that produces physical, mental, emotional or behavioral change in the user.

2.07 Illegal Drug. An illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal; as well as any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally.

2.08 Regular employee. An employee whose position has a required work week equal to or exceeding the full-time established work week and budgeted for more than 1,000 hours work in a 12-month period.

2.09 Under the influence. For alcohol, a blood alcohol content (BAC) of .04 or above. A BAC of 0.04 means that 0.04% (four hundredths of one percent) of a person's blood, by volume, is alcohol. For illegal drugs, any detectable amount. For legal drugs taken according to a prescription or consistent with over the counter instructions, under the influence shall mean the state of not having the normal use of mental and physical faculties.

III. EMPLOYMENT STATUS

3.01 Employment Status

The City classifies City employees for the purpose of employment status and benefit eligibility as follows:

A. **Orientation Period Employee.** The status of a full-time or part-time employee during the performance orientation period of initial employment, promotion, or transfer. Newly hired employees are not subject to progressive levels of discipline and are not eligible to use the City's employee appeals policy during the Orientation Period.

B. **Regular full-time.** An employee in a budgeted position with an officially scheduled work week of 40 hours or more each workweek (except for certain Police shift personnel who have different work cycles) who has successfully completed the initial orientation period. Generally, regular full-time employees are eligible for the City's full benefits package, subject to the terms, conditions, and waiting periods of each benefit program. Regular full-time employees are required to participate in the Texas Municipal Retirement System (TMRS).

C. **Regular part-time.** An employee in a budgeted position with an officially scheduled work week of 20 or more hours but less than 40 hours who has successfully completed 6 months of active service with the City. Regular part-time employees who regularly work more than 20 hours per week accrue certain benefits on a pro rata basis and, who work at least 1,000 hours in a year, are eligible to participate in Texas Municipal Retirement System.

D. **Temporary/Seasonal.** An employee who is employed for only a specific time period, for a special assignment, or as an interim replacement. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing by the Director of Human Resources. Temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance coverage), but are not eligible for the City's other employment benefits.

E. **Volunteers.** Volunteers are not employed by the City in any capacity. Volunteers elect to donate their time and services as a volunteer for the City without any expectation of compensation. Volunteers are generally not paid, are not entitled to any benefits, and are not covered by worker's compensation.

3.02 Exempt/Non-Exempt status

In addition to being in one of the above categories, each employee is also designated as either exempt or nonexempt from federal and state wage and hour laws. Employees are informed of their status as exempt or nonexempt at the time of their initial employment, or subsequently if their classification changes for any reason. An employee's exempt or nonexempt classification may be changed only upon written notification by the Director of Human Resources.

IV. EQUAL EMPLOYMENT OPPORTUNITY AND COMPLIANCE WITH LAWS

4.01 Equal Employment Opportunity Policy

The City is an equal opportunity employer. Discrimination against any person in recruitment, examination, selection, appointment, rate of pay, promotion and transfer, retention, daily working conditions, testing and training, awards, compensation and benefits, disciplinary measures or any other aspect of employment because of age, race, religion, sex, national origin, citizenship, disability, genetics, veteran's status or other unlawful basis, is prohibited.

See Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq.; Texas Commission on Human Rights Act, TEXAS LABOR CODE ch. 21.

4.02 ADA Policy

To ensure compliance with the Americans with Disabilities Act and Americans with Disabilities Act as Amended (ADAAA), the City offers equal employment opportunity to qualified individuals and strictly prohibits discrimination against qualified individuals on the basis of disability. Any employee seeking a reasonable accommodation for a disability that affects the employee's ability to perform the essential functions of the position shall make a written application on a form provided by Human Resources.

Employees who have a complaint involving potential violations of the Americans with Disabilities Act or ADAAA, including but not limited to harassment, discrimination, or failure to provide a reasonable accommodation, must immediately contact the immediate Supervisor, Human Resources, the City Manager or designee.

4.03 Job Descriptions

Job descriptions will be established for all positions.

4.04 Dissemination

The Director of Human Resources shall inform all employees of the existence of these rules and each department shall keep a copy available for reference by its employees. Upon employment, The Director of Human Resources shall give each new employee a copy of these rules.

The Director of Human Resources shall place at City Hall, Public Works, and the Police Department bulletin boards for communications that Texas Law, federal law or these rules require, or that the Director approves. Postings on these boards should include this Handbook, notice of job vacancies, Age Discrimination Act notices (29 U.S.C. § 627), Disability § Act notices (42 U.S.C. § 12115), Civil Rights Act notices (42 U.S.C. § 2000e-10a), Family Leave and Medical Act notices (29 U.S.C. § 2619), as well as Workers Compensation Act notices (TEXAS LABOR CODE § 406.005), Whistleblower Act notices (TEXAS GOVERNMENT CODE § 554.009), hazardous chemical notices (TEXAS HEALTH & SAFETY CODE ch. 502), Unemployment

Act notices (TEXAS LABOR CODE § 208.001(a)) and Fair Labor Standard Act notices (29 U.S.C. § 211(c)).

4.05 Employee Safety

The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations. Each and every employee is required to obey safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by obeying the safety rules of your job, by remaining alert, and by THINKING SAFETY at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee shall immediately report it to a supervisor or to management at once.

The following safety rules apply at all times, and some specific job descriptions may contain additional operational safety guidelines. Each employee must be familiar with such rules, and apply them at all times.

- Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- Smoke only during designated times in authorized outside areas.
- Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- To avoid back injuries, use correct lifting methods. Get someone to help you with heavy (or difficult to handle) items.
- Be aware of sharp tools. Use safety devices where provided, and do not alter or remove them in any way. Report hazards to management immediately.
- Material Safety Data Sheets (MSDS Sheets) - You will be shown the location of the City's Material Safety Data Sheets. MSDS sheets provide valuable information about various chemicals and other agents that you may encounter in your work. They will explain possible reactions to exposure, and steps you should take if it occurs. Review this information from time to time.
- Fire - Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.

- Do not put fingers, hands, feet or clothing in moving machinery.
- Do not carry items in a manner that obscures your vision.
- Do not block access to fire extinguishers.
- Do not touch open or loose electrical circuits.
- Report unusual vibrations, smells, or noises coming from equipment.
- Do not wear rings or jewelry while operating machinery.
- Do not perform maintenance or repairs on running equipment.
- Do not remove or alter warning tags or safety devices.
- Never leave nails or spikes protruding from planks or boards.
- Perform routine maintenance at all scheduled intervals.
- Do not use compressed air for cleaning clothing or floors.

4.06 Accident Reporting

All accidents and injuries, however slight or seemingly inconsequential, **must immediately be reported** to the appropriate supervisor or the Director of Human Resources. Failure to report any accident or injury within 24 hours of its occurrence may lead to disciplinary action, up to and including termination of employment. Such reports are necessary so that the City can remain in compliance with applicable laws and begin workers' compensation benefit procedures where appropriate.

Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, may be subject to disciplinary action, up to and including termination of employment.

4.07 Accident Involving City Equipment or Vehicles

Any employee involved in an accident while operating City equipment or City vehicle, whether during business hours or after hours, shall report the accident immediately to the supervisor and to the proper law enforcement agency. The employee must immediately complete an accident report, no matter how minor the damage is to the vehicle, and submit to the supervisor and to the Human Resources Director. The employee may be subject to a post-accident drug screen, as provided for by law and in this handbook.

Drivers must obey all traffic rules and regulations prescribed by law and use every reasonable safety measure to prevent accidents. No one under the age of 18 may operate a City vehicle. The wearing of seat belts for the driver and all passengers is mandatory.

Any traffic fines imposed upon a City employee while operating a City vehicle will be the personal responsibility of the employee and not the City. Any employee involved in any type of accident involving City equipment may be disciplined if, upon investigation, it is determined that the employee was negligent or through carelessness or recklessness contributed to the cause of the accident.

V. CODE OF CONDUCT

5.01 Weapons Control and Violence Prevention Policy

The City strives to provide a safe and secure working environment for its employees. This policy is designed to help prevent incidents of violence from occurring in the workplace and to provide for the appropriate response when and if such incidents do occur.

(a) Zero Tolerance. Harassment, intimidation, threats, threatening behavior, violent behavior or acts of violence between employees or such action between an employee and another person that arises from or is in any manner connected to the employee's employment with the City, whether the conduct occurs on duty or off duty, is prohibited.

(b) Weapons Control. Unless specifically authorized by the City Manager, no employee, other than a City licensed peace officer or other person expressly authorized by law (judge, prosecutor, etc), shall carry or possess a firearm or other weapon on City property.

An employee who is licensed by State of Texas to carry a concealed weapon (LTC) may possess a weapon on city property only upon the express authorization of the City Manager under the following guidelines:

Qualifiers:

1. The employee must have completed an authorized course of instruction as required by the State of Texas.
2. The employee must hold a current Texas License to Carry (LTC).
3. The employee must have completed an annual instructional course administered by the Manvel Police Department and have shown proficiency by passing a course of fire designed and conducted by the Manvel Police Department.

Process:

1. An employee who has completed the requirements stated in this policy may submit a request in writing to the City Manager who will review such request and approve or deny the request.
2. An employee who has received approval to carry a firearm on city property may do so under the following guidelines.

Guidelines:

1. Firearms shall be concealed at all times while conducting city business.
2. Firearms will be kept secure at all times. Secured is defined as within a locked/secure vehicle, in a secure lockbox in the employee's office or work area, or concealed on the employee's person.
3. Firearms will not be openly displayed to the public for any reason unless it is in defense of the employee or other employees.

4. All weapons that will be carried by an employee shall be registered with the Police Department. This will be considered the approved weapon. If an employee chooses to change weapon(s) that he/she carries, the employee must follow the guidelines for the qualification process.
5. Only employees who work in an office environment shall be permitted to carry while working as an employee of the City of Manvel.

Employees who do not work in an office environment may have a firearm on city property if they have been licensed by the State of Texas to carry a firearm, and only in the City parking lot if it is locked in the employee's vehicle.

Employees are also prohibited from carrying a prohibited weapon while on duty or at any time while engaging in City-related business. Prohibited weapons include firearms, clubs, explosive devices, location restricted knives (with blades exceeding 5 ½ inches), [switchblades,] etc. Employees do not have an expectation of privacy and by continued employment an employee consents to any search for firearms or other weapons on City property by the City and/or law enforcement officials.

(c) Mandatory Reporting. Each City employee must immediately notify his/her supervisor, Department Director, the Director of Human Resources and /or the Police Department of any act of violence or of any threat involving a City employee that the employee has witnessed, received, or has been told that another person has witnessed or received. Even without an actual threat, each City employee must also report any behavior that the employee regards as threatening or violent when that behavior is job-related or might be carried out on City property, a City-controlled site or City job site, or when that behavior is in any manner connected to City employment or activity. Each employee is responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons threatened or the target of the threatening behavior. A supervisor who is made aware of such a threat or other conduct must immediately notify his/her Department Director and the Director of Human Resources.

(d) Protective Orders. Employees who apply for or obtain a protective or restraining order which lists City locations as being protected areas must immediately provide to the Director of Human Resources and the City's Police Department a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. City employees must immediately advise their Department Director and the Director of Human Resources of any protective or restraining order issued against them.

(e) Confidentiality. To the extent possible, while accomplishing the purposes of this policy, the City will respect the privacy of reporting employees and will treat information and reports confidentially. Such information will be released or distributed only to appropriate law enforcement personnel, City management, and others on a need-to-know basis and as may otherwise be required by law.

(f) City Property. For purposes of this policy, City property includes but is not limited to owned or leased vehicles, buildings and facilities, entrances, exits, break areas, parking lots and surrounding areas, recreation centers, swimming pools, and parks.

(g) Documentation. All threats and incidents of violence will be documented. Documentation will be maintained by the Director of Human Resources and/or the Police Department.

(h) Policy Violations. Violations of this policy may lead to disciplinary action, up to and including termination of employment. Policy violations may also result in arrest and prosecution.

5.02 Sexual and Workplace Harassment Policy

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. City employees are also prohibited from harassing citizens, vendors, and all other third parties.

(a) Sexual Harassment. One form of unlawful discrimination is sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Conduct prohibited by this policy includes, but is not limited to sexual advances; requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, sexual preference, sexual experiences, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

(b) Other Prohibited Harassment. In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by state or federal law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or

pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

(c) Applicability. This policy applies to City employees, citizens, vendors, and other visitors to the workplace.

(d) Mandatory Reporting.

(i) Employees. The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately in writing, or through a complaint form available from the Director of Human Resources, to:

- the Director of Human Resources; or
- the City Manager.

(ii) Supervisors. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Department Director and /or the Director of Human Resources in writing, or through a complaint form available from the Director of Human Resources.

(iii) Under this policy, an employee or lower level supervisor may report to and/or contact the City Manager directly, without regard to the employee's normal chain of command.

(e) Investigation. All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality.

(f) Retaliation Prohibited. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

(g) Responsive Action. Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee

who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action may be imposed in situations where employees are untruthful during an investigation.

5.03 Nepotism

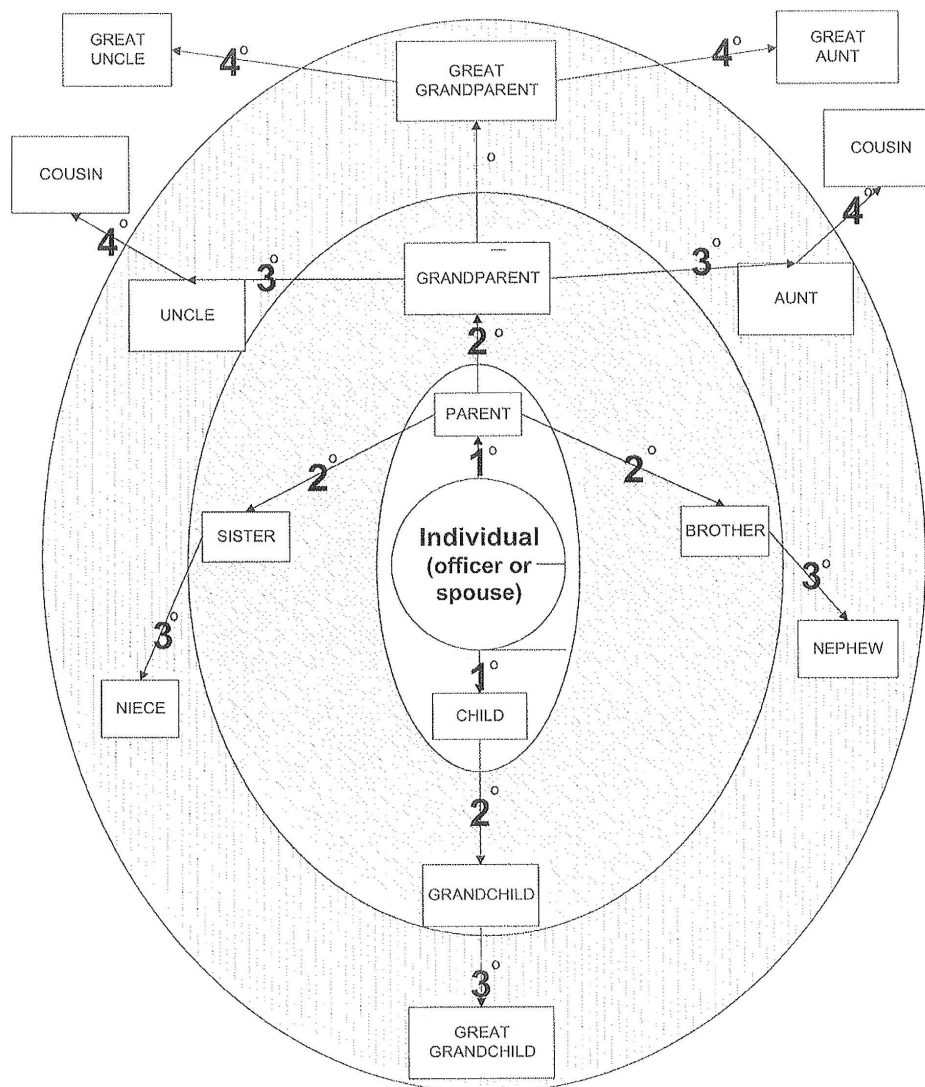
An employee's relationship must not create a conflict between the employee's and the City's interests. In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, it is the policy of the City to restrict the employment of certain applicants, based on their degree of relationship to current employees.

Application of Policy This policy applies to all full-time employees of the City.

Applicants

- The City Manager may not employ an applicant related to the City Manager by blood or marriage within the second degree according to common law. (City Code, Sec. 2-121(a))
- An applicant related by blood or marriage within the second degree according to common law to any member of the City Council shall not be employed by the City.
- An applicant related to another city employee by blood or marriage within the second degree by affinity or within the third degree by consanguinity to the person may be employed by the City, except that under no circumstances will the applicant be employed in a department in which the employee would directly or indirectly supervise, or be supervised by, a person related to that employee by blood or marriage, within the second degree. City Code, Sec. 2-121(b))
- In the event of a promotion, reorganization, a marriage between two city existing employees, or any other situation giving rise to a relationship prohibited by this policy, one or both of the affected employees must immediately seek a transfer to another available position within the city for which he or she is qualified and that meets the requirements of this policy. If a suitable transfer cannot be made, within 30 calendar days of the event giving rise to a relationship prohibited by this policy, one or both of the affected employees will be required to resign from employment. An exception to this section is provided for existing supervisory relationships of full-time employees who are employed as of the effective date of this ordinance, except that nothing herein is intended to modify the employment-at-will relationship in any way. City Code, Sec. 2-121(b))

This policy shall be applied by using the common law relationship chart as follows:



Degrees of Relationship Chart

When determining the degree of relationship by consanguinity, the individual in the center is the officer. For relationships by affinity, the officer's spouse is the individual in the center.

Periodic Review

Periodically, the City Manager (or designee) will review the job descriptions and interrelationship between the affected jobs and determine whether they meet the requirements set out in this policy.

5.04 Political Activity

City employees will not be appointed or retained on the basis of their political support or activities. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. City employees may not:

- Publicly endorse or campaign in any manner for any person seeking a City public office while in city uniform or on duty with the City.
- Use the employee's position or office to coerce political support from employees or citizens.
- Use the employee's official authority or influence to interfere with or affect the result of a campaign issue, an election or nomination for public office.
- Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate; provided nothing herein shall infringe upon the constitutional rights of an employee to express his or her opinions and to cast his or her vote.
- Use working hours or City property to be in any way concerned with soliciting or receiving any subscription, contribution or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction.
- Contribute money, labor, time or other valuable thing to any person for City election purposes.

Candidacy

No employee of the city shall be a candidate for a city elective office. If any employee of the city becomes a candidate for election to any public office of the city he/she shall, immediately upon becoming a candidate, forfeit the employment held with the city.

Additionally, city employees may not hold an appointive or elective office of public trust where service would constitute a direct conflict of interest with City employment, *e.g.* Alvin ISD and Brazoria County. Upon becoming a candidate or otherwise deciding to seek or assume such an office, an employee must immediately resign or will be dismissed upon failure to do so.

VI. VACANCIES; EMPLOYMENT

6.01 Announcement of Vacancies; Job Postings

(a) Vacancies in general. The City Manager, or a Director with notice to the City Manager, may limit the selection process to qualified City employees, and City employees may be given preference in application and/or consideration.

Directors may designate and appoint employees to serve temporarily in vacant positions of higher classifications; provided, that if such appointment extends over a period more than ninety (90) days, and in absence of extenuating circumstances, it will be the general policy to promote such employees to the advanced position. Step-up pay is at the discretion of the City Manager. Promotions, demotions and employee reassignments shall be made on the basis of skills, abilities and demonstrated performance.

The City hires employees based on their knowledge, skills and abilities, experience, and other qualifications as they relate to the duties and responsibilities of a position without regard to race, national origin, religion, color, sex, age, citizenship, political affiliation, disability, genetics, veteran's status, or any other characteristic protected by law. City residents shall be given preference for employment, if all other considerations are equal. It is the desire and intent of management to provide promotional opportunities for employees of the City by offering assistance to interested employees in developing career plans and making applicable training and educational opportunities available.

(b) Recruitment Requirements. The recruitment process is initiated by a Department Director submitting a request of staffing to the Director of Human Resources. Job vacancies will normally be posted internally for the benefit of any qualified employee. External recruitment may also be conducted during an internal posting.

After making a decision to hire, the hiring department must submit the appropriate paperwork to the Director of Human Resources, along with the applicable form. Offers for City employment will be communicated by the Director of Human Resources [if applicable] upon receipt of the hiring recommendation and all related paperwork.

The recruitment method for vacant director level positions may be determined by the City Manager on a case by case basis.

(c) Applications. Anyone seeking employment, promotion, transfer, or reemployment with the City must complete and submit an official City application for the position desired. All information set forth on an application is subject to verification. Applications will normally be considered active until the vacancy is filled. Applications for employment will be considered by the Director of Human Resources.

(d) Hiring Process. Applicants for employment shall be required to submit to an oral interview and may be required to submit to a post-offer physical examination, drug and alcohol examination, and may be required to submit to pre-employment testing and investigation.

(e) Disqualification. Applicants will be disqualified from consideration for one or more of the following:

- Failure to meet the minimum qualifications necessary for performance of the duties for the position;
- If they previously worked for the City and are not eligible for rehire, or resigned in lieu of termination;
- If employment will result in a violation of the City's Nepotism Policy;
- Failure to meet minimum age requirement of 16;
- False statements or material omissions on the application form or during the application process;
- Failing any of the City's background and employment requirements including, but not limited to, drug testing;
- The applicant commits or attempts to commit a fraudulent act at any stage of the selection process;
- The applicant is not legally permitted to work in the United States;
- The applicant is unable to perform the essential functions of the job applied for with or without a reasonable accommodation; or
- Any other reason deemed to be in the best interests of the City

6.02 General Requirements

All employment with the City shall be based on merit, ability and fitness for duty, as evidenced by:

- 1) training and experience as reflected by the application form plus other documentary evidence as to certification registration, etc. if required;
- 2) mental examination or performance test, if required; and
- 3) physical examination, if required.

Along with the required physical examination, all prospective employees will be required to undergo testing to be screened for substance abuse. The prospective employee will not be considered for employment should the test prove positive for controlled substances.

Background investigations may be conducted by the Director of Human Resources and/or the Director concerned. The applicant will not be considered for employment for a position for which he or she is determined to be unsuitable based upon the background information.

6.03 Application Process

All persons seeking employment or promotion will be required to complete, sign, and file an application with the Director of Human Resources. Supplies of application forms will be furnished by the City Hall to other departments upon request and are available for the use of

individuals interested in applying for employment. The application shall include a release permitting the City free inquiry regarding the employee's background, and all information in the application shall be subject to verification.

In order to comply with the Immigration Reform and Control Act of 1986, all individuals selected for employment after November 6, 1986, must complete a Form I-9. (*4 U.S.C. § 1324a.*)

6.04 Physical Standards; Medical Examinations

(a) Exam. Except as hereinafter provided, all applicants for employment with a conditional offer of employment may be required to undergo a medical and physical examination by one or more physicians designated by the City. The purpose of the examination will be the determination and certification of physical fitness and ability to perform the duties of the position to which appointment is being considered. Such examinations are to be done after a conditional offer of employment but prior to employment.

The Director of Human Resources shall make the appointments and arrangements for the examination, and matters concerning the initiating and completing of the requirements should be taken up with the Director of Human Resources. All medical and physical examinations required by the City shall be performed at the expense of the City.

The Director of Human Resources will advise the examining medical official regarding any special or unusual requirements of this nature. The examining medical official will complete and forward to the Director of Human Resources a complete report on the prescribed form indicating his or her specific recommendation as to the suitability of the person for the employment in the position indicated.

The City endeavors to provide a safe work environment for all employees. It is the responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential functions of the position, either with or without reasonable accommodation.

(b) Serious Health Condition/Disabilities. The City recognizes that employees with a potentially life-threatening and/or infectious illness or physical and/or mental disabilities may wish to continue to engage in as many of their normal pursuits as their condition allows, including their employment. As long as these employees are able to perform the essential functions of their job, with or without a reasonable accommodation, without creating an undue hardship, and medical evidence indicates that their condition is not a direct threat to themselves or others, the City will treat them consistently with other employees.

(c) Medical Exams for Current Employees-Fitness for Duty. The Director of Human Resources, or an employee's Department Director (with the prior written approval of the Director of Human Resources) may require a current employee to undergo a medical and/or psychological examination to determine fitness for continued employment, as may be necessary in order for the City to provide a reasonable accommodation; following an injury or accident;

and as otherwise permitted in accordance with applicable laws. The employee may be placed on administrative leave with pay pending the medical examination results.

Time Off From Work. Time away from work undergoing a City mandated fitness for duty examination will normally be coded to paid administrative leave, but may be retroactively changed to sick leave, and/or other leave as circumstances warrant as determined by the City Manager or designee.

Return to Work. Before returning to work following a medical and/or psychological examination under this policy, the employee must coordinate the return to work through the Director of Human Resources. *Americans with Disabilities Act, 42 U.S.C. § 12132.*

6.05 Valid Driver's License

The City requires that every employee who operates a City owned [or leased] vehicle, or who drives a privately owned vehicle while carrying out job duties, must maintain a current valid Texas driver's license and an acceptable driving record as determined by the City.

Driving records will be checked prior to employment and periodically throughout the course of employment. Applicants and employees are required to provide the City with any authorizations necessary for the City to perform such a check. More than four (4) moving traffic violations in a twelve (12) month period is considered excessive and will result in failure to hire in the case of prospective employees, and will likely result in removal from driving responsibilities which could result in loss of job, and/or disciplinary action, up to and including termination, of an active employee. In certain instances, two (2) or fewer moving traffic violations in a six (6) month period may also be considered excessive. The Police Department may have stricter standards imposed.

When a special classification of driver's license is required to operate City equipment, it is the employee's responsibility to maintain the required license.

6.06 Polygraphs

No City employee shall directly or indirectly request another City employee to take a polygraph examination; however, the City Manager may require or authorize a polygraph examination for:

- 1) an individual applying for employment, or employed by the City, in the design, installation, and/or maintenance of security systems, or uniformed or plain clothes police or security functions; or
- 2) an individual if there is reasonable suspicion that the individual was involved in an act involving economic loss or injury to the City, such as theft, embezzlement or sabotage.

This policy does not affect or limit the City Police Department's use of polygraphs in criminal investigations, including criminal investigations of City employees. *Employee Polygraph Protection Act, 29 U.S.C. § 2001.*

6.07 Minimum Age Requirements

Where an age limit is not otherwise specified by statutory requirements, the minimum age for initial employment may vary in accordance with the duties and responsibilities of the positions and conditions under which they are performed, subject to the following restrictions:

No person under eighteen (18) years of age shall be employed as a regular employee in a budgeted position.

No person under eighteen (18) years of age shall be employed as an employee in any position requiring the operation of a motorized vehicle owned by the City.

The City may employ a person sixteen (16) years of age in a temporary position involving only casual non-hazardous employment if the person and the person's parents furnish the City with appropriate releases.

The City may employ a lifeguard at least sixteen (16) years of age.

6.08 Processing New Employees; Bonds; Oaths of Office

At the time of employment, all new employees (or previous employees who are being re-employed) will report to the City Hall for necessary processing and instructions.

Within one (1) week of employment, an employee must sign the acknowledgement form indicating that he or she has received this Handbook.

6.09 Confidentiality of Medical Information

Federal law requires that the City maintain all employee medical information in separate, confidential files. Therefore, in addition to personnel files, the City maintains a separate medical file for each employee. The Director of Human Resources maintains these confidential medical files.

Examples of information that may be provided to the City by an employee or the employee's health care provider, and maintained in the confidential medical file, include:

- a note to request an absence;
- a note to request a leave;
- a note to verify the employee's ability to return to work;
- medical records to support a claim for sick pay or disability benefits;
- insurance records;
- workers' compensation records; and
- medical history records

The City does not request genetic information from an applicant, employee, or health care provider. The City discourages health care providers from sending genetic information. Any

genetic information inadvertently sent to the City will be placed in the employee's confidential medical file maintained by Human Resources.

It is important that employees understand that the records are confidential but that the confidentiality may be waived when the employee provides medical information to the supervisor or the Director of Human Resources. When an employee provides information to the supervisor, the supervisor is expected to share the information only on an "as needed" basis with other members of management.

In addition to protecting their own confidential medical information, employees must also respect the privacy and confidentiality of their coworkers' medical information. Employees are expected to use discretion and judgment when dealing with such information and are to refrain from passing along information, gossip, rumors or anything else that may constitute an invasion of a coworker's privacy or breach of confidence.

6.10 Insurance

The City shall furnish medical, dental, vision, life insurance, and accidental death and dismemberment for each full-time employee, to the extent permitted by the City budget as adopted by the City Council. Employees are eligible to participate in a Cafeteria Benefit Plan. For details of coverage, see the City's current Benefits Summary. This insurance is effective 30 days after the full-time, regular employee begins employment with the city and continues so long as the employee remains on the full-time payroll.

Additional supplemental insurance coverage for employees and members of their families, beyond those types (and amounts) provided by the City, shall be made available at the employee's expense.

The City also carries a workers' compensation insurance policy. In cases of job-related injuries, provisions and benefits available under workers' compensation are activated.

6.11 Orientation Period

(a) Except for Council appointees, all new employees or re-hires hired to fill regular full-time or part-time positions must satisfactorily complete an orientation period of twelve (12) continuous months. Additionally, all current employees who are transferred, promoted, demoted, or reclassified to a supervisory position must satisfactorily complete a performance orientation period of thirty (30) days. The orientation period assists the City in maintaining an effective, productive, and efficient workforce to provide quality services to the citizens. Only those employees who meet acceptable performance and other standards during their orientation period will be retained as employees. The orientation period may be extended for additional training as determined by the supervisor. Employees are considered in the orientation period until they have actually performed their regular job duties for at least twelve (12) continuous months to assure their ability to meet acceptable standards of work performance and behavior for the employee's position.

Each employee serving in the orientation period is responsible for knowing, understanding, and meeting the expectations and standards for the position. In addition, each employee is also responsible for performing the job in a safe, productive, and effective manner within the instructions and established standards for the position. Furthermore, employees are expected to maintain acceptable standards of conduct in their employment. During the orientation period, it is the responsibility of the employee to correct any deficiencies or inadequacies in job performance, or conduct.

(b) Seasonal/Temporary Employees. Seasonal and temporary full and part-time employees do not serve a performance orientation period and have no right of appeal when terminated at any time.

(c) Change In Assignment of Employee serving in the Initial Orientation Period. Employees serving in the orientation period may not request or make application for reassignment, promotion, or voluntary transfer during the orientation period without written approval from the City Manager, or if requested by their Department Director. If the reassignment, promotion, or transfer is approved, the employee will serve a thirty (30) day performance orientation period in the new position beginning with the date of the position change.

(d) Absences During Performance Orientation Period. During the performance orientation period, an employee is eligible to use sick leave for qualifying absences, and may use personal leave for an absence due to illness or injury only if all sick leave has been exhausted. Compensatory time off or recognized holidays during the performance orientation period may be used as approved per established City/departmental policy or practice. Transferred or promoted employees serving in the orientation period retain eligibility for all types of leave established by City policy.

(e) Orientation Performance Evaluations. All employees serving in the orientation period shall be constantly evaluated and will receive a performance evaluation(s) in accordance with the "Performance Management Process" policy. These reviews are designed to evaluate each employee's performance and to communicate that performance to the employee. The written reviews include a supervisory recommendation to retain or terminate the employee. Newly hired employees who successfully complete their performance orientation period may receive a salary increase, if budgeted for that position.

(f) Extensions to Orientation Period. The performance orientation period may be extended under the following circumstances:

At the end of the twelve (12) month initial period, the performance orientation period may be extended for up to an additional thirty (30) days when an employee's performance has been marginal due to extenuating circumstances, additional training is warranted, or an employee's absence from work for an extended period of time did not permit an opportunity for adequate assessment of performance. The decision to extend or not to extend an employee's orientation period may not be appealed. If an extension is granted, the employee will be advised in writing

and given the date on which the extended orientation period will be completed. Such extension will be at the sole discretion of the Department Director and the Director of Human Resources.

An orientation period may be extended for time spent on an approved Leave of Absence including leaves of absences due to injury or illness or approved Military Leave. The approved extension will normally equal the length of time away from work. Accordingly, each full-day absence incurred by an employee during the orientation period will normally extend the orientation period by an additional day.

(g) Successful Completion of Orientation Period - “Regular” Status Granted. An employee is granted “regular” status in the new position if the employee satisfactorily completes the performance orientation period.

(h) Failure of Orientation Period. An employee is considered to have failed the orientation period when it is determined that the employee’s fitness, job performance, quality or quantity of work, attendance, or combination thereof, does not meet minimum job performance standards and expectations for the position. Failure of orientation period may occur at any time within the orientation period. An employee who does not successfully complete the orientation period will normally be terminated from the City’s employment. If desirable and feasible, the employee may be administratively transferred to a more suitable position at the sole discretion of the City. A transferred or promoted employee who fails the orientation period may, at the sole discretion of the City, be reinstated to the former position provided there is a vacancy and if approved by the affected Department Director(s). Department Directors are responsible for ensuring the thorough written documentation of all cases of failure of the orientation period, including documentation of counseling, training, and other efforts to help employees during their orientation period. All such documentation must be reviewed by the Director of Human Resources before an employee serving in the orientation period can be terminated.

(i) Termination of Employees Serving in the Orientation Period. Employees serving in the initial orientation period are at-will employees and may be terminated at any time during the orientation period, with or without notice or cause. An employee serving in the initial orientation period who is terminated has no right of appeal. These employees are not entitled to progressive levels of discipline. Employees serving in the initial orientation period are otherwise subject to all policies and procedures of the City.

(j) Sexual and Other Unlawful Harassment. Employees serving in the orientation period are subject in all respects to the City’s Sexual and Other Unlawful Harassment Policy. Employees serving in the orientation period have no right of appeal. If it is believed that unlawful harassment or discrimination has occurred, such conduct must immediately be reported as set out in City Policy.

6.12 Promotions

Open positions shall be filled with City employees currently on the payroll when possible. This shall not prohibit the City Manager or other supervisory personnel from filling positions with persons not employed by the City.

Promotions shall be made upon the recommendation of the Department Directors with the approval of the City Manager.

Promotions shall be based on qualifications, proven performance, merit, and the ability to perform the duties and responsibilities of the position.

A promotion should not be deemed completed until an orientation period of one (1) month shall have been successfully completed. Should a promoted employee not successfully complete the orientation period, the employee is eligible to return to the previous position held, if available. If no other position is available for which the employee is qualified, the employee will be terminated.

6.13 Searches

The City may conduct unannounced searches or inspections of the work site, including but not limited to City property used by employees such as lockers, file cabinets, desks, and offices, computer and electronic files, social media sites, cell phones, pagers, text messages, whether secured, unsecured or secured by a lock or password provided by the employee. No supervisor has the authority to deviate from City policy. If reasonable suspicion exists, the City may also conduct unannounced searches or inspections of the employee's personal property located on City premises, including vehicles parked on City parking lots.

All searches must be authorized and conducted under the direction of the Director of Human Resources and/or the City Manager. Employees who refuse to cooperate with a search may be subject to disciplinary action up to and including termination.

6.14 Dress and Appearance

(a) Appearance. Employees must, at all times, dress appropriately and professionally and present a clean and neat appearance while at work and while representing the City or conducting City business. Department Directors and supervisors are responsible for enforcing this policy in their respective departments in order to maintain acceptable dress and appearance.

Professional business attire or a required uniform is to be worn when there is a need to present a more formal professional appearance for meetings or special events. Suits, dress shirts and ties for men and suits or dresses for women are proper attire for personnel scheduled for agenda presentations (i.e. City Council meetings, receptions, etc.). Employees must remember that they are professionals 100% of the time and are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence. Police Department employees may be covered under Departmental policies regarding appropriate dress and appearance.

(b) Standards for Work Attire:

- Jeans, pants shorter than ankle length, and athletic shoes are not acceptable, unless a special day is declared or as specifically approved by the City Manager or appropriate Department Director as work assignments dictate.
- Sweat-shirts, sweat pants, or shorts of any type are not acceptable unless a special casual wear or festive occasion is declared by City management or shorts have been approved as part of the standard uniform.
- Flip-flop sandals and “Croc” type shoes are not acceptable.
- T-shirts are not acceptable.
- Women: Blouses/tops must be tucked in or belted, unless designed as an over-blouse. Skirts and culottes shall be worn no shorter than 4 inches above the top of the knee. Ankle length dress slacks are appropriate. Dress shoes or sandals with a professional length heel are required. Stirrup pants are permitted (as long as not form-fitting). Leggings are not acceptable. No more than two (2) earrings in each ear may be worn provided the earrings are not unprofessional in appearance.
- Men: Knit shirts with collar, banded collar shirts, short sleeve or dress shirts without a tie are acceptable. All shirts are to be tucked in unless specifically designed to be worn outside trousers. Men are not to wear earrings.

The following are inappropriate:

- provocative or revealing, low cut attire including body-hugging, see-through, or excessively tight fabrics;
- bare shoulders or tank tops;
- clothing with unclear or obscene messages or that endorses alcohol, tobacco products, drugs, pornography, or offensive material of any kind;
- wrinkled, ripped and tattered clothing;
- visible tattoos which could be deemed offensive;
- nose rings/studs, eyebrow rings/studs, tongue studs or similar type facial jewelry.

(c) Hair. Hair styles and hair colors must be appropriate to the employee’s position and extremes of any type are unacceptable. For example, green hair, mohawk style haircuts, and severely spiked hair are not allowed. Hair, including facial hair, must be clean and neatly groomed at all times. Sideburns may not extend below the ear lobe.

Uniforms. The City supplies many Police, Parks and Recreation, and Public Works personnel with appropriate uniforms. Employees in jobs that require a uniform will be told how and where the uniforms can be obtained. The City will provide replacement uniforms as necessary. Uniforms must be clean and neat. City-owned or authorized uniforms may not be used outside of work, for personal use or by any third party. City uniforms may be used by City employees in connection with outside employment only with the Department Director’s prior written authorization.

Employees who are provided with uniforms are required to wear their uniforms when on duty and keep them in good, clean and serviceable condition. No part of the uniform shall be worn by

itself. An employee must wear the entire uniform when on duty. No part of the uniform shall be worn when off duty, except to and from work and City related events.

When an employee terminates, uniforms and any other City equipment which the employee possesses must be returned in good condition before final pay will be authorized. The cost of lost or damaged City property and unreturned uniforms will be deducted from the employee's final pay check.

ID Cards. All employees must carry and wear a city issued ID card while on duty. Those employees who are required to wear city issued uniforms that include a name tag, must carry their city issued ID card with them while on duty. All city issued ID cards must be returned when an employee ceases to work for the city and before a final payroll payment is made.

Enforcement. In all cases, the City will make the determination as to acceptable dress, appearance and grooming. Employees should direct questions about appropriate appearance or dress to your supervisor, Department Director, or the Director of Human Resources.

Employees in violation of this policy may be sent home. Under such circumstances, nonexempt employees will not be paid for work time missed, and exempt employees will be required to make up the work time missed. Employees whose grooming or personal appearance violates this policy may be disciplined, up to and including termination of employment.

The Department Director, with approval of the City Manager's office, may make departmental exceptions to this policy when deemed necessary for business reasons or implement a more restrictive dress and appearance policy.

6.15 Residency Requirements

The City Council has adopted standards pursuant to Section 150.021 of the Texas Local Government Code (Resolution No. 2012-R-10 on May 14, 2012), employees who are likely to be called to work in cases of civil emergency may be required to reside within reasonable response commuting ranges of their places of work. For these purposes, the City Council has established these standards for employees hired after the adoption of such ordinance or resolution. A reasonable response time to a civil emergency is thirty (30) minutes. As a general rule, only those employees who reside within the City are potentially eligible for a City issued "take-home" vehicle.

VII. ELECTRONIC EQUIPMENT, MEDIA, AND SERVICES POLICY

7.01 Scope of Policy

This policy applies to the use of computers, e-mail, telephones, cellular phones, voicemail, fax machines, radios and wireless devices, wire services, on-line services, and the Internet that are City property, accessed using City computer equipment, accessed via City-paid access methods, and/or used in a manner that identifies the individual as an employee or officer of the City.

7.02 Proper Use of Services

City electronic equipment, media, and services must not be used for knowingly transmitting, retrieving, or storing any communications that are: (1) discriminatory or harassing; (2) derogatory toward any individual or group; (3) obscene; (4) defamatory or threatening; (5) “chain letters”; or (6) for any other purpose that is illegal or against City policy.

The use of City electronic equipment, media, and services is presumed to be work-related. No e-mail or other electronic communication may be sent that attempts to hide the identity of the sender or represent the sender as someone else.

7.03 No Expectation of Privacy; Consent

Employees have no expectation of privacy in their work-related conduct or the use of City-owned or City-provided equipment or supplies. Employees should not expect privacy in the use or content of City electronic equipment, media, and services.

To the extent allowed by law, City officials may monitor usage patterns for voice and data communications (*e.g.* website accessed, length, and times of day), including, but not limited to, cost analysis, cost allocation, and the management of the City’s gateway to the Internet.

To the extent allowed by law, City officials and others are permitted to review an employee’s electronic files, messages, and usage to ensure that the City’s electronic equipment, media, and services are being used in compliance with the law and this and other policies.

By your continued employment with the City you consent to work or law enforcement related searches involving city or city-related property, including physical property, and searches of content of City electronic equipment, media, and services.

7.04 Cell Phone Use in the Workplace

The City recognizes that many employees bring cell phones to work. Cell phones may belong to the employee or be provided for the employee’s use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker’s ability to do their jobs. Employees who use cell phones to violate City policy,

including the City's Sexual and Other Unlawful Harassment Policy, will be subject to disciplinary action.

Employees with city-issued cell phones are allowed to use city cell phones for reasonable personal phone calls. At the determination of the City Manager, the city may withdraw the privilege of a city-issued cell phone for any employee and instead provide a flat rate per month as a cell phone allowance to an employee. The employee would be required to obtain and maintain a personal cell phone to be used for city-related business. Any additional expenses would be the responsibility of the employee. Employees acknowledge that information on a personal cell phone may be subject to the **Texas Public Information Act**.

Except in emergency circumstances, employees may not use a cell phone while operating a motor vehicle, including both making and receiving phone calls and texting, if the phone is equipped with a texting feature. All employees must, when asked by the City, consent to a request to provide the City access to all cell phone and text message records. Employees using City-issued cell phones have no expectation of privacy in either cell phone calls, pictures, text messages, location, or other information contained or generated by these telephones.

7.05 Texas Public Information Act

Employees are advised that records related to calls and text messages made and received on City owned cellular telephones or business calls made on personal cell phones are public information. Information related to telephone numbers called, length of call, and time and date of call as well as the text message itself may be obtainable through the Texas Public Information Act except in narrowly defined circumstances.

7.06 Monitoring of Cell Phone Calls

Employees should be aware that cellular telephone calls are not secure and can be monitored. It is a crime for a third party to intentionally monitor cell phone conversations without the consent of one of the parties to the conversation.

Inadvertent monitoring of private cellular conversations is possible. Caution should be used whenever confidential or sensitive information must be discussed on a City-provided cell phone.

By your continued employment with the City, you acknowledge you are aware of and you consent to monitoring of cell phone calls by the City.

7.07 Electronic Communications and Systems Access Use

The City may provide computer networks, Internet access, instant messaging, email, telephones, cell phones, digital cameras, voice mail, and fax communication systems for use by City employees in the performance of their job duties. These communication devices are referred to collectively in this policy as "electronic communications systems" or "systems." These electronic communications systems are designed to support and enhance the communication, research and information capabilities of City employees and to encourage work-related

communication and sharing of information resources within the City. This policy governs user behavior pertaining to access and usage of the City's electronic communications systems. This policy applies to all City employees, contractors, volunteers and other affiliates who use the City's electronic communications systems. The City's electronic communications systems access must be used in a professional, responsible, efficient, ethical and legal manner.

Internet, Instant Message and E-mail Access. Users desiring Internet, instant messaging and/or email access must obtain written permission from their Department Director and provide it to the City Manager or his/her designee. Users must acknowledge an understanding of this policy and its guidelines as a condition of receiving an Internet, instant message and/or email access account. Failure to adhere to this policy and its guidelines may result in suspending or revoking the offender's privilege of access and/or other disciplinary action under City policies, up to and including termination of employment.

Acceptable Use. Acceptable uses of the City's electronic communication systems are limited to those activities that support reference, research, internal/external communication and conducting City business in line with the user's job responsibilities. Network users are encouraged to develop uses which meet their individual needs and which take advantage of the City's internal network function. The City prohibits connection to sites or forwarding of information that contain materials that may be offensive to others including, but not limited to, sites or information containing sexually explicit material.

Users must understand that use of any City-provided, publicly accessible computer network such as the Internet, instant messaging and email is a privilege. Minimal personal use of the Internet, instant messaging or email and other electronic communications systems is allowed under this policy as long as such use is not excessive and does not impede job performance or the performance of City business. The City is not responsible for personal communications sent on its electronic communications systems. Supervisors cannot alter the restrictions of this policy.

Unacceptable Uses of Electronic Communications Systems include:

- Using profanity, obscenity, or other language which may be offensive or harassing to other coworkers **or** third parties.
- Accessing, displaying, downloading, or distributing sexually explicit material.
- Accessing, displaying, downloading or distributing profane, obscene, harassing, offensive or unprofessional messages or content.
- Copying or downloading commercial software in violation of copyright law.
- Using the systems for financial gain or for any commercial activity unrelated to City business.
- Using the systems in such a manner as to create a security breach of the City network.
- Looking or applying for work or business opportunities other than for internal City postings.
- Accessing any site, or creating or forwarding messages with derogatory, inflammatory, or otherwise unwelcome remarks or content regarding race, religion, genetics, color, sex, national origin, age, disability, age, physical attributes, or veteran status.
- Transmitting or sharing information regarding a coworker's health status without permission

- Expressing opinions or personal views that could be misconstrued as being those of the City.
- Expressing opinions or personal views regarding management of the City or other political views
- Using the electronic communication systems for any illegal purpose or in any way that violates City policy or is contrary to the City's best interest.
- Excessive use of bandwidth (such as by watching movies, downloads, etc) not for city business

Filtering. The City uses software to filter Internet and instant message content for all employees. These filters are designed to prevent the viewing, sending, or any of the following types of content:

- Violence/Profanity
- Full or partial nudity
- Sexual or deviant acts
- Satanic/Cult
- Militant/Extremist
- Illegal activities

The City will review this filtering on a periodic basis and may modify this list of prohibited content without notification to City employees, contractors, volunteers or other affiliates. The City Manager (or designee) may grant exceptions and exemptions to Internet and instant messaging filtering only after a review of the requested information has been conducted and a determination that the City's current filtering practice impedes the requestor's ability to perform his/her job duties.

Responsibility. The person in whose name a City provided Internet, email or other electronic communications system account is issued is responsible at all times for its proper use, regardless of the user's location. Exchanges that occur in the course of conducting City business on the City's electronic communications systems will be considered a communication of the City and held to the same standards as formal letters.

No Right of Privacy/Monitoring. Users of City electronic communications systems may not assume they are provided any degree of anonymity and employees have no right to privacy with regard to such systems. Personal passwords are not an assurance of confidentiality. The Internet itself is not secure. To ensure proper use of its electronic communications systems, the City will monitor their use. Management staff has the ability and will, with or without advance notice, monitor and view usage, including but not limited to: employee email, voice mail and instant messages, text messages, information and material transmitted, received or stored using City systems and user Internet access and usage patterns to assure that the City's Internet resources are devoted to maintaining the highest levels of productivity, as well as proper use and compliance with this policy. Misuse is subject to disciplinary action.

Copyright Restriction. Any software or other material, including music, downloaded onto a City computer may be used only in ways consistent with the licenses and copyrights of the vendor, author or owner of the material. Prior written authorization from the City Manager is

required before introducing any software into the City's computer system. Employees may not download entertainment software, games or any other software unrelated to their work.

7.08 Social Networking

An employee's use of social media, both on and off duty must not interfere with or conflict with the employee's duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to online forums, instant messaging and internet social media and blogging sites. Protecting the City's reputation and ensuring that an employee's communication with people outside the City, not only reflects positively on the employee as an individual, but also on the City.

Personal use of the Internet is a privilege and carries responsibilities requiring responsible and ethical use. The City may monitor an employee's access, use, and postings to the Internet, including from personal computers, to ensure compliance with internal policies, support the performance of internal investigations, assist management of information systems, and for all other lawful purposes. The City expects all employees to follow the Guidelines below when posting information on the Internet, regardless if done during or after work hours. This policy encompasses: wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks.

This policy should be read and interpreted in conjunction with other City policies, including but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior and the City's Electronic Communications policy. Violations of the City's Social Networking Policy may lead to disciplinary action. The City provides an effective system for employee complaints "off-line" through the City's Grievance policy without resorting to social media.

Employee Guidelines

- Any blogging or posting information on the Internet, must comply with the City's guidelines (as listed below), regardless of where the blogging or posting is done.
- Blogging, or posting information of a personal nature on the Internet, is prohibited during work hours. Employees are not permitted to engage in social networking while using any of the city's electronic resources.
- Never disclose any confidential information concerning another employee of the City in a blog or other posting to the Internet. Posting of confidential information may violate state law and subject the user to criminal penalty. All requests for City documents must be processed through the Public Information Act.
- Employees must abide by all federal and state law and policies of the City with regard to information sent through the Internet.

- If the employee's social networking includes any information related to the City, the employee must make it clear to the readers that the views expressed are the employee's alone and not reflective of the views of the City.
- Employees must obtain written authorization from the City Manager or designee to update or post on behalf of the City and all content must be approved prior to posting. In which case the employee must disclose their relationship to the City in accordance with FTC guidelines. All of the employee's time spent updating or posting on behalf of the City and as part of the employee's job duties is compensable time that must be reported and counted in the calculation of overtime.
- No use of wikis, tweets and twittering, Facebook, MySpace, LinkedIn, blogs, and other online journals and diaries; bulletin boards and chat rooms, microblogging and all other social networking sites, instant messaging and the posting of video on YouTube and similar media, as well as City-operated networks is considered private or confidential even if password protected or otherwise restricted. The City reserves the right to access, intercept, monitor and review all information accessed, posted, sent, stored, printed or received through its communications systems or equipment at any time.
- Employees are encouraged to act responsibly on and off duty, and to exercise good judgment when using social media.
- Respect coworkers and the City. Do not put anything on your blog or post any information and /or pictures on the Internet that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- Do not put anything in your blog or post any information and/or pictures that may constitute violation of the City's Harassment policy. Do not post any pornographic pictures of any type that could identify you as an employee of the City.
- Do not post pictures of yourself or others containing images of City uniforms or insignia, City logos, City equipment or City work sites, unless you are posting them on the City official website as part of your job duties.
- Do not post information on the Internet that could adversely impact the City and/or an employee of the City.
- Do not permit or fail to remove postings violating this policy, even when placed by others on the employee's blog. Recognize that postings, even if done off premises and while off duty could have an adverse effect on the City's legitimate business interests.

Individual supervisors do not have the authority to make exceptions to these guidelines.

VIII. ATTENDANCE, ABSENCES & COMPENSATION

8.01 Accounting and Timekeeping;

(a) **Responsibility.** Directors are responsible for maintaining records relative to all forms of leave, attendance and absence of their employees due to any cause and whether with or without pay. Proper indications by the use of appropriate symbols, such as the cause of absence, will be made on department payroll and/or any other required records set up from time to time under special operating rules. Each department will be responsible for the designation of one or more capable employees who, as part of their regular duties, will keep and certify as to the accuracy of daily records covering all forms of attendance and absence of each of their employees. Such records constitute the basis for preparation of departmental payrolls (when the payroll form itself is not actually used as the basic record), and will be preserved by departments in accordance with the City's record retention policy.

Certification of records will be by means of signing or initialing individual time cards, departmental payrolls, or other such records. Directors must check attendance records and payrolls in order to ensure that salary and wage expenditures stay within budgetary limits.

The Director of Human Resources is responsible for certifying as to the compliance of departments with the requirements and policies established by the officials as to the conformity with the established policies governing personal leave, sick leave, retirement, etc.

(b) **Attendance Records.** Employees are expected to be at their workstations and ready to work at their scheduled start time. Nonexempt employees are required to record the number of hours worked each day, as well as the time they arrived to work, the time they left for and returned from lunch, the time(s) they left for and returned from any unpaid break during the work day, and the time they leave work each day. Exempt employees are required to document hours worked each day as well as any time off. This documentation is for reporting purposes only and not for compensation.

(c) **Attendance and Punctuality.** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to disciplinary action, up to and including termination of employment. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must personally notify the supervisor as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee must disclose to the supervisor the date and time of anticipated return. The employee must personally notify the supervisor on each day of absence for absences of a day or more unless the supervisor expressly waives this requirement.

In most instances, an employee who fails to properly notify the supervisor in advance of an absence or tardiness will be subject to disciplinary action up to and including termination. An employee who fails to notify the City of an absence of three days or more may be presumed to have voluntarily resigned employment.

8.02 Wages and Hours

(a) Pay Plan. Wages, salaries and working schedules for various positions shall be in general accordance with the provisions of the official pay plan currently in effect including amendments thereto and within the limitations of the financial provisions of each department as approved by the City Manager for each fiscal year. Salary is based on a total number of regular hours worked per year.

The city's pay period is bi-weekly. Timesheets indicating hours worked or leave taken over the past two weeks are due no later than Monday. Payroll is issued on the Friday after the two week pay period. In the event that a payday falls on a city holiday or a weekend, payroll will be distributed on the previous workday.

(b) Direct Deposit. The City Manager will determine an appropriate date after this personnel policy has been adopted when all payments to employees, including, but not limited to payroll and expense reimbursement payments, will be made by electronic (ACH) direct deposit. Employees will be required to furnish account information to the City so that these electronic payments can be processed. After the use of direct deposit for payments has begun, no payments by paper check to employees will be produced unless approved by the City Manager.

(c) Regular Work Hours. Nonexempt employees of the City normally work 40 hours in a seven-day workweek. Exempt employees may be required to work in excess of 40 hours in certain weeks as necessary to properly perform the duties assigned. The salaries for exempt employees are determined and established in accordance with this assumption. Exempt employees are not eligible for overtime compensation. The work week begins at 12:01 a.m. on Monday, and ends at 12:00 a.m. on Monday. The regular workday normally begins at 8:00 a.m. and ends at 5:00 p.m., although employees in some departments may have different work hours, if approved by the City Manager. In times of disaster or emergency, working hours shall be determined by the City Manager.

(d) Adjustment to Work Hours. In order to assure the continuity of City services, it may be necessary for Department Directors to establish other operating hours for their departments. Work hours and work shifts must be arranged to provide continuous service to the public. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and indicates that the employee will be available to do such work.

(e) Overtime. Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees are not paid overtime compensation.

(f) Non-Exempt Employees. When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be scheduled to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Overtime assignments will be distributed as equitably as

practical to all non-exempt employees qualified to perform the required work. Refusal or other failure to work mandatory overtime may result in disciplinary action up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.

All non-exempt employees must receive their supervisor's and Department Director's prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day, and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. On the employee's time sheet, the appropriate supervisor must also approve any overtime before the time sheet is submitted for processing and payment. Non-exempt employees shall not remain on the work premises without authorization unless they are on duty or are scheduled to begin work within a short period of time. Non-exempt employees who work overtime without receiving proper authorization will likely be subject to disciplinary action, up to and including possible termination of employment.

Generally, overtime pay for non-exempt employees is at the rate of 1-1/2 times the employee's regular hourly rate of pay for hours actually worked in excess of 40 in the City's workweek. (The City's workweek begins at 12:01 a.m. on Monday and ends at 12:00 a.m. the following Monday.) An employee's regular hourly rate includes all pay incentives, such as longevity, assignment pay, etc.

Time off on account of personal leave, paid holiday leave, sick leave, jury duty leave, witness duty leave, bereavement leave, or any other leave of absence is not considered time worked for purposes of performing overtime calculations.

Employees are required to report to the City Manager, or his designee, any time they are improperly required to work "off the clock" without pay.

(g) Compensatory Time. Non-exempt employees may accrue compensatory time in lieu of being paid overtime compensation. Public safety -- i.e., police officers are subject to a 480-hour cap on accrual of compensatory time. Other employees are subject to a cap of 240 hours. Overtime hours worked beyond the applicable cap must be paid or flexed, as described below. Compensatory time accrues at a rate of 1 1/2 hours for every hour of overtime worked by non-exempt employees. Comp time accruals are to be monitored at the department level and maximum hours accrued will be restricted based on the requirements of this policy. All compensatory time earned must be documented on the employee's compensatory time log.

An employee who has accrued compensatory time and requests use of such time must be permitted to use the time off within a "reasonable period" after making the request, if it does not "unduly disrupt" the work of the department. If use of requested comp time would be disruptive, the department may elect to pay the employee in lieu of approving the requested time off. The City may, at any time, elect to pay a non-exempt employee for any or all of the employee's accrued comp time. The City may also require employees to take time off in order to reduce their accrued comp time. Otherwise, compensatory time off may be used the same as leave time.

(h) Payment of Compensatory Time. All employees who are reclassified from a non-exempt position to an exempt position will be paid all accrued comp time upon approval of the reclassification and will cease to be eligible for any additional overtime and/or comp time. Likewise, an employee who is either promoted, transferred or demoted to another non-exempt position will be paid in full for any comp time accrued before the promotion or demotion becomes effective. Upon leaving employment with the City, a non-exempt employee will be paid for unused comp time at the employee's current base hourly rate.

NOTE: Exempt employees are not eligible to accrue compensatory time.

(i) Flex-time Work Schedule. In situations where overtime payment is not feasible due to budgetary constraints, the Department Director or supervisor must consider flexing the employee's work schedule in an effort to minimize the need for overtime compensation. Flexing must be completed within the same workweek or work cycle (if under the 207(k) exemption of FLSA) that the overtime was worked and must be accurately reflected on the affected employee's time record.

(j) Exempt Employees. Exempt employees are those who are not covered by the overtime requirements of the FLSA. Accordingly, exempt employees are not entitled to overtime compensation for work performed beyond 40 hours in a workweek. Exempt employees are expected to put in the hours necessary to complete their assignments with an acceptable level of quality in a timely manner.

"Docking" an exempt employee's pay for a partial day's absence will be permitted only as authorized by law and approved by the Director of Human Resources.

Absent accrued paid leave time, an exempt employee need not be paid for any workweek in which no work was performed.

It is the policy of the City not to make improper deductions from an exempt employee's pay. Any exempt employee who believes an improper pay deduction has been made, must immediately notify the Director of Human Resources. The City will promptly reimburse an exempt employee for any improper deduction(s) and will make a good faith commitment to comply in the future.

8.03 Longevity Compensation

The City will pay a regular full-time employee annually for each year of service, in addition to other money paid for services rendered, longevity pay in an amount budgeted by City Council. Longevity pay will be based upon the number of years the employee has worked for the City and will be paid the last pay period in November. An employee will be eligible to receive longevity pay upon completing one year of service. Longevity will not be prorated upon the termination of employment with the City, whether termination is voluntary or non-voluntary.

8.04 Authority for Absences

No City employee shall be absent from his or her regularly scheduled duties except by authority of the employee's Director or other responsible supervisor. An employee who is absent from work due to any reason beyond his/her control is responsible for reporting his/her absence and its reason to the Director or other responsible supervisor as soon as possible after the beginning of the employee's assigned shift or regular schedule of duties. Whenever possible, the City Manager must approve all absences for periods in excess of two weeks.

8.05 Family and Medical Leaves of Absence (Including Leaves Based on Military Service)

It is the policy of the City to grant employees extended leaves of absence under certain circumstances. Except under the limited circumstances expressly provided herein, employees will not receive compensation during a leave of absence:

1. The City will comply with the provisions of the Family and Medical Leave Act ("FMLA"), which provides eligible employees with up to twelve (12) weeks of leave in a single twelve-month period for various family and medical reasons and up to 26 weeks of leave in a single twelve-month period for leave to care for a seriously ill or injured military family member. The single twelve-month period is established as the calendar year beginning January 1 and ending December 31.
2. An employee is generally eligible for a leave of absence if the employee has completed at least twelve (12) months of service (which need not be consecutive months but generally must be within the past seven (7) years), and has worked 1,250 hours in the previous twelve-month period. Whether the City grants any leave, the length of any such leave, and the compensation received by the employee, if any, during the leave of absence, will be determined by the City in conjunction with applicable federal and state law.

Medical Leave of Absence: An employee who is unable to work because of a serious health condition, disability, or work-related injury may be granted a medical leave of absence. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions. The City requires certification of an employee's need for medical leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

Parental Leave of Absence: An employee may be granted leave of absence to care for the employee's child upon birth or in connection with a child's placement with the employee for adoption or foster care.

Family Care Leave of Absence: An employee may be granted a family care leave of absence for the purpose of caring for the employee's child, spouse or parent who has a serious health condition. The City requires certification of the family member's serious health condition, both

before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave to Care for a Seriously Ill or Injured Family Member in Military Service: An employee who is the spouse, child, parent, or next of kin of a covered service member may be granted up to 26 weeks of leave in a "single" twelve-month period to care for a service member who has a serious injury or illness incurred while on active duty. The City requires certification of the family member's serious injury or illness, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.

Leave for a Qualifying Exigency Arising Out of Active Duty or a Call to Active Duty: Employees may be granted a leave of absence because of a qualifying exigency arising out of the active duty or call to active duty status of a parent, spouse, or child in the National Guard or Reserves in support of a contingency operation.

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

3. If intermittent leave is requested, please notify your supervisor as soon as possible regarding medical or exigency required scheduling changes.
4. Requests for a leave of absence or any extension of a leave ordinarily should be submitted in writing to the employee's supervisor with a copy to the City at least thirty (30) days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The final decision concerning the request will be made by the City Manager. All employees on approved leave are expected to report to his or her supervisor any change of status in their need for a leave.
5. An employee who is on an approved leave of absence may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military service and the employee's reason for leave does not preclude the outside employment.
6. An employee who is on a **Medical Leave, Family Care Leave, or Leave to Care for a Seriously Ill or Injured Family Member in the Military** will be

required to use all accrued personal, vacation, and sick days while on leave. An employee on **Parental Leave** or **Leave for a Qualifying Exigency of a Family Member in the Military** shall use all accrued personal and vacation days while on leave. Employees must meet the procedural requirements of the paid leave policies to use the paid time off during an otherwise unpaid leave.

7. The City will continue to pay its share of existing health insurance coverage and provide other benefits to employees on leave as required by law. Failure of the employee to pay his/her share of any such dependent health insurance premium may result in loss of coverage. While on Family and Medical Leave, the employee must also pay life insurance premiums plus the deferred compensation costs if the employee desires to retain such benefits during the leave period. Benefits that accrue according to length of service (such as paid vacation, holiday, personal, and sick days) do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation or disability benefits.
8. An employee who returns from a leave of absence will be reinstated to the employee's same job or to an equivalent job with equivalent status and pay, to the extent required by law. An employee who returns from a medical leave must provide certification of the employee's ability to perform the functions of the job.
9. In the event that an employee elects not to return to work upon completion of an approved family and/or medical leave of absence, the City may recover from the employee the cost of any payments it incurred to maintain the employee's coverage, unless the failure to work was for reasons beyond the employee's control. Benefit entitlement based upon length of service will be calculated as of the last paid workday prior to the date of the unpaid leave of absence.
10. If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.
11. In the event of any conflict or inconsistency between these policies and the actual requirements of the FMLA, the actual requirements of the FMLA shall control.

8.06 Sick Leave

(a) Notification. Sick leave is paid time away from work due to a bona fide illness or injury that prevents the employee from working, for visits to the doctor or dentist, or to care for certain family members who are ill or injured. Employees who are unable to work due to illness or

injury or other situations covered by this policy must immediately notify the appropriate supervisor in accordance with the procedures adopted by their Department.

(b) Eligibility. All full-time employees begin accruing paid sick leave upon employment. Part-time, temporary, and seasonal employees do not accrue sick leave. Full-time employees who are in their initial orientation period may use accrued sick leave only if approved by their supervisor and/or Department Director. An employee who is released for and offered light duty by the City, but who elects not to accept such assignment, will generally be ineligible for paid sick leave benefits.

(c) Accrual Rate. Sick leave for employees shall be computed on the basis of one (1) working day for each full month employed in a calendar year, so as to total twelve (12) working days to a full-time employee's credit each 12 months. Sick leave accrues only during pay periods in which the employee works or is otherwise on an approved paid leave status for 80 hours.

(d) Maximum Accrual. The maximum sick leave time which may be accumulated by any employee shall be 480 hours.

(f) Authorized Use of Sick Leave.

For the employee. Accrued sick leave may be used for absences due to the employee's bona fide personal illness, accident, injury that prevents working, or birth of a child (if the employee physically gave birth; otherwise use of sick leave for child birth falls under the section below).

For the employee's immediate family. Sick leave may also be used for absences when needed to care for a member of the employee's immediate family who is ill or injured. An employee can initially use up to 40 hours of accrued sick leave to care for immediate family members. If additional time is needed, employees must first use all accrued compensatory time, accrued holiday leave and then accrued personal leave before any remaining accrued sick leave can be used. For purposes of this policy, "immediate family" is defined as the employee's parent, current spouse, and children/stepchildren. In the event of a life-threatening illness or injury of the employee's family member who does not meet the definition of "immediate family," the Department Director (and in the case of Department Directors, the City Manager) may allow the employee to use up to 24 hours of accrued sick leave. Sick leave may also be used by employees for their own and /or their immediate family's scheduled doctor and dentist appointments.

Minimum Increments. Sick leave must be taken in minimum increments of one hour. Sick leave taken in increments of less than one hour should be made up within the same work week.

(g) Failure to Report Absence/Abuse of Sick Leave. Supervisors closely monitor use of sick leave. It is anticipated that employees using paid City sick time for their own illness/injury or that of a family member will use their sick leave time to recuperate or care for their family

member. Trips to the doctor or hospital stays/visits, which take the employee away from the home, are acceptable, but other personal pursuits during paid sick leave will be considered an abuse of this policy. Abuse of sick leave, including use of sick leave for anything other than an illness, injury, or doctor/dentist appointment as provided for in this policy, may result in immediate disciplinary action, up to and including termination of employment, and may also render the employee ineligible for paid sick leave benefits. Similarly, employees who fail to timely report an absence or tardiness due to illness, injury, or doctor/dentist appointment may be disqualified from using sick leave for their absence.

(h) Use of Sick Leave Before/After a Holiday. If an employee takes sick leave immediately prior to or after a holiday:

- 1) A doctor's excuse for each day taken may be required or an employee may not be paid for the time off. This requirement will be at the discretion of the Division Director.
- 2) Should this practice become a habit for an employee, prompt termination or disciplinary action will take place.

(i) Other Employment During Sick Leave. Employees on sick leave, whether paid or unpaid, may not work a second job, including self-employment or participate in volunteer work, during the period of leave, even if they have written authorization from their Department Director to work a second job. Exceptions to this policy must be obtained in writing from the Department Director and the Director of Human Resources. See Outside Employment Policy.

(j) Use of Other Leave. If approved by the Department Director (and in the case of Department Directors, by the City Manager), employees who have successfully completed their initial orientation period may use accrued personal leave, compensatory time, other accrued paid leave, or leave of absence without pay, but only if an employee has no accrued sick leave time. Official holidays observed by the City while an employee is on approved paid sick leave will be treated as a paid holiday, rather than a day of sick leave, if the employee is eligible for the paid holiday. Under certain circumstances and with the approval of the Department Director/supervisor, the employee may flex the work schedule ("flex time") to attend to medical or dental appointments. This is acceptable provided that work time is accurately recorded on the time sheet for the week or work cycle in which flex time was approved. Under no circumstances can flex time to make up time missed extend beyond the affected workweek, or work cycle.

(k) Documentation. Employees requesting paid sick leave must complete a form and submit it to their supervisor for approval. An employee must present satisfactory proof of illness/injury that prevents the employee from working whenever sick leave for 3 or more consecutive work days is used, and at any other time if requested by the City. An employee may also be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member. If the employee fails to present such proof in a timely manner, use of sick leave will be disallowed and no other paid leave may be used for the absence. Abuse of sick leave may result in discipline up to and including termination of employment.

(l) Payment For Unused Sick Leave. No employee shall be entitled to payment in lieu of using sick leave time.

(m) Sick Leave at Separation. At the time of separation, the City will not pay any accrued sick time. The City will not restore sick leave in the event of rehire.

8.07 Sick Leave Donation Program

Purpose

To provide a method for the city manager to authorize voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. This donation may only be authorized in the event of an extended absence where the employee is unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.

Policy: The city manager is authorized to approve, on a case by case basis, specific voluntary donations of sick leave hours from employees who wish to donate additional paid sick leave hours to Regular Full-Time employees of the City of Manvel who have no sick leave on the books. The approval is discretionary with the city manager. Nothing herein shall preclude the city manager from making an employment decision based on a medical separation, or disciplinary action.

(a) General Guidelines

- 1) The Program and donated hours are strictly voluntary.
- 2) Absences due to a Workers Compensation injury are ineligible for the Program.

(b) Eligibility of Recipient

- 1) Recipients must be a full-time employee.
- 2) Recipients must be unable to work because of a serious health condition, or to care for an immediate family member (child, spouse, or parent) with a serious health condition.
- 3) Recipient shall conform to requirements of applicable policies, agreements, and statutes.
- 4) Recipients must exhaust all available accrued paid leave prior to utilizing donated time.
- 5) Recipients cannot receive more than 80 hours of donated leave per pay period.
- 6) Recipients cannot receive more than a total of 480 hours per calendar year.
- 7) Recipients shall no longer be eligible for this Program if they are eligible for long or short term disability.

(c) Eligibility of Donor

- 1) Donor must be a full-time employee.
- 2) Donor shall conform to requirements of applicable policies, agreements, and statutes.
- 3) Donor must maintain a minimum of 40 hours of sick leave on the books.
- 4) Donor cannot donate more than 80 hours of sick leave per pay period.
- 5) Donor cannot donate more than a total of 120 hours of sick leave per calendar year.

(d) Donation Parameters

- 1) Donations will involve accrued sick leave only, no other forms of leave may be donated.
- 2) Donations are considered donated sick leave, not accrued leave
- 3) Donations do not count as an absence for the purpose of performance evaluations.
- 4) Donations must be made in hour increments.
- 5) Donations will be taken from donors on a first come basis, up to the max 80 hours per pay period.
- 6) Assignment of donated hours to recipients shall be made in chronological order of the date and time stamp on the requests.

(e) Tax/IRS Issues

- 1) Payments to the recipients shall be made at their normal rate of pay.
- 2) Deductions included on a recipient's paycheck prior to the use of donated leave shall be continued on the donated leave.
- 3) Amounts paid by the City pursuant to the Sick Leave Donation Program are included in the gross income of the recipient as compensation and are considered wages for employment tax purposes.

(f) Separation

- 1) Recipients shall not be entitled to receive separation pay for unused donated hours at time of separation.

8.08 Personal Leave

(a) Accruals. Regular full-time employees accrue personal leave on a monthly basis. Personal leave accrues at the end of the first full month of employment at a rate as detailed below:

<u>Years of service</u>	<u>Accruals rate per month</u>	<u>Total number of days per year</u>
0 to 4 years	6.67 hours per month	10 days of personal time
5 to 9 years	10 hours per month	15 days of personal time
10 to 19 years	13.3 hours per month	20 days of personal time
20 or more years	16.67 hours per month	25 days of personal time

An employee may not use any accrued personal leave until successfully completing the initial employment orientation period unless approved by the City Manager. Employees may not "borrow" unearned personal leave; employees shall not receive payment of personal leave in lieu of taking time off, except as provided below.

Regular part-time, temporary, and seasonal employees do not earn personal leave.

Official City-observed holidays occurring while an employee is on approved paid leave are considered paid holidays and do not affect personal leave balances. Paid personal leave is not considered hours worked for purposes of performing overtime calculations. Only scheduled working days taken off shall be counted as personal days.

(b) Use and Scheduling of Personal Leave. Personal leave is an earned benefit intended to provide employees with paid time away from the work environment to pursue activities that will promote the well being of the individual. Personal leave may also be used for purposes of attending to personal business, extension of sick leave when sick leave is exhausted, inability to get to work because of inclement weather, or for other purposes, and may be taken in four (4) hour increments. Employees must schedule their annual personal leave in accordance with their Department's guidelines governing employees scheduling and utilizing the personal leave form. Whenever possible, personal leave time will be scheduled at the convenience of employees. However, Department Directors must be certain that personal leave does not interfere with the normal functions and activities of department operations. Whenever possible, employees are encouraged to submit their preferred personal leave schedule to the appropriate supervisor as far in advance as possible to relieve any scheduling problems that may develop. To ensure proper payment of personal leave pay, employees must make sure they have an approved personal leave request on file before leaving on personal leave. No more than ten (10) consecutive days of personal leave time may be taken off, unless the City Manager grants an exception.

(c) Maximum Accruals. All employees, after one (1) year of service, must take a minimum of five (5) days (40 hours) of personal leave each year. The maximum number of personal leave days that may be accumulated is two times the employee's current accrual rate. All days in excess of the maximum are lost on the employee's next anniversary date (except as otherwise provided for in this policy). Employees will not be paid for personal leave in excess of the maximum accrual or for personal leave that is "lost" on their anniversary date. If the needs of the City and/or Department preclude the taking of a scheduled personal leave, the Department Director may defer an employee's scheduled personal leave. In such cases, the Department Director shall grant the employee's deferred personal leave within thirty (30) days or payment will be made to the affected employee for the deferred personal leave hours. All personal leave carryover granted by Directors must be forwarded to Payroll before the employee's anniversary date.

(d) Compensation for Personal Leave. Personal leave is paid at the employee's base rate at the time of use. It does not include overtime or any special forms of compensation. Personal leave time is paid only for hours the employee would ordinarily have worked. Employees will not be paid for any unused personal leave, except upon separation of employment, or if an employee is precluded from taking a scheduled personal leave due to City and/or department needs as set out above.

Upon termination, retirement, resignation, or death, an employee in good standing shall be paid for accrued personal leave up to a maximum of two times the employee's current accrual rate at the rate of pay the employee was receiving at the time of separation. For purposes of this policy, an employee is not in "Good Standing" if he or she is under threat of disciplinary action due to a sustained violation of City policy or other illegal or improper activities that adversely affect the employee's ability to perform their job.

Only employees who have successfully completed their initial orientation period of employment with the City are entitled to this payout provision upon separation.

(e) Definitions

Compensable Hours - The hours worked or taken in a month must equal 160 for full-time employees.

Work Day – A “work day” is defined for personal leave as an 8-hour period for all employees.

8.09 Military Leave.

(a) Laws. The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, reemployment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

(b) Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a military leave form along with the official documents setting forth the purpose of the leave and, if known, its duration. The military leave form must be turned into the Department Director and the Director of Human Resources as far in advance of the leave as possible.

(c) Paid and Unpaid Leave for Training and Duty.

Full Pay For Up to 15 Days. Employees will be paid for military absences of up to a maximum of 15 work days per fiscal year. Shift employees will be transitioned to a 40-hour work week during military absences. This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year.

Other Paid Leave. Employees who have exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., personal leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay.

Benefits. The City will continue to provide employees on paid military leave with most City benefits.

Medical, Dental, and Vision Insurance. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's reemployment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

(d) Other Benefits. While on *paid* military leave, employees continue to accrue personal, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as personal and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as personal accrual and longevity pay.

(e) TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

(f) Returning from Leave.

Return to Work: A person returning from service must report back to work or apply for reemployment within the time constraints prescribed by USERRA. The City shall re-employ a returning veteran according to the provisions of USERRA. Civil service employees shall be required to meet additional requirements in Chapter 143 of the T.L.G.C. before being reinstated.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- A) For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
- B) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- C) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to the City if the military leave lasted more than 31 calendar days.

8.10 Holiday Leave

The City provides paid holidays to employees serving in the initial orientation period and regular full-time. Every other employee is extended the official holiday, but without pay. The following official holidays will be observed:

- New Year's Day (January 1)
- Martin Luther King Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Good Friday
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Columbus Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day after Thanksgiving (Friday after Thanksgiving)
- Christmas Eve (December 24)
- Christmas Day (December 25)

If one of the designated holidays occurs on Saturday, then the City shall observe the preceding Friday as such holiday. When any designated holiday occurs on Sunday, then the City shall observe the following Monday as such holiday

Holidays. A holiday is a period of 8 hours, paid at the employee's regular rate.

Scheduling of Holiday. Holidays occurring on Saturday normally will be observed on the preceding Friday and holidays occurring on Sunday will normally be observed on the following Monday.

Temporary and Seasonal Employees. Temporary and seasonal employees will be paid their regular hourly rates for a holiday only if required to work on a holiday. No holiday pay is authorized for seasonal or temporary employees who do not work on a holiday.

Employees required to work on a Holiday. Employees required to work on a holiday will be given an alternate day off with pay or will be paid 8 hours for the holiday at their regular rate of pay, in addition to the hours worked, at the employee's request.

The City Manager will permit as many employees as possible to observe each holiday, consistent with the maintenance of essential City functions. No employee shall work more than one regularly scheduled shift on a holiday without approval of the City Manager.

Employees Scheduled "Off Duty" on a Holiday. When a holiday and an employee's regularly scheduled day off occur on the same day, the employee will accrue 8 hours of holiday leave to be taken at a later date, but no later than the end of the fiscal year.

Nonexempt Emergency Personnel Called Back on a Holiday. Non-exempt employees called in on an emergency basis to work a holiday for which they are not scheduled to work will be paid for all hours worked on the holiday at the regular rate and will be given an alternate day off with pay or will be paid 8 hours for the holiday at the employee's request.

Ineligibility for Holiday Pay. Employees on unpaid leave the day before and/or the day after the holiday are not eligible for holiday pay. Likewise, nonexempt employees who are absent without authorized leave on the day immediately preceding or following a scheduled holiday will not be paid for the holiday.

Holiday Occurring During Personal Leave. A holiday that falls within an employee's personal period will be counted as holiday in lieu of a day of personal leave.

Separating Employees. Except in extraordinary situations, separating employees will not be allowed to use a holiday as their final day of employment. Exceptions must be scheduled and authorized in advance by the Department Director.

Paid Leave Status. An employee on a paid leave status will normally be paid holiday pay in lieu of the leave status pay they would ordinarily receive at the time of the holiday.

Other Religious Holidays. Employees may request an approved absence to celebrate a religious holiday that is not a scheduled City holiday. If approved, the employee must charge the time to personal, compensatory time, or an excused absence without pay.

Holiday Pay During Workers' Compensation Leave. An employee on worker's compensation leave will not receive holiday pay.

8.11 Bereavement Leave

In addition to personal leave, the City provides employees serving their initial orientation period and regular full-time employees paid time off, up to a maximum of three (3) work days in the event of a death(s) in the family, for the purpose of attending the funeral. For the purpose of authorizing bereavement leave "family" is defined as current spouse, child, parent, brother, sister, grandparent, aunt, uncle, or grandchild, by blood or marriage.

An employee may be required to provide proof of death/funeral/family relationship in support of bereavement leave. Bereavement leave pay is paid at the employee's base rate at the time of absence. It does not include overtime or any special forms of compensation. Paid time off for bereavement leave is not counted as hours worked for purposes of determining overtime.

Employees who wish to take bereavement leave must notify their supervisor immediately. Employees may take additional time off as personal leave, comp time or, if no vacation or comp time is available, as authorized leave without pay upon approval of the Department Director. All bereavement leave time taken must be requested on the City's appropriate form.

Employees who wish to attend funerals for other than immediate family must use personal leave, compensatory time, or unpaid leave.

8.12 Job-Related Injury Leave

When an employee is injured on the job, the employee shall immediately report such injury to his or her supervisor, who shall take the steps that the supervisor and employee determine necessary to secure proper first aid or other treatment for the injured employee. The employee's supervisor shall also complete within forty-eight (48) hours an accident report and forward copies to the Director of Human Resources.

Injury leave is an absence from work arising from an on the job accidental injury. An employee injured on the job and in the line of duty shall be granted up to five days injury leave with pay within any 12-month period. Any employee injured on the job shall also be covered by and entitled to all benefits accruing under the Texas Workers' Compensation Act. Additionally, the City will permit the employee to make up the difference between the benefit payments made under the Act and the employee's regular pay from the employee's accrued leave entitlement (sick leave, personal leave and compensatory time), if any, for up to 180 consecutive calendar days from the date of injury. Under no circumstances, however, will the employee receive more than full regular pay while on injury leave. A doctor's written statement that the employee is unable to return to work shall be required for an employee to receive injury leave.

An employee may be requested to provide a "fitness for duty" certification before returning to work after the employee's workplace illness or injury. An employee may return to the employee's former position, if it is available, and if the employee's medical restrictions, if any, permit the employee to perform the essential functions of the employee's former job, with or without reasonable accommodation. If the employee's job has been filled or if the employee's medical restrictions are inconsistent with the employee's former job, the employee will be considered for any

open job for which he or she is qualified. If there is no open job for which he or she is qualified, then the employee will remain on an unpaid leave of absence after all accrued leave is exhausted. During this time, the employee shall periodically report to his or her supervisor to determine if there are new openings for which they may qualify. Under the City's automatic termination policy, employment will end automatically after an absence of six consecutive months, regardless of the reason for the absence. After an employee is terminated under the automatic termination policy, he or she may later reapply for any open position for which he or she is qualified.

An employee shall forfeit all rights to any injury leave benefits if the employee works, either part-time or full-time, for pay for any other person, including self-employment, while on city injury leave; the employee resigns for any reason while receiving injury leave; the employee is discharged for any reason; the employee retires or dies; the employee fails or refuses to comply with or follow, or disregards or violates the treating physician's instructions regarding treatment and/or rehabilitation of the injury; the employee refuses to perform light, partial or part-time duty when offered by the Division Director and which does not require him or her to perform activities that are restricted by his or her treating physician; the employee falsifies or misrepresents his or her physical condition or capacity; the employee refuses to return to duty on the working day that he or she is released to duty by the treating physician; the employee fails to submit an acceptable physician's statement when requested by his or her supervisor; and/or the employee has been injured as a result of his or her failure to observe safety policies, procedures, or instructions as determined by the employee's Division Director.

8.13 Jury Leave

The City provides paid leave to regular full-time and regular part-time employees required to serve on jury duty or requested to testify as a witness by the City in a City-related civil, criminal, legislative, or administrative proceeding. Court appearances for testimony, investigation, and court preparation as a result of official duties as a City employee (e.g., police, inspections, animal control, etc.) are compensated as actual hours worked and are not classified as paid leave. In all other cases, employees are required to schedule accrued personal, holiday or compensatory leave; otherwise a nonexempt employee's time off to testify will be considered a leave without pay.

The employee must provide documentation of the requirement for jury duty, subpoena compliance, etc., with the leave request. Employees must submit a copy of the jury duty summons, along with supporting documentation to their supervisor as soon as possible so that arrangements can be made to accommodate the absence.

An employee who is on jury duty typically must report for City duty for the remainder of the day upon completion of court or jury service, or request approval for use of other available paid time off. Any payment for jury duty received by the employee may be retained by the employee.

Jury duty leave is paid at the employee's base rate at the time of leave and does not include overtime or any other special forms of compensation.

8.14 Voting Leave

Employees are encouraged to exercise their right to vote in elections. If the polls are not open on election day for voting for two consecutive hours outside of the employee's working hours, the employee will be permitted reasonable time to vote during the working hours.

Upon ten (10) days notice to the supervisor, employees will be granted time off to attend a precinct convention or a county, district, or state convention to which the employee is a delegate. Time may be charged to personal leave, accrued compensatory time, or leave without pay for the period of time missed.

8.15 Catastrophic Leave

Upon the written recommendation of a Director, the City Manager may grant leave with pay to an employee when an illness or injury incapacitates the employee or his/her immediate family member and such incapacity requires that the employee take time off from work for an extended period of time. In no event shall any employee be entitled to more than 160 hours catastrophic leave for any one incident; further, in no event shall any employee be entitled to catastrophic leave for more than three separate incidents during their employment with the City.

8.16 Pandemic Event Leave Policy; Administrative Leave With or Without Pay

(a) Notwithstanding other provisions contained in this "Employee Personnel Policies and Procedures Handbook," when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the "Pandemic Event Leave Policy," attached as Exhibit B, shall take effect. The goal of the "Pandemic Event Leave Policy" is to allow the City Manager the flexibility to adjust scheduling, pay, leave, working conditions, and telecommuting, in order to help sick employees recuperate from illness, allow employees to work from home for their safety, and allow employees to care for dependents or sick relatives, while maximizing the continuity and effectiveness of city government. The "Pandemic Event Leave Policy" shall remain in effect until the City Manager determines that the emergency or potential emergency is no longer a threat to the organization and the city employees, unless sooner terminated by the city council.

(b) Directors may grant special leaves of absence without pay for periods not exceeding two (2) weeks subject to approval by the City Manager. The City Manager may grant special leaves of absence with or without pay for periods not exceeding two (2) weeks, for extenuating circumstances. No leave will be granted under this policy, however, for the purpose of enabling employees to accept outside employment. There shall be no accrual of benefits while on leave without pay.

(c) Police and Detention Officers – in accordance of the Local Government Code Chapter 180; the following policy will be followed as it relates to Police Officers and Detention Officers

Definitions:

(1) "Detention Officers" means an individual appointed or employed by for the care and

custody of individuals incarcerated in a county or municipal jail.

(2) “Health Authority” has the meaning assigned by section 121.021, Health and Safety Code.

(3) “Peace Officer” means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by a City.

Conditions.

The paid leave and benefits provided by this policy are only available to an employee who is ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty by his or her supervisor or the county health authority. Quarantine and isolation benefit periods shall follow the most current guidance from the Centers for Disease Control (CDC) or the county public health authority. The City reserves the right to require proof of such an order and deny paid leave or benefits if an employee fails to provide proof within a reasonable time.

If ordered to isolate or quarantine under this policy, the employee must remain in their home (isolation) or wear a mask (quarantine) as indicated by the CDC guidelines. Failure to follow those guidelines may result in disciplinary action, up to and including termination.

Benefits.

If an employee is ordered to quarantine or isolate under the conditions set above, the employee will receive all employment benefits and compensation for the duration of the leave, including paid leave accrual, pension benefits, and health benefit plan benefits that the employee would customarily be provided on paid leave.

Reimbursement for Expenses.

If an employee is ordered to quarantine under the conditions stated above, the employee may request reimbursement for reasonable costs related to the quarantine, including lodging, medical treatment and transportation, as outlined below by submitting a reimbursement request to the department director within three (3) days after returning from the leave ordered under this policy. The City may require that receipts or proof of payment be submitted with the request and reserves the right to deny any request that it deems unreasonable or unrelated to quarantine.

Allowed reimbursements are as follows:

1. Lodging at a motel within 10 miles of the city limits at a rate not to exceed \$75 per day for up to five days if ordered by the City to quarantine or isolate at a location other than the employee’s own residence.
2. Transportation to a medical or testing facility up to \$25 per appointment or mileage reimbursement at the IRS mileage reimbursement rate if ordered by the City to use transportation other than a city-owned vehicle and/or the employee’s own personal vehicle.
3. Medical treatment is covered by the City’s insurance for eligible employees and therefore will not be reimbursed.

Effect on Paid Leave Balances.

The City will not reduce an eligible employee’s sick leave, vacation leave, holiday, or other paid leave balance for quarantine under this policy.

8.17 Physical Incapacity

If the Department Director and the Director of Human Resources, based on the assessment of a medical doctor licensed to practice in the State of Texas, determines that an employee is not able to perform the required physical duties or tasks of his or her present position with or without reasonable accommodation (regardless of whether the incapacity is due to on the job injuries, off the job injuries, or illness), then that employee will not be returned to his or her full duty with the City until a medical doctor states in writing that the employee is able to perform all the required and essential physical tasks or duties of the position with or without reasonable accommodation.

If a job vacancy exists during the 180 calendar days that the employee is qualified for and can physically perform, the City Manager shall offer the employee that position. The employee has the choice to either accept or decline the offered position.

- 1) If the offer is accepted, it is recognized and understood that the employee may have to take a reduction in salary.
- 2) Any employee so reassigned will be compensated at a pay rate in the pay range of the position to which the employee has been reassigned.

8.18 Modified Duty; Absence Rule; Reinstatements; COBRA

The City may modify duty assignments available to ill or injured employees who are unable to perform their regular job duties. The decision to offer an employee a modified duty assignment is made in the City's sole discretion. A modified duty assignment may be in the employee's own or another department in the City. Factors considered by the City in making its decision include, but are not limited to: the nature of the employee's illness or injury; the medical release provided in support of modified duty; the risk that a modified duty assignment may result in aggravation of the employee's injury or illness; the type of modified duty work available; the length of the employee's employment with the City; the employee's performance and disciplinary history; and whether the illness or injury occurred on or off duty. In making modified duty assignments, the City will normally give priority to employees whose injury or illness is work-related.

Employees who are released for and given a modified duty assignment may not perform work duties in violation of their medical release. An employee, who violates the terms of the medical release while on a modified duty assignment may lose the modified duty assignment and, in addition, may be disciplined up to and including termination of employment.

Modified duty will not normally extend beyond sixty (60) calendar days without an evaluation by the employee's treating physician and a recommendation from the Department Director of Human Resources to the City Manager. Only the City Manager may approve an extension of a modified duty assignment. Employees still unable to return to regular duty within sixty (60) calendar days from the approval of modified duty must re-qualify for modified duty through evaluation by their treating physician or revert to workers' compensation indemnity payment, accumulated sick leave, administrative leave, or personal leave benefits, if available.

An employee who is released for and offered modified duty by the City, but who elects not to accept such an assignment, will be ineligible for paid sick leave benefits under the City's Sick Leave policy and salary continuation benefits under workers' compensation.

During a modified duty assignment, employees will typically work an 8-hour workday, Monday through Friday. This means that 24-hour shift employees, as well as other employees who work a non-traditional schedule, will usually be temporarily reassigned to an 8-hour workday, Monday through Friday, for the duration of their modified duty assignment. No employee on modified duty will work overtime.

An employee's salary during any modified duty assignment shall be at the same rate as the salary received prior to the injury.

All modified duty requests and assignments will be reviewed by and coordinated through the Director of Human Resources. The Director of Human Resources will work with the employee's department in making its decision whether modified duty work will be offered. Before returning to regular job duties following a modified duty assignment, the employee must provide a full release from the physician to return to work and coordinate the return through the Director of Human Resources.

Absences. An employee who is unable to return to full duty status with or without a reasonable accommodation within 180 days may be separated for incapacity.

If an employee does not perform actual work for the City for a period of 180 calendar days, the employee shall be deemed to have forfeited his or her position unless such termination is contrary to applicable federal or state law (e.g., military leave). A person in this status may apply for positions with the City for which he or she is qualified and physically able to perform. An employee who is unable to return to work in full duty status within six months of an injury may be separated for incapacity.

Reinstatements. In the event a former employee is rehired within 180 calendar days after their date of termination, the employee will retain the seniority the employee had achieved for purposes of longevity pay and leave accruals. The rate of pay will be determined based on the pay scale classification for the new position.

COBRA. To the extent not otherwise required by state or federal law, once an employee has exhausted his or her accrued leave benefits, the employee shall no longer be paid a salary or wages by the City, and the employee shall no longer accumulate sick leave or annual leave. The employee may continue to receive his or her worker's compensation benefits and may retain the City's health insurance if he or she pays the rate as established by the City under the Consolidated Omnibus Budget Reconciliation Act (COBRA.). Such coverage shall be limited to the minimum lengths of time established by COBRA.

COBRA is a federal law that requires most employers who sponsor group health plans to offer employees and their families the opportunity to temporarily extend their group coverage at group rates in certain instances where coverage under the employer's group health plan would

otherwise terminate. The employee is responsible for paying for the cost of any such continuation coverage.

Under COBRA, employees may elect COBRA continuation coverage for up to 18 months after termination of employment (unless the employee is terminated due to gross misconduct), or if an employee's hours are reduced to such an extent that the employee no longer qualifies for participation in the group health plan. Under other circumstances, COBRA coverage is available for up to 36 months following a qualifying event. Employees must notify the City within 60 days of the occurrence of the employee's legal separation or divorce and of a covered dependent ceasing to qualify as a dependent under the medical plan.

Detailed COBRA notices are given to employees when an employee becomes eligible for participation in the City's group health plan and again when a qualifying event occurs. For more complete information on COBRA and your health plan, you should review your summary plan description or review a copy of the full health plan at city hall.

8.19 Breaks

The City allows rest breaks as authorized by an employee's immediate supervisor during the course of each work day to prevent undue fatigue and comply with applicable laws.

Rest Break Conditions. As authorized, an employee is allowed a paid rest break of up to fifteen (15) minutes for each four (4) hours of work that is not interrupted by a meal period. Time spent on rest breaks will be compensated as hours worked. An employee is expected to be punctual in starting and ending breaks and will be subject to disciplinary action for tardiness.

Meal Periods. Full-time employees (excluding most Police Department employees) are normally provided a one-hour unpaid meal break near the middle of the workday. Meal periods may be staggered by the Department Director in order to minimize departmental interruption. Supervisors will provide employees with the starting and ending times for their specific meal periods. Employees will be relieved from work responsibilities during unpaid meal breaks. Employees may not extend meal breaks beyond their assigned period.

Lactation Breaks. Non-exempt employees who are nursing are provided with reasonable break time to express breast milk for up to one year after the birth of a child as long as providing such break time does not unduly disrupt operations. Employees will not be retaliated against for exercising their rights under this policy.

Supervisor Responsibility: Supervisors are responsible for scheduling the time for employee rest and lactation breaks and should take into consideration the work load and nature of the job performed. Whenever necessary, the supervisor may change the frequency and length of rest breaks.

Practices Not Permitted: The following practices are not permitted uses of rest breaks:

- combining two daily breaks into one thirty (30) minute rest break;
- "banking" rest period time from day to day;

- saving rest period time to extend lunch periods or shorten the scheduled work day; or
- requesting compensatory time off or overtime pay for work performed during rest period time.

8.20 Certification Pay

In addition to regular pay, certification pay is available to all certified police officers as authorized by the City Council, as follows:

Certification	Annual Certification Pay
Intermediate	\$ _____
Advanced	\$ _____
Masters	\$ _____

An eligible employee should be paid only for the highest level of certification held.

In addition to regular pay, certification pay is available to utility employees who accomplish classification levels based on certain testing requirements and qualifications as follows:

Wastewater Treatment		Collection Systems		Waterworks	
Class A	\$ _____	Class I	\$ _____	Class A	\$ _____
Class B	\$ _____	Class II	\$ _____	Class B	\$ _____
Class C	\$ _____	Class III	\$ _____	Class C	\$ _____
Class D	\$ _____			Class D	\$ _____

Annual certification pay amounts will be divided by 26 and paid during normal pay periods.

8.21 On-Call/Call Back Compensation

The City provides for after-hour service needs by allowing some departmental operations to designate certain nonexempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their Department.

Return to work provisions. After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back (via paging, phone, or radio) within designated guidelines set by their Department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the Department.

Compensation. On-call status is not considered time worked and is not compensable unless the employee actually responds to a call back. On-call employees called back to the workplace will be paid at their regular rate of pay for actual hours worked and guaranteed a minimum of two (2) hours pay for each call-back within the same 24 hours after their regularly scheduled working hours or on a regular day off. Time worked immediately after regularly scheduled working hours at the request or approval of the supervisor will not be considered call-back and is paid at the employee's regular rate of pay until overtime requirements are met. Continuing work on a call-back that extends beyond the 2-hour minimum and into a day off does not entitle the employee to additional premium pay. Travel time to and from a call-back is compensable under this policy, in accordance with departmental policy. On-call employees who do not return to the workplace but who handle a workplace issue by phone will be paid for actual time spent on the phone. In all cases, employees must report their actual hours worked on their time sheets.

Employees exempt from overtime are not eligible for compensation under the provisions of this policy.

Departmental Policies. Each Department has its own internal procedures for handling on-call services. Departments may establish guidelines for varying levels of response to call-back situations depending upon the nature and importance of the services to be completed.

8.22 Payroll Deductions

The following deductions are authorized for payroll deductions:

- (1) Social security contributions;
- (2) Income withholding taxes;
- (3) Medicare contributions
- (4) Contributions to the Texas Municipal Retirement System;
- (5) Presently authorized medical insurance premiums;
- (6) Presently authorized "other insurance" premiums;
- (7) United States savings bonds;
- (8) Contributions to an individual retirement annuity or deferred compensation plan;
- (9) Association or Union dues; and
- (10) Required child support payments

No other payroll deduction privileges are authorized at this time and no future payroll deduction privilege will be granted without the approval of the City Manager, except as otherwise provided by law. A reasonable administrative fee may be collected as authorized by law.

8.23 Performance Management Process

The City uses a thorough performance management process for assisting supervisors in communicating job expectations, measuring the employee's level of past performance, recognizing employee achievements and exemplary performance, and strengthening the supervisor-employee relationship. The performance management process provides necessary information for management decisions including career development and training, assignments,

advancements, transfers, disciplinary actions, retention, compensation, etc. The purpose of the performance management process as outlined herein is to achieve optimum employee performance resulting in outstanding citizen service.

Schedule. Regular full and part-time employees hired are eligible for:

- A performance review after six (6) months of their initial orientation period; and
- Annual performance evaluation before the end of the fiscal year (September 30).

Newly transferred or promoted employees who are serving their initial orientation period shall also receive periodic evaluations during their orientation period.

Department Directors and Council appointees are not governed by the above schedule. The City Manager's office establishes a performance evaluation system for Director-level positions. The City Council establishes a performance evaluation system for Council appointees.

Supervisory Responsibilities. All performance evaluation information must be written where required and forwarded to the Director of Human Resources for retention in the employee's official personnel file. An evaluation is considered complete at the time the employee signs and dates the evaluation document or the supervisor and/or Department Director has a witness acknowledge the employee's refusal to sign the evaluation document.

Supervisors will strive to clearly communicate all elements of job performance, key result areas, performance standards, measures, goals, strengths and areas of development needed by completing the Employee Development Area. Each employee will sign and date a copy of the Performance Evaluation when it is reviewed, and the supervisor will forward a copy to the Director of Human Resources for filing in the employee's official personnel file and provide the employee a copy.

Department Directors are expected to ensure compliance with this policy and ensure that evaluating supervisors and managers under their direction are adequately trained in the performance evaluation process. Department Directors and/or mid-level managers are encouraged to review all Performance Evaluation documents for validity prior to the department supervisor conducting the performance evaluation with the affected employee, in order to correct any obvious errors or rating bias.

Director of Human Resources Responsibilities. The Director of Human Resources will review all evaluation documents for obvious errors and return them to the Department Directors for any clarifications or procedural corrections. The Director of Human Resources is responsible for maintaining original evaluation documents in the official personnel files.

Employee Responsibilities. Employees are expected to be knowledgeable of their essential job functions and key result areas and maintain established performance standards and requirements as outlined. Employees are encouraged to address issues and concerns regarding their annual performance evaluation with their evaluating supervisor. If the employee is unable to resolve

issues and concerns with the evaluating supervisor, the employee may address them with the Department Director; if the Department Director is the evaluating supervisor, the employee may go to the City Manager to address concerns.

8.24 Telephone Contact

All supervisory personnel and service personnel must have a telephone number at which they can be reached during off-duty hours. This can be a cell phone or a land line telephone.

No reimbursement shall be made to the employee for the City's use of such employee's private telephone to contact the employee regarding work related matters.

All employees must immediately notify supervision of any change in phone number(s), and provide a phone number for a secondary contact, i.e., spouse, parent.

8.25 Police Officer 7(k) Exemption

Notwithstanding the foregoing, the City has adopted the "7(k) exemption" of the Fair Labor Standards Act (FLSA) and provides for a maximum 86 hour pay period for police officers. Any and all of the rules and regulations contained herein still apply where not in conflict with this section 8.23. If there is any conflict between this section and the general rules and regulation of this Handbook, this section 8.23 shall prevail.

FLSA: The FLSA requires that all covered nonexempt employees be paid overtime pay at no less than time and one-half their regular rates of pay for all hours worked in excess of 40 in a workweek. Section 7(k) of the FLSA provides that employees engaged in law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 171 (police) as the number of days in the work period bears to 28. For example, law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

Work week: For most non-exempt employees, the City's work period is defined as the seven (7) days period beginning at 12:01 a.m. Monday and ending at midnight Sunday. For non-exempt fulltime paid police officers, the work period shall be a 14-day period beginning Monday at 12:01am and ending at midnight Sunday. Overtime worked will be paid the next pay period after being earned. Police officers shall receive overtime after 86 hours worked during a 14-day work period.

Holidays: Most non-exempt employees working on city holidays are compensated at straight time plus 8 hours, unless the employee has already worked 40 hours in that pay period. For purposes of administering the 14-day work period, police officers will be compensated for working city holidays at straight time, unless the hours worked result in more than 86 total hours

in the work period. Holiday compensation will be provided through an hourly holiday bank system.

Holiday bank system: For most non-exempt employees, holidays are accumulated on a monthly basis but for purposes of administering the 14-day work period, police officers will be provided “front loaded” holiday hours allocated in advance, which must be taken as follows:

This holiday leave must be taken as follows:

- 32 hours between January 1 to April 30
- 32 hours between May 1 to September 30
- 40 hours between October 1 to December 31

If an employee fails to take the holiday leave between the above scheduled times, the employee will lose the right to take the leave.

Employees will start to accrue holiday leave after their initial hire date. Holidays prior to the initial hire date will not be counted as leave.

Benefit time use will be hour for hour (Example: 24-hours taken off would require 24-hours of vacation/holiday to be used).

8.26 Mental Health Leave

PURPOSE

The purpose of this policy is to provide guidance in accordance with Texas Government Code Chapter 614, Section 614.015 regarding the use of Mental Health Leave for authorized peace officers employed by the City of Manvel.

DEFINITIONS

“Peace Officer” means police officers licensed by the Texas Commission on Law Enforcement and employed by the City of Manvel.

“Traumatic event” – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident.

Traumatic events may include, but are not limited to, the following:

1. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
2. Incidents involving multiple casualties which may include shootings or traffic accidents;
3. Line of duty death or suicide of a department member;
4. Death of a child resulting from violence or neglect;
5. Officer(s) involved shooting of a person.

6. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.
7. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

Requesting Mental Health Leave

An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that he or she seek mental health leave and the assistance of a mental health professional.

Confidentiality of request

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline.

Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to himself or herself or others and department personnel must confer with mental health professionals.

Duration of Mental Health Leave

An officer directly involved in a traumatic event may request up to three (3) working days of mental health leave which is equivalent to 36 hours.

Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three (3) working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension.

IX. EDUCATION INCENTIVES AND OTHER BENEFITS

9.01 Education Incentives

City employees who are interested in continuing their education in a job-related field may be eligible for tuition reimbursement payments in accordance with the following policies.

The employee must inform the City Manager, in advance, of the specific courses the employee will take and the specific school, college or university to be attended. Each “online” class must be expressly pre-approved.

It will be the employee's responsibility to register and successfully complete the course(s) with a grade of "B" or better on each course taken.

Tuition reimbursement payments for employees will be subject to the following limitations:

- 1) The City will not pay for more than six semester hours per semester per employee;
- 2) Payments will be limited to tuition only;
- 3) The City will not make payments for any fees (e.g. student lab, etc.), I.D. cards, books, parking permits, travel expenses unless specifically authorized in writing by the City Manager;
- 4) No employee may receive both City tuition payments and G.I. Bill benefits for the same schooling;
- 5) No employee may receive City tuition benefits for courses not directly related to a major approved by the individual's Director and the City Manager. The course must be for bona fide purpose of preparing the employee for advancement through upgrading the employee to a higher skill level and not directly related to the employee's current job;
- 6) The tuition reimbursement will be paid to the student after the completion of the course with documentation that the course was successfully completed with a grade of “B” or better. No tuition reimbursement payment will be made to the student if the course was not successfully completed or a grade lower than “B” was received for the course;
- 7) No payments will be made for courses enrolled in by an employee who has worked for the City less than six months at the time of enrollment unless an exception is approved in writing by the City Manager; and
- 8) Any employee who resigns or retires within one year of receiving tuition reimbursement for a course or courses at the City's expense will be liable for repayment of the City payment(s).

X. CONDUCT; RATIONALE FOR DISCIPLINE; GROUNDS FOR DISMISSAL

10.01 General Rules for Conduct

To ensure orderly and productive operations and provide the best possible work environment, the City requires employees to follow rules of conduct that will protect the interests and safety of the City, its citizens and employees.

Progressive Discipline: In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct, the employee's work performance and prior disciplinary history, the employee's length of service, and any mitigating circumstances. At-will employment status is not affected by the progressive discipline process. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following:

- oral warning
- letter of counseling
- written reprimand
- probation
- suspension (without pay)
- demotion
- last chance agreement
- discharge

Documentation: All forms of discipline, other than oral warnings, must be documented and will be placed in the employee's personnel file. In the event an employee is to be discharged, the supervisor shall forward a copy of the documentation to the Director of Human Resources for review, who shall forward a copy of the dismissal to the City Manager. The Supervisor will also make a recommendation concerning the possible rehiring (or not rehiring) of the person in the future.

Supervisory Responsibility: All employees with the responsibility and authority to supervise and direct employees under their control shall administer policies and procedures within their scope of authority; document their subordinates' job performance, conduct, and behavior as appropriate; properly conduct evaluations of subordinates in a timely manner; discipline their subordinates as required under their departmental and/or City policies and procedures as well as address performance appeals submitted to them as provided by policy in a professional manner, in an attempt to resolve such issues at the lowest possible supervisory level.

Review by Director of Human Resources: Any proposed disciplinary action in excess of an oral warning must be reviewed by the Director of Human Resources prior to being given to the employee. This applies to both employees serving in the initial orientation period and regular employees that have completed the initial orientation period.

Appeal Rights: Where a disciplinary action involves a suspension of 1 day (or 1 shift) or more, demotion and/or termination, the employee will normally be given an opportunity to respond to the allegations prior to disciplinary action being taken. (See Employee Grievance Policy). However, positions classified as Director level and above are employed at the will and pleasure of the City Manager, with the concurrence of the City Council, and have no right of appeal for any type of disciplinary action, including termination. Employees serving the initial orientation period have no right of appeal for disciplinary action taken against them.

Prohibited Activities: Disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, acts which are not specifically addressed in policies and procedures, codes of conduct, and rules and regulations, yet may adversely affect the City or put the health and safety of fellow employees, citizens or other third parties, at risk, may also result in disciplinary action. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. The following are some examples of conduct that will likely result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or use of City property or other property not belonging to the employee
- Falsification of timekeeping or other records, including employment application
- Working under the influence of or a presence in the system of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City owned equipment
- Violation of City's policy regarding sexual or other unlawful harassment
- Interfering with work schedules or another employee's ability to work
- Misuse of City telephones, computers, mail systems, internet, etc.
- Excessive or unscheduled absenteeism, tardiness in reporting for work or returning from lunch and breaks or absence without notice and/or approval
- Breaks in excess of the allotted time allowed
- Violation of tobacco use policy
- Violation of safety or health rules and failure to immediately report an on the-job injury/accident
- Profanity, abusive language, or racial slurs
- Unauthorized disclosure of confidential information
- Violation of any provision of the City Charter
- Violation of City or departmental policies, codes of conduct, rules and procedures
- Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others
- Making or publishing false, vicious, or malicious statements about the City, or a City employee or citizen, or others
- Unsatisfactory performance or conduct
- Inefficiency, incompetence or neglect of duty
- Fighting, provoking or instigating a fight, or threatening violence
- Disruptive activity in the workplace
- Engaging in a work stoppage

- Conduct which results in waste or damage of a coworker's, City, or citizen-owned property
- Insubordination or other disrespectful or unprofessional conduct
- Discourteous treatment of the public
- Possession of weapons on City time, City premises, or while on City business (except for licensed peace officers required to carry a weapon as part of their job duties or employees with concealed handgun license with permitted weapon locked in their personal vehicle)
- Violation of local, state or federal law
- Conviction of a felony, including reasonable belief employee has committed a crime under Texas Penal Code or Class A or B misdemeanor involving moral turpitude, or repeated conviction of Class C misdemeanor charges, or any crime
- Failure to timely return to work upon conclusion of authorized leave or disciplinary suspension
- Outside employment that conflicts or potentially conflicts with City interests
- Acceptance of payment of any kind for activities related to City Employment
- Failure or refusal to follow lawful orders
- Sleeping on the job
- Dishonesty, including misrepresentation during the hiring process
- An accumulation of minor infractions

Disciplinary Meeting: A disciplinary meeting will be scheduled prior to the imposition of a disciplinary suspension of 1 day (or 1 shift) or more, demotion or termination. The Department Director, the affected employee, the Director of Human Resources and anyone else deemed necessary by the Department Director typically attend the disciplinary meeting. During the meeting, the affected employee will be given an opportunity to present an explanation of the conduct leading up to the proposed disciplinary action. Employees will be given advance notice of the meeting. Employees may, in the City's sole discretion, be placed on administrative leave prior to, during, or after the disciplinary meeting. The employee will be notified of the City's determination following the meeting.

Administrative Leave: During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay, and may be charged to available accrued leave if authorized by the City Manager.

10.02 Outside Employment

City employees may engage in outside or self-employment provided they receive prior written approval from the City Manager.

Employees may not accept outside or self-employment that conflicts with the effective performance of the employee while on duty with the City, or conflict in any way with the best interests of the City. Other outside activities, such as volunteer activities, that might similarly distract from an employee's ability to perform the job with the City are also prohibited.

By accepting and performing outside or self-employment, the employee waives all rights to sick leave, or any other time off, in the event such employee is unable to perform the duties as an employee of the City because of accident, injury, or illness resulting from travel to or from, or performance of another job. Further, an employee will not be covered by the City's workers' compensation insurance while working for another employer or while self-employed unless the employee is required to perform official City employment activities while engaged in such outside or self-employment.

Approval for outside or self-employment as set out in this policy does not authorize an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, to engage in any outside or self-employment. Under no circumstances may an employee on sick leave, disability leave, injury leave, workers' compensation leave, or an unpaid leave of absence, engage in outside or self-employment, as defined in this policy, unless expressly authorized in writing by the Department Director and the Director of Human Resources.

For purposes of this policy, outside or self-employment includes a job, activity, or enterprise (including self-employment) which constitutes a form of employment or business outside the responsibilities of employment with the City. This policy is not intended to cover volunteer work with a non-profit organization, such as United Way, Girl Scouts, American Heart Association, faith-based activities or similar activities where compensation is neither expected nor paid in the ordinary course of operations.

10.03 Incident Reports

An employee shall immediately report to his or her supervisor any incident that involves either (1) personal injury to any person, or (2) any damage or loss to City property or the property of others.

The employee's supervisor shall notify the Division Director or City Manager immediately of any incident that involves personal injury to the employee or any other person.

An employee and the employee's supervisor shall reduce the above reports of personal injury or damage of property to writing within one (1) working day of the incidents and send the reports to the Division Director and the Director of Human Resources.

10.04 Arrests, Confinements and Indictments

City employees are subject to disciplinary action and/or job restrictions for violations of law. This policy applies to acts prohibited by law that result in charges being filed, arrest, confinement, indictment, and/or conviction, as well as to acts prohibited by law not resulting in charges filed, arrest, confinement, or indictment.

Employee Detained by Law Enforcement Authorities: An employee that is questioned by law enforcement authorities and not free to leave is considered to be "detained." A detained employee, who fails to report to work at the employee's regularly scheduled time, and/or provide

timely notification to the supervisor, will be subject to disciplinary action for unauthorized absence. Employees are to contact their immediate supervisor at the beginning of the next work shift after being detained by law enforcement authorities, including traffic stops, to report the detainment, arrest, confinement or indictment and reason. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. If the employee is unable to report to the supervisor because of confinement, the employee must have someone contact the supervisor for the employee, no later than the beginning of the next scheduled work shift, to report why the employee is unable to report to work.

Violations of Law Discovered through Criminal History Check: The City may conduct criminal history checks on existing employees at any time during their employment, for any reason. Conduct constituting an offense, arrest or conviction that is discovered, and that adversely affects their ability to perform their job, may result in disciplinary action, up to and including termination.

Exempt Employees: Depending on the circumstances of the arrest, confinement, or indictment, the salary or the leave accruals of an exempt employee may be docked for absences of less than one (1) full work day.

Non-exempt Employees: If a non-exempt employee does not report to work as scheduled, the time missed will be recorded as unpaid leave.

Felonies and Misdemeanors: Employees must immediately notify their supervisor and/or Department Director within twenty-four (24) hours if they are arrested, charged, indicted, convicted, receive deferred adjudication, or plead nolo contendere to any misdemeanor or felony. Employees who do not drive as a part of their job duties with the City are not required to report minor traffic violations. In most instances, the City will conduct its own investigation and take appropriate action. An employee arrested, charged, or indicted for a felony or misdemeanor, or accused by information of official misconduct or other serious criminal violation may be placed on administrative leave (with or without pay) until the charge, indictment or information is dismissed or fully adjudicated without trial, and if tried, until the trial and appeal (if any) are completed and all related administrative matters are concluded. Such a determination will typically be made by the Department Director and the Director of Human Resources. An employee on administrative leave may, in the City's sole discretion, be reinstated to the position held before being placed on administrative leave (if available), if the indictment or information is dismissed, the employee is acquitted, or the conviction is reversed on appeal.

Employee Status after Violation of Law: At the time the employee's department is made aware of an employee's arrest or conduct constituting an offense that may conflict with their ability to perform their job, the Department Director shall consult with Human Resources to determine available options which may include, but are not limited to:

- allowing the employee to return to regular duty with pay;
- allowing the employee to return to restricted duty with pay;
- placing the employee on paid administrative leave;
- placing the employee on unpaid administrative leave; or
- terminating the employee.

Disciplinary Action: Disciplinary action may be pursued concurrently or in place of the above options or imposed at a later date. Multiple violations of law or confinements within a prescribed time period may also result in disciplinary action.

Other Policies: This policy should not be construed to limit disciplinary action that may be taken in accordance with other Personnel Policies and Procedures, department policies, or other city-wide policies.

10.05 Code of Conduct

A. Conflict of Interests - Without prior written approval by the City Manager no employee of the City may:

- i. Have any financial or other interest, directly or indirectly, in any proposed or existing contract, purchase, work, sale or service to, for, with or by the City and its related entities;
- ii. Use City employment, authority, or influence in any manner for personal betterment, financial or otherwise;
- iii. Have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or services;
- iv. Have discussions or participate in decisions of any City agency, board, commission or instrumentality if the employee has any personal economic interest or is employed, directly or indirectly, by the person or entity that is the subject of the discussion or decision;
- v. Accept other employment or engage in outside activities incompatible with the performance of duties and responsibilities as a City employee or that might impair independent judgment in the performance of duties to the City, or
- vi. Accept remuneration or provide services for compensation, directly or indirectly, to a person or organization requesting an approval, investigation, or determination from the City.

B. Bribery - No employee of the City may accept or agree to accept:

- i. Any benefit as consideration for a decision, opinion, recommendation, vote or other exercise of discretion as a city employee;
- ii. Any benefit as consideration for a decision, vote, recommendation or other exercise of official discretion in a judicial or administrative proceeding;
- iii. Any benefit as consideration for a violation of a duty imposed by law on a city employee; or
- iv. Any benefit that is a political contribution in violation of state law.

C. Acceptance of Gifts – No employee of the City may:

- i. solicit, accept, or agree to accept any benefit from a person the official or employee knows is subject to regulation, inspection or investigation by the official or the city.
- ii. solicit, accept, or agree to accept any benefit from a person with whom the official or employee knows litigation is pending or contemplated by the official or the city.
- iii. (for a city employee who exercises discretion in connection with contracts, purchases, payments, claims or other pecuniary transactions of government) solicit, accept, or agree to accept any benefit from a person the official knows is interested in or likely to become interested in any contract, purchase, payment, claim or transaction involving the exercise of his discretion.
- iv. (for a city official or employee who has judicial or administrative authority, is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision) solicit, accept, or agree to accept any benefit from a person the official or employee knows is interested in or likely to become interested in any matter before the official/employee or tribunal.
- v. The above does not apply to:

Fees prescribed by law to be received by the city employee or any other benefit to which the employee is lawfully entitled and for which he has given legitimate consideration;

Gifts or other benefits conferred on account of kinship or personal, professional or business relationships independent of the employee's status with the city;

Certain honorariums in consideration of legitimate services; or

Benefits consisting of food, lodging, transportation or entertainment accepted as a guest and reported as required by law;

D. Tampering with governmental records – No employee of the City may make a false entry in, or false alteration of, a governmental record, or to make, present or use any record, document or thing with knowledge of its falsity with the intent that it be taken as a genuine governmental record, or to intentionally destroy, conceal, remove or otherwise impair the verity, legibility or availability of a governmental record.

E. Misuse of official information - No employee of the City may:

- (i) in reliance on information to which an employee has access by virtue of their employment, and that has not been made public:

- a. acquire or aid another to acquire a pecuniary interest in any property, transaction, or enterprise that may be affected by the information;
 - b. speculate or aid another to speculate on the basis of the information; or
 - c. coerce another into suppressing or failing to report that information to a law enforcement agency.
- (ii) with intent to obtain a benefit or with intent to harm or defraud another, disclose or use information for a nongovernmental purpose that:
 - a. the employee has access to by means of his employment; and
 - b. has not been made public.

F. Official Oppression; Abuse of Official Capacity –

- (i) It shall be a violation for a city employee, acting under color of his employment, to intentionally subject another to mistreatment or to arrest, detention, search, seizure, dispossession, assessment or lien that he knows is unlawful, to intentionally deny or impede another in the exercise or enjoyment of any right, privilege, power or immunity, knowing his conduct is unlawful, or to intentionally subject another to sexual harassment.
- (ii) It shall be a violation for a city employee, with intent to obtain a benefit or with intent to harm another, to intentionally or knowingly violate a law relating to his office or employment or to misuse government property, services, personnel, or anything of value belonging to the government that has come into his custody or possession by virtue of his office or employment.

G. Political contributions to city campaigns. City employees are prohibited from making any contribution to the campaign fund of any person seeking election to a city office or to any political party supporting a candidate to a city office.

H. Gift in favor of appointment. Persons seeking appointment to or promotion in the administrative service of the city are prohibited from directly or indirectly giving, rendering or paying any money, service or other valuable thing to another for or on account of or in connection with his appointment or promotion, or any examination conducted therefor.

Violations of this policy may result in disciplinary action. Employees should direct questions regarding the prohibitions imposed by this policy to your Department Director, the Director of Human Resources, or the City Manager's office.

XI. DRUG AND ALCOHOL POLICY; COMMERCIAL DRIVERS

11.01 Purpose and Scope of Drug and Alcohol Policy

It is the desire of the City to provide an alcohol and drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.

Tobacco and Vaping Use Prohibited. The use of all tobacco and vaping products (including smokeless) inside city-owned or leased buildings and city-owned or leased vehicles or equipment is prohibited. Additionally, smoking and vaping are prohibited within 25 feet outside entrances, exits, wheelchair ramps (serving any entrance or exit), operable windows, and ventilation systems of enclosed areas where tobacco and vaping use is prohibited, so as to ensure that smoke and vapors do not enter those areas.

Any employee who violates this policy is subject to discipline, up to and including termination.

Prohibition Against Alcohol and Illegal and Unauthorized Drugs. While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except possession under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.

The use of alcohol by a City employee during a business lunch is prohibited even though the person with whom the employee is having lunch may be consuming alcohol. Further, an employee on duty or conducting City business, including City-related business entertainment, may not drive his or her own personal vehicle while under the influence of alcohol. No employee in his or her work-related capacity should ever be impaired because of the excessive use of alcohol. Absent specific approval by the City Manager, City employees may not bring alcoholic beverages on City premises, including parking lots adjacent to City work areas, and may not store or transport alcohol in a City-owned or leased vehicle.

Prohibition Against Illegal and Unauthorized Drug-Related Paraphernalia. This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

Permissive Use of Prescribed and Over-The-Counter Drugs. The legal use of prescribed and over-the-counter drugs is permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased

vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, drowsiness, dizziness, confusion, or feeling shaky.

Police Department Employees. Certain City Police Department employees may be required to be in possession of alcohol and/or drugs in carrying out their job duties. Such employees will be exempted from certain portions of this policy only when in possession of confiscated alcohol and/or drugs while carrying out their official duties. Additional guidelines may be established by Police Department operating procedures.

Mandatory Disclosure by Employees. Employees taking prescription medication and/or over-the-counter medication must report such use to either their Department Head or to the City Manager if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.

On-Call Employees. Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence in the system of drugs, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.

Mandatory Reporting of Convictions. Employees must notify their immediate supervisor and the Department Director, in writing, of any criminal drug conviction (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than five calendar days after the conviction.

Off-Duty Conduct. The City may take disciplinary action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance.

Rehabilitation/Treatment.

1. It is the City's desire to assist employees who voluntarily request assistance with alcohol or drug dependency. For City support and assistance, however, an employee must acknowledge the problem and seek and accept counseling and/or rehabilitation before it impairs job performance and/or jeopardizes the employee's employment.
2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take a leave of absence to

participate in a rehabilitation or treatment program. (An employee may not enroll in a rehabilitation or treatment program in lieu of disciplinary action.) The leave of absence may be granted in the City's sole discretion. Factors considered by the City in deciding whether to grant leave include: the length of the employee's employment with the City; the employee's prior work and disciplinary history; the employee's agreement to abstain from the use of the problem substance and follow all other requirements of the rehabilitation/treatment program; the reputation of the program and the likelihood of a successful outcome; the employee's compliance with City policies, rules, and prohibitions relating to conduct in the workplace; and the resulting hardship on the City due to the employee's absence. Unless otherwise required by law, it is the City's policy to grant such a leave of absence only once during the course of an employee's employment with the City.

3. The cost of any rehabilitation or treatment may be covered under the City's group health insurance policy. In any case, the employee is responsible for all costs associated with any rehabilitation or treatment program.

4. During time off for a City-approved rehabilitation or treatment program, the employee must use any available vacation leave, sick leave, compensatory time off, or other accrued paid leave time.

5. If the employee successfully completes the prescribed rehabilitation or treatment, the City will make reasonable efforts to return the employee to the prior position or one of similar pay and status. However, employment with the City following a City-approved leave for rehabilitation or treatment is conditioned on the following:

A. Initial negative test for drugs and/or alcohol before returning to work;

B. A written release to return to work from the City-approved rehabilitation or treatment facility/program;

C. Periodic and timely confirmation of the employee's on-going cooperation and successful participation in any follow-up or ongoing counseling, testing, or other treatment required in connection with the City-approved rehabilitation or treatment program, if applicable;

D. In addition to any testing required in connection with the employee's ongoing treatment or follow-up to treatment, all employees who participate in rehabilitation or treatment under this section will also be required to submit to periodic and/or random testing by the City during the two years following the employee's return to work following treatment;

E. The employee must sign a formal written agreement to abide by the above conditions, as well as any other conditions deemed appropriate by the Director of Human Resources. The employee must meet with the Director of Human Resources to discuss the terms of continued employment and sign a formal agreement before returning to work.

Policy Violations. Violations of this policy will generally lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance

abuse rehabilitation or treatment program. The Police Department may have stricter disciplinary rules regarding violation of this policy. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources in the community.

Testing

Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedures.

Testing of Applicants. All applicants to whom a conditional offer of employment has been made will be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.

Testing of Employees.

1. Employees may be tested for alcohol and/or illegal and unauthorized drugs: (1) after a workplace injury or accident or “near miss,” when reasonable suspicion exists; (2) where reasonable suspicion exists even where no accident or injury occurred; or (3) in connection with any required treatment or rehabilitation. The City may conduct random testing on employees holding safety-sensitive positions.
2. Police Department employees are also subject to any applicable Departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
3. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or injury, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing must document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing).
4. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee’s normal work time.
5. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to disciplinary action up to and including termination.

6. A positive test result is a violation of the City's Drug and Alcohol Policy and may result in disciplinary action up to and including termination of employment.
7. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for Commercial Drivers for additional information.

Testing Procedures.

1. All testing must normally be authorized in advance by both the employee's Department Director and the Director of Human Resources. If the Department Director is unavailable within a reasonable period of time, the Director of Human Resources may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources is unavailable within a reasonable period of time, the Department Director may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.
2. If an employee's conduct resulted in a work place accident, injury or "near miss," or reasonable suspicion exists to believe that the employee has violated the City's Drug and Alcohol Use Policy, the employee will be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave until the test results are received. The City will make arrangements to have the employee transported home after the testing.
3. All substance abuse testing will be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results will be subject to confirmation testing.
4. Test results will be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by the Director of Human Resources; supervisors and managers on a need to know basis, including those who have a need to know about necessary restrictions on the work or duties of an employee and any necessary accommodation; first aid and safety personnel when appropriate; government officials; insurance companies as may be necessary to provide health or life insurance to employees; by court order or as otherwise legally mandated; and as necessary to protect the interests of the City.

11.02 Commercial Drivers

Employees/Applicants Subject To Testing. City employees who drive a commercial motor vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or the Director of Human Resources will advise the employee if the

employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy.

Employees covered by this policy are also required to comply with the City's Drug and Alcohol Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun.

All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT or City regulations in any way, the more stringent regulations will govern.

An employee subject to the provisions of this policy may be a person employed by the City, a contractor or subcontractor engaged by the City or an employee of such contractor or subcontractor. Refer to the Director of Human Resources for a listing of City positions currently subject to the testing provisions of this policy. The list of job titles may change as job responsibilities change or as new jobs are added to the City's work force. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy whether or not this list is immediately updated to include their job titles. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

Prohibited Alcohol Use.

On-duty and Pre-duty Use. Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:

- While having a breath alcohol concentration of 0.04 or more as indicated via breath test;
- While using alcohol; or
- Within 4 hours after using alcohol.

Use Following An Accident. An employee required to take a post-accident alcohol test pursuant to this policy is prohibited from using alcohol for 8 hours following the accident, or until undergoing a post-accident alcohol test, whichever occurs first.

Prohibited Drug Use. Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a CMV. An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

Required Alcohol and Drug Tests. DOT requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up

testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

1. Pre-employment Testing. Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

2. Post-accident testing. Drug and alcohol tests will be conducted after accidents in which the driver's performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and for all fatal accidents even if the driver is not cited for a moving traffic violation. Post-accident testing must be conducted as soon as practicable on all surviving drivers following an occurrence involving a CMV operating on a public road in commerce, as follows:

- When the employee is issued a moving traffic violation citation and one or more of the vehicles involved is disabled and must be towed from the scene;
- When the employee is issued a moving traffic violation citation and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.
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An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

a. Post-Accident Alcohol Testing. If alcohol testing cannot be administered within 2 hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within 8 hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

b. Post Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

3. Reasonable suspicion testing. Reasonable suspicion drug and alcohol testing is conducted when a trained supervisor has reason to believe that an employee is in violation of this policy. The reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee; the observations may also include indications of the chronic and withdrawal effects of controlled substances. The supervisor must consult with the Department Director (or designee) and affirm the basis of the suspicion. If the Department Director concurs, the employee will be required to undergo testing only after consultation with the Director of Human Resources. A written report of the reasonable suspicion observations must be prepared by the supervisor(s) who made the observation within 24 hours of the observed behavior or before the results of tests are released, whichever is earlier. This report must be promptly forwarded to the Director of Human Resources.

a. Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within 2 hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within 8 hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources.

Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse. In such instances, the employee will not be permitted to perform or continue to perform safety sensitive functions until:

- An alcohol test measures the employee's alcohol concentration at less than 0.02; or
- 24 hours have elapsed since the reasonable suspicion observation was made.

b. Reasonable Suspicion Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

4. Random Testing. Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. A driver will be randomly tested for alcohol just before, during, or just after performing, safety sensitive functions; random testing for drugs does not have to be conducted in immediate time proximity to performing safety sensitive functions.

5. Return-to-duty and follow-up testing. Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least 6 tests must be conducted in the first 12 months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug tests must be negative and alcohol tests must demonstrate a breath alcohol level of less than 0.02. The driver will pay all costs associated with return-to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance as set out below and, based on individual circumstances, for those who may have had an alcohol concentration of 0.02 or greater, but less than 0.04.

Refusal to Test. An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the

failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).

Additional Information About Alcohol Testing.

Consequences of a Positive Alcohol Test. An employee who is tested and has an alcohol concentration of 0.04 or greater will be removed from safety sensitive functions and may be terminated. An employee who is tested and has an alcohol concentration of .02 to .039 will not be permitted to perform safety sensitive functions for a minimum of 24 hours and will be disciplined, up to and including termination. If not terminated, then the employee will receive a mandatory referral to a substance abuse professional. Any non-compliance with the treatment recommendations of the substance abuse professional will result in disciplinary action, up to and including termination. (The employee will be placed on administrative leave without pay during the treatment period. That employee may use accrued sick leave or other accrued leave during the treatment period.)

Alcohol Testing Procedures. A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is 0.02 or greater, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of less than 0.02 alcohol concentration is considered a “negative” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.

Additional Information About Drug Testing.

Drug Testing Procedures. Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Director of Human Resources. The second test will be at the driver’s own expense.

Drugs Tested For. DOT requires testing for the following drugs:

- Marijuana (THC)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Policy.

Review of Drug Test Results. All drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.

Consequences of a Positive Drug Test. A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. A confirmed positive result for illegal drugs will result in termination of employment. The termination cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance.

Confidentiality. Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

Information From Prior Employers. For new hires, promotions and transferred employee-drivers seeking to perform safety sensitive functions for the first time, the City is required, with the driver’s written consent, to obtain information from previous employers regarding alcohol test results of 0.04 or greater, verified positive drug test results, refusals to test (including verified adulterated or substituted drug test results), and any other violation of DOT drug and alcohol testing regulations within the two years prior to the date of the driver’s application, promotion or transfer. Affected individuals must sign a Breath Alcohol and Drug Testing Results Request. The City will obtain and review the information before allowing the person to perform safety sensitive functions. If the City receives any such information about an applicant-driver, the applicant will not be hired; if such information is received about an employee seeking promotion or transfer, the employee will not be promoted or transferred to the driver position and may also receive disciplinary action, up to and including termination of employment. The City

will maintain a written, confidential record of the information it obtains and/or the good faith efforts it made to obtain the information. This information will be retained for a minimum of 3 years. The City will also ask if the person has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the driver applied for, but did not obtain, safety sensitive transportation work covered by a DOT agency drug and alcohol testing rules during the past 2 years. If the person admits to such conduct, the person will not be allowed to perform safety sensitive functions for the City. If the driver refuses to provide the City with the required written consent, the driver will not be permitted to perform safety sensitive functions and will likely be disciplined (up to and including termination of employment) if employed, or not hired if applying for employment.

Record Retention. The City will maintain and retain records under this policy as mandated by DOT regulations.

Notification to Applicants/Employees of Positive Test Results. The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with an MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.

Employee Admission of Drug/Alcohol Use. An employee who admits to alcohol misuse or drug use must do so in accordance with the City's general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City's general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol test with a result of less than 0.02 and/or a return to duty drug test with a negative test result.

Safety Sensitive Functions. For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:

- All time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
- All time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;

- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, in or upon any CMV;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Transportation to Testing Site. With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

Questions. Anyone with questions regarding this policy should contact the Director of Human Resources.

XII. EMERGENCY OPERATIONS PROCEDURES

12.01 Emergency Operations

This policy will be in effect whenever the Mayor or the Mayor's designee declares that emergency conditions warrant either in preparation for or as a reaction to, a potentially disastrous event. Each emergency situation is unique and this policy is intended for overall guidance only. Upon declaration of an emergency, Directors are authorized to release employees in Tiers 2-3 from duty as outlined below.

12.02 Emergency Operations; Classification and Staffing

Directors are responsible for appointing individual classifications to each of their employees. Every City employee will have one of the following classifications. Any employee classification can be immediately or temporarily reclassified upward or downwards depending on the needs of the City.

“Tier 1” – ESSENTIAL – Employees with specific responsibilities who remain in the City on the job or at a designated location during an emergency and are authorized to remain during a mandatory evacuation.

“Tier 2” – RE-ENTRY ESSENTIAL – Employees who must return to supplement or relieve Tier 1 employees immediately upon roads becoming accessible.

“Tier 3” – NON-ESSENTIAL – Employees whose presence is not essential in carrying out the emergency plan, but who cannot leave their positions until released by their supervisor, and must return to work as usual under normal operations after emergency status has ended.

Employees not at work are responsible for remaining in contact with their supervisor regarding assignments, and to stay abreast of the situation by monitoring radio and television for instructions or by calling the Emergency Operations Center.

12.03 Emergency Preparation Phase

City property will be secured and protected and other actions will be taken as necessary in individual departments. Directors will reconsider and reschedule or cancel, if necessary, all personal leave requests of Tier 1 and Tier 2 employees who are on personal leave, or are scheduled for personal leave. When assigned tasks under the Preparation Phase are completed in accordance with the Departmental Emergency Plan, Tier 2 and Tier 3 employees released from duty may choose to evacuate. Tier 1 employees will be allowed to secure their property and make arrangements for their families as scheduled by the Director. Each employee of the City shall have a hurricane evacuation plan for his/her family well in advance of an approaching storm.

12.04 Essential Services Phase

This phase occurs during the emergency situation. Only those employees whose assigned functions are necessary for the benefit of the general public during the emergency situation will work during the Essential Service Phase. Tier 1 employees will not be authorized to evacuate.

Shifts during the Essential Services Phase will be established according to departmental needs. Employees who are assigned on call status must advise supervisors of locations where they can be contacted at all times. Employees released from work will follow instructions regarding evacuation and shelter, as applicable.

If additional days are needed by the employee after the declaration to return to duty, the employee may request personal leave time or compensatory time off for personal emergency recovery. However, that request may be denied if the situation warrants.

Employees who do not remain on, or return to, duty when so ordered are subject to disciplinary action up to and including termination.

12.05 Return to Duty Phase

By reporting to work on the return-to-duty date and/or time specified by the Mayor, each employee meets their responsibility to work with other City employees as a team in helping to restore the community to normal service levels following a disaster period. Employees who choose to evacuate will be expected to report to work at the start of their next normal shift on the return-to-work date.

12.06 Departmental Responsibilities

Directors shall:

- Review this Emergency Policy with their employees annually and identify each position in which employees in their department are required to work during an emergency. This list of positions and employees who occupy them must be maintained and posted on the department's official bulletin board or circulated to all their employees.
- Develop, post, communicate and circulate to all their employees the Standard Operating Procedures (SOPs) under each phase of an emergency, and annexes to the City's Emergency Plan pertinent to that department(s).
- Hold an annual meeting to reiterate to employees their individual responsibilities and to inform them of any changes in this policy or the SOP.
- Ensure that all job descriptions state the Emergency Classification of their positions.
- Complete the "Emergency Preparedness Employee Classification Form" for every employee.

Each employee must be provided with a copy of his or her Tier classification form. The original must be forwarded to the Human Resource Department.

12.07 Supervisor Duties

Supervisors shall:

- Assist with the responsibility of the consistent and fair implementations of this policy.
- Document and initiate any disciplinary action resulting from any violations of this policy.

12.08 Employee Duties

All City Employees shall know his/her responsibility under this policy because compliance with this policy is mandatory and be responsible for complying with waiver request procedures as outlined in this policy.

12.09 Waivers

If an employee has personal circumstances that would affect his or her ability to work during any phase of this Policy, then the employee must notify his or her Director upon employment or within 30 days of the onset of the extenuating circumstances. The requests will be reviewed and approved/disapproved by the City Manager. Documentation of qualifying circumstances shall accompany the request.

12.10 Inclement Weather/Emergency Closing

Except for extraordinary circumstances, City offices DO NOT CLOSE. All City employees, whether exempt or nonexempt, are expected to make a sincere effort to report to work during inclement weather conditions or other emergency situations.

If an employee determines that the weather conditions constitute a danger to life and/or property, the employee must notify the immediate supervisor and/or Department Director and make arrangements to report to work if weather conditions improve. Any leave taken due to inclement weather can be flexed or charged to personal leave or comp time. Regular full-time and part-time nonexempt employees who are unable to flex their time and who have no accrued vacation or compensatory time available will not be paid for the time missed.

The Department Director/immediate supervisor is responsible for seeing that City services are staffed while City offices are open for business during inclement weather or emergency conditions. Any City service that cannot be provided during inclement weather or other emergency conditions must be immediately reported to the City Manager's Office.

When weather or other conditions are such that the City Manager declares certain City offices/departments officially closed, or if a mandatory evacuation has been declared, all affected personnel, i.e., those non-essential employees who were scheduled to work during the time of closure, will be granted "administrative leave" for the time the office/department is closed. Essential personnel must report to work even when other City departments are officially closed due to weather or other type of extraordinary circumstances. Essential personnel required to be on the job regardless of adverse weather or other conditions are designated by the Department

Director and/or the City Manager. Essential personnel who fail to report to work may be subject to disciplinary action up to and including termination of employment. Employees are required to sign an acknowledgement form that they have received notice of their designation of essential or non-essential status and requirement to work during inclement weather at time of employment.

12.11 Compensation during Emergencies

Policy Summary

When an emergency impacts City employees' work schedules and status during emergency conditions and a "state of emergency" or "state of disaster" has been declared by the President, Governor, County Judge or Mayor, the City Manager may grant emergency administrative leave with pay immediately prior to and/or after the occurrence of a disaster, whether natural or man-made.

If it is determined that a civil emergency condition exists, including, but not limited to, riots, civil disorders, severe weather or hurricane conditions, other natural disasters, chemical incidents, or similar conditions, the Mayor and/or City Manager may suspend all provisions of the City of Manvel's Personnel Rules except for those sections concerning Safety and Wages and Discipline.

Scope

This policy applies to all non-exempt and exempt employees.

A. Declaration of Emergency

Notification of State of Emergency: When a state of emergency is imminent or has been declared, the Mayor and/or City Manager or **designee** will notify all employees through department directors or managers of such declaration.

B. Emergency Periods

Pre-Impact Period This is the time period prior to the impending disaster and includes emergency response activities and preventive measures by the City of Manvel's departments in preparing for the impending emergency. This period begins when the City Emergency Operations Center is activated because a "state of emergency" or "state of disaster" has been declared by the President, Governor, County Judge or Mayor, or for other good cause by the City's Emergency Management Coordinator or City Manager.

Emergency Period This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended. During this period, the City Manager may designate key essential personnel to take mandatory shelter in the City Emergency Response Operations Center. The Emergency Period begins when the City is closed for **normal** business and ends when the Mayor and/or City Manager declares it safe for all employees to return to work.

Post Impact/Recovery Period This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions. This period begins when the Mayor and/or City Manager declares it safe for all employees to return to work, and ends when the Mayor and/or City Manager declares the period is over.

No one is excused from work until the Mayor and/or City Manager, through the department directors, authorizes employees to leave, even if a public announcement of office closures or suspension of services is issued. Employees must return to work as soon as an emergency is over to participate in the Post Impact/Recovery Period. Employees excused from work during an emergency will be on emergency paid administrative leave.

Emergency paid administrative leave will start when the employee is excused by his/her Department Director and will continue until the Mayor and/or City Manager declares it is safe for all employees to return to work. Employees are expected to return to work on their next scheduled day or shift following the Mayor and/or City Manager's declaration. If an employee fails to show up for work or cannot show up for other reasons then the time lost will be Leave of Absence Without Pay, unless other paid leave (vacation, sick, etc.) is approved.

The City of Manvel recognizes that employees have personal and family responsibilities that may conflict with the obligation to fulfill their job requirements during hazardous weather or state of local emergency. When evacuation of personal residences is required, Emergency Essential employees will be permitted and expected to make arrangements for their families like any other citizen, including the use of authorized shelters. The Emergency Essential Employees may be granted up to 4 hours of administrative leave for this purpose. Employees who are not able to return to work due to emergency conditions (for instance, they have evacuated the area and are unable to return, or they are unable to leave their residence to return to work at City facilities due to impassable roadways, etc.) must contact their department director **or designated supervisor** as soon as possible and utilize appropriate leave time.

During a state of emergency, any unauthorized absence from work or assignment may be considered sufficient cause for discharge.

C. Employee Status

Prior to a declaration of a civil emergency, Department Directors shall, designate "Emergency Essential" and "Emergency Non-Essential" personnel. All personnel shall be advised of their status as of **January 1st** each year. Individual employee status may change, as the needs of the City change during the civil emergency, or at the discretion of the Department director.

"Emergency Non-Essential" – After a needs assessment is made, some employees may be temporarily excused from work, concurrently or successively, as determined by the type of emergency event, those will be designated as "Emergency Non-Essential." They will be placed on Emergency Paid Administrative Leave pursuant to this policy.

“Emergency Essential” – Each department director is responsible for identifying those employees who will be required to remain or respond in the event of emergency conditions and those employees will be designated as “Emergency Essential.” “Emergency-Essential” employees may be required to be available immediately before (Pre-Impact), during (Emergency)—e.g., those within the Emergency Operations Center—and/or after the disaster or emergency condition (Post-Impact/Recovery) to perform duties directly related to the emergency conditions, as determined by City.

“Post-Impact/Recovery Assigned” – Post-emergency, all City employees are considered Post-Impact/Recovery Assigned employees. All City employees are to return to work after the Mayor or City Manager declares it is safe. After the return to work, some employees may be further identified as “Essential Recovery,” while others may be temporarily excused from work. The City Manager and each department or function is responsible for identifying those employees who are essential to the quick restoration of critical services to the community. These employees designated as “Essential Recovery” employees are required to work during periods after the emergency when other employees may be dismissed on leave or furlough.

Emergency Duty Assignment: In the event of an emergency, the Mayor and/or City Manager may assign employees to any duty to the extent that the City is not in violation of any State or Federal Law. This includes employees of one department serving in an emergency capacity for any other department or function as assigned.

D. Compensation for Hours Worked During a Declared State of Emergency – Non-Public Safety / Non-Emergency Management Personnel

During declared emergency status, the exempt employees shall receive their regular salary except during the Emergency Period when key essential exempt employees are required to reside in the City Emergency Operations Center. *The exempt-status employee(s) base salary will be computed to arrive at an hourly rate; then the City shall pay the exempt-status employee(s) 1 times their hourly rate for each hour of mandatory residency in the City Emergency Operations Center (EOC).* Nothing herein shall be construed to affect the exempt status of such employees.

During the Emergency Period, employees (exempt and non-exempt) released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall **not** count as “time worked” for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

During the Emergency Period, non-exempt employees authorized to perform work for the benefit of the City shall be paid at a rate of one and one-half times (1.5x) base straight pay for all hours worked during the declared emergency conditions, when other employees are allowed administrative leave, until the Mayor or City Manager declares that it is safe for all employees to return to work. After such time, the employee will be paid according to the normal pay policy. During the period when essential employees are required to reside in the City’s Emergency Operations Center they shall be paid one- and one-half times (1.5x) their normal rate of pay for all hours worked and one times (1x) their normal rate of pay for all non-work hours. Mandatory

residency in a City Emergency Operation Center may vary by department as determined by the Department Director and approved by the City Manager.

Employees who are out on prior-approved leave or who called in sick or took unscheduled leave during any of the three periods will continue to be charged for such leave and if they do not have sufficient accruals will be placed on Leave Without Pay.

All other policies concerning remuneration shall comply with the City of Manvel's Personnel Rules and the Fair Labor Standard Act.

At the director's discretion, previously approved leave, vacation, etc., for essential employees may be cancelled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that leave has been cancelled will be deemed as an unauthorized absence from work or assignment which may be sufficient cause for termination.

E. Compensation for Hours Worked During a Declared State of Emergency – Public Safety / Emergency Management Personnel

When the Police Department or Emergency Management exempt personnel are ordered to reside, take shelter, in City Emergency Operation Centers during a declared emergency, they shall be paid for all hours while under mandatory residency requirement in excess of their normal work schedule. *The exempt-status employees' base salary will be computed to arrive at an hourly rate. The City shall pay the exempt-status employees 1 times (1x) their hourly rate for each hour while under the mandatory residency period.* Nothing herein shall be construed to affect the exempt status of such employees.

During the Emergency Period, employees (exempt and non-exempt) released from work or who are not required to report to work due to the emergency event shall receive pay for their normally scheduled workday. These hours shall **not** count as "time worked" for the purpose of computing overtime for non-exempt employees and shall be clearly noted on the time sheet with the appropriate emergency coding as designated by the Finance Department.

During the Emergency Period, non-exempt (hourly, overtime eligible) employees shall be paid at a rate of one-time (1x) base straight pay. When Public Safety / Emergency Management employees are under mandatory residency at the Emergency Operations Center, non-exempt employees shall be paid at a rate of one and one-half (1.5x) base rate for all hours worked and one times (1x) for all non-work hours. Mandatory residency in a City Emergency Operation Center may vary by department as determined by the Department Director and approved by the City Manager. After discontinuing mandatory residency in the Emergency Operations Center, the employee will be paid according to the City's normal pay policy.

Employees who are out on prior-approved leave or who called in sick or took unscheduled leave during any of the three periods will continue to be charged for such leave. If accrued leave is exhausted the employee will be placed on Leave Without Pay.

All other policies concerning remuneration shall comply with the City of Manvel's Personnel Rules and the Fair Labor Standard Act.

At the director's discretion, previously approved leave, vacation etc., for essential employees may be cancelled when a state of emergency is imminent or declared. Failure to return to work upon notice, either written or verbal, that leave has been cancelled will be deemed as an unauthorized absence from work or assignment which may be sufficient cause for termination.

F. Summary of Emergency Periods

<u>Pre-Impact Period</u>	<u>Emergency Period</u>	<u>Post Impact/Recovery Period</u>
This is the time period prior to the impending disaster. This period includes emergency response preparation activities and preventive measures by the City of Manvel departments in preparing for the impending emergency.	This is the time period during which emergency response activities and restoration of critical services are conducted to protect life and property, and most other regular City services are suspended.	This is the time period during which activities are conducted to restore the City's infrastructure and services to pre-disaster conditions, and some City services may be suspended.
Starts –City activates EOC or state of emergency or state of disaster is declared	Starts – City is closed for business	Starts – Mayor and/or City Manager declares all clear
Ends –City closes for business or emergency conditions pass and City resumes normal operations	Ends -- Mayor and/or City Manager declares all clear	Ends -- As determined by Dept. Directors with Mayor and/or City Manager approval. This may vary by department.

XIII. SEPARATIONS FROM SERVICE; REINSTATEMENTS

13.01 Separations

The City designates all employee separations as one of the following types:

Resignation. An employee who intends to resign is requested to notify the supervisor and/or the Director of Human Resources in writing at least 2 weeks prior to the last day of work. Employees who fail to give a two-week notice are typically not eligible for rehire. The supervisor is responsible for immediately notifying the Director of Human Resources.

Retirement. An employee who intends to retire is requested to notify the Department Director, supervisor, and the Director of Human Resources, in writing at least 2 weeks prior to the date of retirement. The TMRS application for retirement must be in the TMRS office the day of intended retirement date to lock in the in-service-date.

Dismissal/Termination. The City may terminate an employee's employment consistent with this policy and state and federal law. City employees who are terminated, or who resign in lieu of termination, due to unsatisfactory performance, pending results of an investigation, or conduct and /or violation of City policies or procedures, are not eligible for rehire.

Dismissal may also occur for the following:

Job Abandonment. If an employee fails to properly notify the City of an absence from work or if an employee is absent without authorization and/or notification for three or more consecutive days, the City will normally consider the employee to have abandoned employment, and the employee will be terminated.

Long-Term Absence. Any employee who is absent from work for more than 180 days in a year, for whatever reason, will be terminated. Brief appearances at work during an overall absence of 180 days will not prevent the City from terminating an employee if determined to be in the City's best interest. Likewise, any employee who reports to work (e.g., in a modified duty capacity) but is unable to perform the essential functions, with or without reasonable accommodation, of the actual position after a period of 60 days will be returned to off duty status. The City may elect to end the employee's employment before the expiration of 180 days if it is unlikely that the employee will be able to return to full-time active duty at the end of the leave. An employee who has a paid leave balance remaining at the end of 180 days may, at the City's option, extend the leave using any available paid leave balance, or be terminated and paid for accrued leave balances. This policy will be administered consistently with the City's reasonable accommodation obligations under the Americans with Disabilities Act.

Reductions-in-Force/Reorganization. An employee may be separated from City service when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, or other material change in the duties of the organization, or for other reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

Death. If a City employee dies, the designated beneficiary or estate will be paid all earned pay and payable benefits.

13.02 Layoffs/ Reorganizations

The City may layoff an employee, transfer an employee to another position, or demote an employee because of changes in duties or organization or lack of work or funds. The City will decide the order of layoff or reorganization among employees based on demonstrated job performance and efficiency and seniority. Layoffs, transfers and demotions resulting from reorganizations are not disciplinary actions.

13.03 Incapacity

An employee may be separated for incapacity or medical reasons when the employee no longer meets the standards of fitness required for the position.

13.04 Exit Interview; Return of City Property; Final Payments

The City usually provides separating employees with an exit interview prior to their last day of work. The purpose of the exit interview is to finalize all compensation due, return City equipment, provide explanation of any continuing benefits, review employment history, discuss the reason(s) for the separation, and solicit constructive feedback to improve the City. The Director of Human Resources shall complete an Exit Interview Form, and the supervisor also completes a form. Exit interviews are conducted confidentially by the Director of Human Resources. Information discussed during the exit interview may be shared with the City Manager's office and acted upon as deemed appropriate by the City. The Department Director (or designee) is responsible for promptly notifying the Director of Human Resources of all separations, arranging for the exit interview and providing documentation of receipt of all departmental and/or City property from the exiting employee.

Final payment of compensation may be withheld pending return of City property (including city-issued ID cards), completion of necessary paperwork, and other requirements of separation.

13.05 Reinstatement

The City may recall to work a person whom it laid off. Employees who left City employment in good standing to enter duty with the armed forces of the United States shall be eligible for reinstatement according to applicable Texas and federal laws.

13.06 Retirement

The City participates in the Texas Municipal Retirement System, which provides retirement benefits to eligible employees. Employees covered under TMRS are required to contribute 7% of the employee's pay to be deposited into the member's account. The City of Manvel currently contributes matching funds pursuant to actuarial assumptions. Participation by every full-time regular employee is a condition of employment. All amendments and additions to such system

enacted by the City Council are continued in full force and effect, and are incorporated herein by reference. Employees are provided retirement benefits upon meeting TMRS eligibility and plan requirements. Specific TMRS plan requirements and provisions can be obtained from Human Resources or TMRS.

The City participates in the Federal Social Security and Medicare Programs which provide benefits upon retirement. A deduction from the employee's salary is matched with the required IRS rates for employers by the City for this benefit. Participation by every employee is a condition of employment.

XIV. DISCIPLINARY POLICIES

14.01 Disciplinary Guidelines

The following disciplinary guidelines are advisory and the City Manager may alter, combine, or bypass any or all of the listed procedures when the City Manager deems such action appropriate. The City Manager may use the methods described below to enforce and maintain proper standards of discipline and personal conduct among employees. The methods described below should be used in the manner deemed most effective for meeting the described management goals.

14.02 Disciplinary Process

Oral Reprimand or Warning. An oral reprimand or warning may be used by managers to identify violations and indicate needed improvement. A written record of this warning may be maintained within the employee's department.

Written Reprimand or Warning. A written reprimand, which is normally the second step in the disciplinary procedure, shall be signed by both the employee and the supervisor and may be maintained within the department. If an employee refuses to sign, the supervisor shall have a witness sign that a copy was given to the employee. The employee's signature indicates receipt of the document only, not acceptance of its contents. This document should include identification of the violation, indication of the necessary improvement, and information concerning further disciplinary action that may result.

Disciplinary Suspension. An employee may be suspended without pay. An employee who is suspended shall be given written notice of the reasons for the action. A copy shall be forwarded immediately to the Director of Personnel to be made a part of the employee's official personnel history record. Following completion of the suspension period, the employee will be automatically reinstated. However, an employee may be terminated without prior disciplinary action. Exempt employees may be issued disciplinary suspensions in accordance with the Fair Labor Standards Act and the appropriate regulations.

Administrative Suspension. During an investigation, hearing, or trial on any civil or criminal charge, an employee may be suspended upon recommendation by the Director with approval of the City Manager. The administrative suspension may be for the duration of the proceedings, or any appropriate portion thereof as would be in the best interest of the City. The employee may be administratively suspended with or without pay. The City may take further action including dismissal or reinstatement, at any point in the process, as determined by the City Manager.

XV. GRIEVANCE POLICY

15.01 Grievance Eligibility

Except for Council appointees, an employee of the City who has been employed by the City for more than six (6) months and has completed their probationary period and who feels that disciplinary action has been improperly taken against them shall have the right to file a grievance. Disciplinary action shall mean a demotion, suspension, or termination. Actions or results which occur that are beyond the control of the City, or that relate to policy matters (such as job eliminations or reductions in force) shall not be considered grounds for a grievance.

15.02 Grievance Administrator

The Director of Human Resources will serve as the administrator of grievances and perform work incidental to the grievance policy.

15.03 Non-Termination Grievance Procedure

Step A

- 1) The employee informally discusses the grievance with his or her supervisor.
- 2) The supervisor decides what action, if any, will be taken in regard to the grievance.
- 3) If Step A does not result in a resolution of the grievance, the employee may proceed to Step B. Step B must be initiated within three working days after the informal discussion with his or her supervisor.

Step B

- 1) The employee prepares and gives to his or her supervisor a written statement giving the details of the grievance and stating the specific remedial action requested.
- 2) The supervisor reviews the facts of the grievance, makes a written decision as to what action, if any, is to be taken to resolve the grievance. The supervisor then communicates the decision to the employee within five working days after having received the grievance.

Step C

- 1) If the employee is not satisfied with the decision in Step B, or, if the supervisor fails to respond within five working days, the employee may submit a written copy of the grievance to the Director along with a copy of the decision made by the supervisor, or, a statement that the supervisor failed to provide a decision within the five-day limit if such is the case.
- 2) The Director reviews the details of the grievance and, within five working days, provides the employee with a written statement of what action, if any, is to be taken to resolve the

grievance.

- 3) If the employee's immediate supervisor is the Director, Step C of the grievance procedure may be eliminated, and the employee may go immediately to Step D.

Step D

- 1) If the employee is not satisfied with the decision of the Director, or, if the Director fails to respond within five working days, the employee may within three working days after the expiration of the five days submit a copy of the grievance to the City Manager. Copies of any decisions made in Steps B and C, or statements of a failure of the supervisor or Director to respond where such is the case, are presented at this time.
- 2) The City Manager gathers any additional information that may be pertinent to the grievance and determines what action, if any, is to be taken to resolve the grievance. The City Manager's decision is final in any non-termination grievance.

15.04 Termination Grievance; City Manager Action

The City Manager may terminate an employee for one or more of the grounds contained in this Handbook or for other reasons deemed sufficient by the City Manager to warrant such action. If the City Manager discharges an employee, the City Manager shall, within five working days of the date of the termination, mail, deliver, or cause to be delivered, a written statement ("letter of termination") to the terminated employee

An employee who wishes to appeal the termination decision must appeal the decision in writing to the City Manager within five working days of receiving the letter of termination. The written appeal must include a short statement of the basis for the appeal. The City Manager may choose to meet with the appealing employee before rendering a decision on the appeal. The City Manager will respond to the employee in writing within five working days of the later of receipt of the appeal letter or the date of the meeting with the former employee. The City Manager's decision will state whether the termination is upheld, reversed, or modified. If the termination is reversed or modified, the City Manager will decide whether the employee is entitled to full back pay, partial back pay or no back pay. The City Manager will not hold any other type of hearing. The City Manager's decision is final in any termination grievance.

15.05 Stopping the Grievance Process

- a. Only the employee who has filed the grievance shall be able to stop the grievance procedure by either action or inaction.
- b. The grievance procedure shall be stopped if:
 - 1) The employee indicates he or she is satisfied with the action to resolve the grievance at any level of the grievance procedure; or

- 2) The employee, for any reason, indicates that he or she no longer wishes to continue the grievance procedure; or
- 3) The employee fails to take action to continue with the next step of the procedure within three working days of completion of the prior step; or
- 4) The employee has exhausted all available steps of the grievance procedure.

XVI. CITY PROPERTY

16.01 Issuance. The City attempts to provide employees with adequate tools, equipment, vehicles and facilities for the job being performed, and the City requires all employees to observe safe work practices and lawful, careful and courteous operation of vehicles and equipment. Any City-provided safety equipment must be used at all times.

From time to time, the City may issue various equipment or other property to employees, e.g., credit cards, keys, tools, security passes, manuals, written materials, telephone cards, uniforms, cellular telephones, computers, and computer-related equipment. Employees are responsible for items formally issued to them by the City, as well as for items otherwise in their possession or control or used by them in the performance of their duties. At the time of issuance, employees may be required to sign certain forms or other documentation evidencing their receipt of property and/or equipment and authorizing a payroll deduction for the cost of lost, damaged, or unreturned items. In addition to payroll deductions, the City may take any other action it deems appropriate or necessary to recover and/or protect its property.

Employees must notify their supervisor immediately if any vehicle, equipment, machinery, tools, etc. appears to be damaged or defective, or are in need of repair. The appropriate supervisor can answer questions about an employee's responsibility for maintenance and care of equipment used on the job. The improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of equipment will likely result in disciplinary action.

16.02 Personal Use Prohibited. City property, materials, supplies, tools, equipment or vehicles may not be removed from the premises or used for personal business without prior written approval by the City Manager, or the Department Director.

16.03 Vehicle Allowance. An employee may be given a monthly allowance for consistently using such employee's own vehicle for City business if the use is deemed necessary by the City Manager. The amount of the allowance shall be determined by the City Manager.

16.04 Take Home Vehicles. A City vehicle may be assigned to a position or employee when it is more economical than payment of a car allowance or mileage reimbursement. To be eligible for assignment of a take-home vehicle, an employee must be subject to emergency call back during off duty hours to locations other than the employee's normal work station. No personal use of a take-home vehicle is permitted except to commute to and from home or work. A City vehicle is not to be used for personal business such as going to the bank, grocery store, etc. or for any outside employment without prior written approval of the City Manager. No alcoholic beverages are allowed in City vehicles. No passengers may be transported in take-home vehicles except as required by official duties or with approval of the City Manager. No smoking in city vehicles is permitted.

If approved by the City Manager, use of a City owned vehicle may be included within a contract of employment and may be exempt from this policy, but will be regulated within the terms of the contract.

The City's vehicles are classified as either "exempt" or "non-exempt" as prescribed by law. Employees to whom a "non-exempt" vehicle is assigned for take-home will likely incur a federal income tax liability for the fringe benefit of commuting to and from work. Most pickups, vans and automobiles are classified as "non-exempt" vehicles. Police and fire vehicles used by employees on call 24-hours are normally exempt from the fringe benefit tax liability.

16.05 Use of City Vehicles. City-owned or leased vehicles may be used only for official City business. City owned or leased vehicles may only be driven by authorized City employees. If an employee drives a personal vehicle, or a City-owned, rented or leased vehicle on the job or while carrying out City-related business, the employee must comply with the following:

- Drivers must have a valid State of Texas driver's license appropriate for the vehicle operated, must maintain a satisfactory driving record, and must inform their supervisor of any change in status.
- Always observe all posted laws and speed limits.
- Always wear seat belts when the vehicle is in operation and ensure permitted passenger wear seatbelts.
- No passengers other than City employees or others on City business may ride in a City vehicle unless otherwise approved in advance by the City Manager.
- No personal use of City-provided vehicles is allowed without the prior, specific approval of the City Manager.
- All maintenance and use records for City vehicles must be completed as directed by the employee's supervisor.
- Report any broken, missing, or worn parts, tires, etc., or any needed maintenance of City vehicles to the appropriate supervisor immediately.
- All drivers must be eligible for coverage under the City's insurance policy.
- Drivers covered by Department of Transportation (DOT) regulations must comply with them at all times.
- At no time may an employee under the influence of alcohol or a presence in the system of illegal drugs drive a city vehicle or a personal vehicle while conducting city business.
- Employees involved in an accident while operating a city vehicle or while operating a personal vehicle on city business, must immediately notify the proper law enforcement agency (if applicable) and the appropriate supervisor, department director, and /or City Manager. Accident reports, along with any law enforcement report, must be filed by the employee with the Department Director and the Director of Human Resources.

The City may, at any time, check the driving record of a City employee who drives as part of the job duties to determine that the necessary qualifications are maintained as a City driver. Employees must cooperate in giving the City whatever authorization is required for this purpose.

The above is not a complete and exhaustive list of vehicle use policies. Violations of any of the specific items listed, as well as the improper, careless, negligent, destructive, unauthorized, or unsafe use or operation of a vehicle, may result in loss of driving privilege or disciplinary action.

16.06 Personal Property. All employees shall be solely responsible for their personal property at all times. The City is not responsible for theft, loss, or damage to items of personal property.

XVII. TRAVEL

It is the City's policy to pay for, or reimburse, all reasonable and necessary expenses incurred by an employee when the employee travels on City-related business in accordance with this policy.

17.01 Transportation. The most efficient and economical mode of travel must be used. Air travel arrangements are to be made by each department. Air travel must be booked at the most discounted fare basis whenever possible. When authorized, an employee using a personal vehicle on City business shall be paid an amount per mile; equivalent to the current IRS rate at the time, or shall be paid the equivalent of a coach airline fare, whichever results in the lower cost to the City. In instances of approved private vehicle use, reimbursement will also be made for mileage tolls and parking fees. Receipts are required for toll and parking fees, as well as for taxi cabs, limos, and other modes of transportation. The City will pay for rental vehicles upon written approval of the City Manager (or designee).

17.02 Travel Approval and Cash Advances. All travel and cash advances must be approved in advance by the employee's Department Director (or designee), unless otherwise stated in this policy. In addition, any travel out of state must be approved by the City Manager as set out below.

17.03 Lodging. Expenses for lodging are to be at the single room rate, unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the City. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/ reimbursed by the City.

17.04 Meal Allowance. The City shall pay actual necessary food expenses for an employee or City official traveling on City business. Expenses for meals shall either be reimbursed at actual cost as supported by receipts or by per diem allowance. In lieu of itemized receipts for meals for in state travel, a per diem allowance as outlined by the Texas Comptroller's office will be reimbursed. Even if supported by a receipt, reimbursement shall not exceed fifty (\$50) dollars for any one meal.

17.05 Long Distance Phone Calls. Reasonable and necessary long-distance business phone calls and computer related expenses for City business reasons only will be reimbursed.

17.06 Non-Allowable Expenses. Expenses or charges for the following will normally not be reimbursed and must be paid for by the employee:

- In-hotel pay television and movies
- Dry cleaning and laundry;
- Health club and spas;
- Expenses of a spouse;
- Alcoholic beverages;
- Personal long distance telephone calls; and
- Other items of a personal nature.

17.07 Request for Reimbursement and Return of Unexpended Funds. Upon return to the City, a complete accounting of all expenditures of City funds is to be filed within ten (10) days on the City's expense form. Receipts for all expenses, including hotel bills and registration fees, must be attached to the statement. All unexpended advance funds must be returned with the statement. Authorized expenses in excess of advance funds received will be reimbursed with proper approval.

17.08 Travel to Training. The current IRS rate mileage reimbursement will be paid to employees who must use their personal vehicles to travel to a training destination further than their designated work location or other City locations and/or facilities. Reimbursement will be made only for the difference in miles from the normal work location to the further training location. Actual mileage readings must be submitted for reimbursement.

17.09 Expenses Not Covered in Policy. The City Manager's approval must be obtained prior to any expenditure of funds for items or changes which are not specifically addressed in the travel policy.

17.10 Compliance. Abuse of this policy, including falsifying expense reports or submitting false claims, will result in disciplinary action, up to and including termination of employment.

APPENDIX A

Charter Positions

Appointive offices

In addition to the elected officers, the other officers of the city shall be the city manager, city secretary, municipal court judge, and city attorney, and such other officers as the council may from time to time establish. The council may abolish or consolidate such offices and positions as it may deem to be in the best interest of the city and may divide the administration of such offices or positions as it may deem advisable, create new offices and positions, and discontinue any office or position at its discretion, except the offices of city manager, city secretary, municipal court judge, and city attorney.

Removal of officers appointed by the city council shall be at the discretion of the council, by vote of the majority of the entire council.

At-will Positions

a. The City Council appoints the City Manager, City Attorney, and the Judge of the Municipal Court to serve as at-will employees or officers of the City.

b. The City Manager appoints, suspends, and/or removes all or one of the directors of the city departments, including the City Secretary, with the concurrence of the City Council. The City Manager appoints, suspends, and/or removes all other employees of the City.

Term Position

The City Council appoints the City Judge, who serves a three-year term to run concurrent with the term of the mayor and may be removed or replaced at any time at the discretion of the City Council.

Outside Employment

The City's Officers shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or adversely affect the person's job performance unless the Officer discloses the conflict in writing to the City Council prior to, or as soon as practicable, the existence of the conflict.

APPENDIX B

Pandemic Event Leave Policy

Policy Summary

During the occurrence of a pandemic event, the City of Manvel must balance a variety of objectives when determining how best to decrease the spread of the pandemic causative agent, protect the health of the employees and citizens of the community, and reduce the impact on the workplace and city operations.

For this to be accomplished the City will allow the City Manager the flexibility to adjust workplace schedules, grant paid administrative leave, allow for negative sick leave accruals, and permit telecommuting, under certain conditions.

Policy

Notwithstanding other provisions contained in this “Employee Personnel Policies and Procedures Handbook,” when an emergency has been declared, or a potential emergency is imminent, due to a pandemic event, as declared by the City Manager, the “Pandemic Event Leave Policy,” this Policy shall take effect.

The Policy will remain in effect until the City Manager determines that a pandemic or potential pandemic is no longer a threat to the organization or its employees. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.

I. ADMINISTRATIVE LEAVE AND FLEXIBLE SCHEDULING.

A. In the event of a pandemic, the City Manager is authorized to adjust normal policies regarding workplace schedules and administrative leave. Specifically, the City Manager may:

- (1) Allow employees flexibility in their work schedule for work performed at the office;
- (2) Allow employees to work from home, in whole or in part, subject to the telecommuting policy below;
- (3) Provide for a minimal “skeleton crew” at city hall and/or city facilities, alternating employees where possible, to maximize the best possible city operations with due regard to safety of the employees and citizens;

(4) Provide for paid administrative leave for those employees who are ready and able to work, but due to the necessity of a “skeleton crew” order, or the closure of city hall or city work facilities, are unable to come to work and are unable to telecommute;

(5) Allow employees to use sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic;

(6) Grant negative sick leave, for those employees with no available accrued leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic but subject to the policy outlines below; and

(7) Make other reasonable accommodations for those employees with disabilities, as defined under the Americans with Disabilities Act (ADA).

B. An employee who is not ill with the pandemic causative agent may not take leave, or refuse to work, simply to avoid possible exposure to the pandemic causative agent in the workplace.

C. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create “overtime” for any non-exempt employee, except where expressly approved by the employee’s supervisor.

D. Employees who may have a disability that creates an increased risk associated with exposure to pandemic causative agent are encouraged to notify the City Manager as soon as possible, in order to seek an accommodation under the City of Manvel’s disability policy or this policy.

II. NEGATIVE SICK LEAVE.

A. The City of Manvel, in the event of a pandemic, will permit eligible employees who have no available sick leave (or other relevant personal leave) to realize a negative sick leave accrual balance under certain conditions. The goal is to enable employees who have no available sick leave to stay home when ill, to care for an ill family member and/or dependent, or to care for their children if their children’s schools or childcare programs close, as a result of the pandemic.

B. The policy shall apply to all full-time employees (exempt and non-exempt), who work a minimum of forty (40) hours per week on a regular basis.

C. If the leave qualifies as FMLA protected leave, the City of Manvel will require the employee to use paid sick leave, vacation leave or personal leave pursuant to its general policy for FMLA leave. Notwithstanding the foregoing, for leave taken in connection with the **Families First Coronavirus Response Act of 2020**, or other federal law mandating paid sick leave in certain instances, the negative sick leave may be used to compensate the employee

during an initial startup period that is unpaid leave, if the employee has no other available paid leave. The 80-hour accrual maximum still applies.

D. Eligible employees will be permitted to accrue up to 80 hours of negative sick leave if a local pandemic event is determined by the City Manager or his/her designee. This negative sick leave balance will be considered a salary advance and require the employee to reimburse the city either through future accruals or cash payment.

E. Before an employee shall be allowed to enter a negative sick leave balance, they shall have exhausted all accrual balances of sick, vacation, floating holiday, and personal leave in addition to any compensatory time available to the employee. Donated time will not be allowed to be utilized to satisfy the negative accrual nor used in conjunction with negative sick leave accruals.

F. To obtain negative sick time accruals an employee must be eligible and request in writing or email to be allowed to accrue negative sick leave. Before negative sick leave accruals can be obtained the request must have the approval by the employee's supervisor and the City Manager.

G. After the employee's negative sick leave has accrued, payback shall be settled by applying all earned vacation, sick, floating holiday or personal leave accruals against the negative balance until the balance is satisfied.

H. If an employee's employment is terminated prior to satisfying the negative sick accrual, a deduction shall be made from the employee's final check to the extent allowed by law to cover the value remaining that was advanced to the employee or the employee shall make a cash payment to the City for the balance remaining. The signature of the employee evidencing receipt of this policy shall serve as permission for the City to make said deduction, without the need for a separate agreement.

I. During a pandemic the City of Manvel may suspend return to work and fitness for duty policies that require a doctor's note or certification from a health care provider before employees may return to work.

III. TELECOMMUTING.

A. Background.

(1) Telecommuting is intended to be one of the flexible conditions that will help employees accomplish their work effectively without disruption to City services especially leading up to, during and immediately after a pandemic event. Telecommuting may be appropriate for some employees and jobs but not for others.

(2) Telecommuting is not an entitlement, it is not a companywide benefit, and it in no way changes the terms and conditions of employment with the City of Manvel.

(3) The City of Manvel realizes a need to develop a formal process to implement telecommuting to during a pandemic, to preserve a safe work environment and for the well-being of the City of Manvel employees and citizens of the community.

B. Definitions.

(1) Telecommuting – an arrangement in which an employee regularly performs work at an alternate work site for a specified portion of the work week. Occasional work off-site, including work while traveling on City of Manvel business, does not constitute telecommuting and does not require the formal arrangement specified in this policy.

(2) Telecommuter – an employee who has an approved telecommuting work arrangement authorization on file and working from an approved alternate work site.

(3) Authorized Designee – a person who has been authorized by the City Manager to act in the City Manager capacity.

(4) Alternate Work Site – an employee will establish an appropriate work site within their home for work purposes. The City of Manvel will not be responsible for the costs associated with the initial setup of the employee's home office such as remodeling, furniture, etc.

C. Scope.

(1) Certain requirements for all telecommuting arrangements are set forth in this policy and are intended to ensure that such arrangements comply with all applicable laws, as well as to prevent losses and claims. Aside from these requirements, and with the caveat that careful consideration must be given to the issues presented in this policy, the intent is to allow telecommuting arrangements as an alternative to working at the employee's normal worksite in the event that there is a wide scale catastrophic event, in order to maintain the City's essential services, or at any other time determined by the City Manager or an authorized designee.

(2) A telecommuting arrangement is not an entitlement and in no way changes the terms and conditions of employment with the City of Manvel. Telecommuting is not a formal, universal employee benefit or a condition of employment, but rather an alternate method of meeting the needs of both the City and the employee. The City of Manvel considers telecommuting to be a viable work arrangement in certain cases where job characteristics are best suited to such an arrangement.

(3) The duties, responsibilities, and conditions of employment remain the same as if the employee were working at the normal work site. The employee will continue to comply with City of Manvel policies and procedures while working at the alternate work site.

(4) The Employee understands that telecommuting is a mutually agreed upon work alternative between the City and the Employee and the Employee will be required to obtain a written authorization from the City Manager, or designee. The City, with or without cause, can revoke or modify the Employee's participation as a telecommuter at any time.

(5) Telecommuting by one employee should not negatively affect the workload or productivity of others either by shifting burdens or creating delays and additional steps in the workflow. Telecommuting will not affect an employee's compensation, benefits, work status or

work responsibilities. A telecommuting arrangement shall not result in any additional cost to the City of Manvel.

D. Procedures.

(1) Pandemic Event

In the event of a pandemic or potential pandemic that could impact our community, the City Manager, or an authorized designee, can declare the City in an emergency event status and activate the ability to utilize this policy. All employees must be ready to assist in managing the crisis and will be considered essential for the continuity of governmental operations.

(2) Eligibility

All telecommuting arrangements must be authorized by the City Manager or an authorized designee. Before entering into any telecommuting arrangement, the Employee, the Employee's immediate supervisor (if any), and the City Manager, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee, supervisor, and City Manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee, supervisor, and City Manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee, supervisor, and City Manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

(3) An appropriate level of communication between the telecommuting employee and supervisor will be agreed upon as part of the discussion process and will be at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved. Once all details are agreed to the City Manager may send written authorization.

(4) Determining positions that are appropriate for telecommuting

In making decisions about which positions are appropriate to designate or approve for telecommuting, department heads will analyze the duties of positions and how the work is performed. Generally, the following types of positions may be appropriate for telecommuting:

- Require independent work
- Require little face-to-face interaction with staff
- Require concentration
- Result in specific, measurable work products
- Can be monitored by output

(5) Guidelines of employee qualities that are appropriate for telecommuting

In making decisions about which employees are designated or approved for telecommuting, department heads will review the work qualities of employees, in addition to ensuring that their positions are appropriate for telecommuting. Generally, employees who are successful in telecommuting:

- Are able to work productively on their own
- Are self-motivated and flexible
- Are knowledgeable about the job
- Have a low need for social interaction
- Are dependable and trustworthy
- Have above average performance records
- Are organized
- Have good communication skills

(6) Equipment

On a case-by-case basis, City of Manvel will determine, with information supplied by the Employee and the Supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. City of Manvel accepts no responsibility for damage or repairs to employee-owned equipment. City of Manvel reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter may be required to sign an inventory of all City of Manvel property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all City property will be returned to the City unless other arrangements have been made.

City of Manvel will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary and will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within their home for work purposes. City of Manvel will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

(7) Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of all City information accessible from their home office. Steps may include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

(8) Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the City's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

(9) Time Worked; Overtime.

Telecommuting employees who are "non-exempt" (not exempt from the overtime requirements of the Fair Labor Standards Act) will be required to accurately record all hours worked using the City's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's Supervisor. Failure to comply with this requirement may result in the immediate termination of the Telecommuting work arrangement. No combination of time worked at the office, telecommuting work, and paid administrative leave shall serve to create "overtime" for any non-exempt employee, except where expressly approved by the employee's supervisor.

(10) Ad Hoc Arrangements

Nothing in the policy affects the normal temporary telecommuting arrangements that may be approved by the City Manager for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

IV. GENERAL

- A. Any employee who fails to follow the requirements of this policy and/or falsifies any information or documentation related to their own or another's potentially life-threatening, contagious illness will be subject to the City of Manvel disciplinary action in accordance with the City of Manvel policies and procedures up to and including termination.
- B. Employees who are found to be in violation of any part of the following policy may be subject to disciplinary action.
- C. No part of the policy will be effective to the extent it conflicts with (1) federal or state law or (2) other employment contracts.

City Council – Noise Ordinance Amendment Bullet Points
February 7, 2022

Chapter 44, Article IX, Noise Regulation, Manvel Code of Ordinances Amendment

- Noise Zones – 4 Noise Zones
 - Noise Zone 1 is all Residential Use Property
 - Single or multiple dwelling units exist such as single-family homes, apartments, townhomes, condos.
 - The residential use property also includes schools, libraries, churches, hospitals, nursing homes, and similar institutional facilities.
 - Noise Zone 2 is all Commercial Use Property and Mixed-Use Property.
 - Commercial Use Property includes any premise where offices, shopping, and service establishments or similar retail establishments exist, for example, clinics, hotels and motels, kennels, shopping malls, offices, reception facilities, restaurants, gas stations.
 - Mixed Use Property includes any premise where retail, residential, offices, and other similar uses are combined.
 - Noise Zone 3 is all Industrial and Manufacturing Use Property and Governmental Use Property.
 - Industrial and Manufacturing Use Property includes any premise where industrial and manufacturing facilities exist.
 - Governmental Use Property includes any premise where City, County, State, and Federal facilities exist, except if otherwise specifically designated in another Noise Zone (i.e., schools are designated as Noise Zone 1).
 - Noise Zone 4 is all Entertainment Use Property.
 - Entertainment Use Property includes any premise where entertainment is considered a primary use of the property.

Noise Zone Designations	Timeframe and Sound Levels	
	Daytime (7:00 a.m. to 10:00 p.m.)	Nighttime (10:01 p.m. to 6:59 a.m.)
Noise Zone 1	60 dB(A) or 70 dB(C)	50 dB(A) or 60 dB(C)
Noise Zone 2	70 dB(A) or 80 dB(C)	60 dB(A) or 70 dB(C)
Noise Zone 3	70 dB(A) or 80 dB(C)	65 dB(A) or 75 dB(C)
	Day and Night (7:00 a.m. to 1:00 a.m.)	Late Night to Early Morning (1:01 a.m. to 6:59 a.m.)
Noise Zone 4	80 dB(A) or 90 dB(C)	60 dB(A) or 70 dB(C)

- Measuring a sustained sound rather than intermitten.

City Council – Zoning Ordinance Amendment Bullet Points

February 7, 2022

Chapter 77, Article II., District Regulations, Manvel Code of Ordinances Amendment

- Bufferyards required between different zoning districts
 - Define each District Bufferyard by:
 - Width of bufferyard
 - Required plantings with large trees, small trees, evergreen trees, and shrubs per linear feet
 - Height of walls, fences, berms (if applicable)
- Applies to new development or substantial improvement (on parcel proposed for development).
- Does not apply if separated by a public or private street.
- Where abutting an existing development without a bufferyard, the new development provides a bufferyard of the next higher classification (*i.e.*, Type B to C)
- Bufferyard Classifications

Type (Opacity)	Width	Required Plantings per 100 Linear Feet				Height of Berm, Wall, or Fence
		Shade Trees	Ornamental Trees	Evergreen Trees	Shrubs	
<i>Option 1: Landscape Only Bufferyard</i>						
Type A (10%)	10-ft.	1	1	1	5	N/A
Type B (25%)	15-ft.	2	1	3	10	N/A
Type C (50%)	25-ft.	4	3	5	20	N/A
Type D (65%)	40-ft.	4	5	5	25	N/A
<i>Option 2: Landscape with Berm, Wall or Fence</i>						
Type A (10%)	5-ft.	-	1	-	-	6-foot tall fence
Type B (25%)	10-ft.	1	1	1	15	6-foot tall fence ¹ or 8-foot tall fence ²
Type C (50%)	15-ft.	2	2	3	15	8-foot tall fence or masonry wall
Type D (65%)	25-ft.	3	5	5	25	3-foot tall berm, 8-foot tall fence or masonry wall

¹Residential use.
²Nonresidential use.

- District Bufferyard Example

Proposed Parcel Zoning	Abutting Property Zoning			
	O-SFR, SFR	HMU ¹ , PUD ¹ , HCMH	LC, HMU ² , PUD ² , MF	HC
O-SFR, SFR	A/A	A/B	A/C	A/D
HMU ¹ , PUD ¹ , HCMH	B/A	B/-	B/C	B/D
LC, HMU ¹ , PUD ² , MF	C/A	C/B	B/B	B/C
HC	D/A	D/B	D/B	D/-
¹ PUD zoning or HMU zoning with residential use.				
² PUD zoning or HMU zoning with nonresidential use.				



City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☐	Both	☒
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Date of Request: January 24, 2022 PDZ and February 7, 2022 City Council

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: N/A

E-mail Address: bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve and move forward with recommendation
to City Council, preliminary plat for Meridiana Detention Reserve "B-2", A Subdivision of 11.14 acres,
consisting of 1 Block and 1 Reserve, out of the Oliver Hall Survey, A-203. City of Manvel, Brazoria County, Texas.

Plats:

Preliminary X

Final

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Brad Sweitzer

SIGNATURE

12/27/2021

DATE



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Planning, Development and Zoning Commission Plat Report

Plat Name	Meridiana Detention Reserve B-2 Preliminary Plat
Applicant	Brad Sweitzer, EHRA, Inc.
PD&Z Meeting Date	January 24, 2022
Recommendation	Approval
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

Staff recommends approval of Meridiana Detention Reserve B-2 Preliminary Plat.

[illegible]

1. Bearing information is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements.
2. The coordinates shown herein are Texas South Central Zone No. 4204 state plane coordinates (NAD 83) and may be brought to surface by applying the following scale factor: 0.99986742185.
3. According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Plan No.48039C010K, dated December 30, 2020, the property within Union District No. 10 is in Flood Zone AE.

This flood statement does not imply that the property or structures therein will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone has been determined by the Federal Emergency Management Agency, and is determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRRA, assumes no liability as to the accuracy of the location of the flood zone shown on this flood map. EHRRA assumes no liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRRA.

3. Bearing information is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements.
4. The Coordinates shown hereon are Texas South Central Zone No. 4204 state plane grid coordinates (NAD 83) and may be brought to surface by applying the following scale factor: 0.99987642185.
5. According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No. 460300107K, dated December 30, 2020, the property lies within Unshaded Area.
6. This flood statement does not imply that the property or structures therein will be free from flooding or flood damage. On rare occasions floods can and will occur and the property owner may at any time rely on or be affected by the location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Ross & Associates, Inc., a/b/a ECHRA, hereby disclaims any liability to the accuracy of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Ross & Associates, Inc. a/b/a ECHRA.
7.
 - A.B.C.F. indicates Brazoria County Clerk's File.
 - B.C.P.R. indicates Brazoria County Plat Records.
 - C.E. indicates Building Line.
 - D.E. indicates Drainage Easement.
 - H.W. indicates Humble.
 - I.E. indicates Page.
 - P.A.E. indicates Permanent Access Easement.
 - P.O.B. indicates Point of Beginning.
 - P.U.E. indicates Public Utility Easement.
 - P.V.I. indicates Private.
 - R indicates Right.
 - R.O.W. indicates Right-Of-Way.
 - S.E.E. indicates Surface Sewer Easement.
 - S.W.S.E. indicates Storm Sewer Easement.
 - U.E. indicates Utility Easement.
 - V.O.L. indicates Volume.
 - W.L.E. indicates Water Line Easement.
 - X indicates change in ownership.
8. The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 57, Alvin Independent School District, and Brazoria County Drainage District #5.
9. Property within the boundaries of this plat and adjacent to any drainage easement, ditch, or creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences buildings, plantings, and other obstructions.
10. The Developer/Municipal Utility District/Homeowners' Association shall be responsible for maintenance of all residences.
11. The terms and Conditions of Ordinance numbers 2009-0-03, 2009-0-04, and 2009-0-05 of the City of Manvel, Texas dated February 23, 2009, may affect this plat.
12. All sidewalks shall be constructed in accordance with City of Manvel Ordinance No. 2009-0-04.
13. Contour lines shown hereon are based on the NGS Benchmark E 306 being noted herein.
14. No residential, commercial, or industrial structure, other than structures necessary to serve the pipeline shall be erected or moved to a location nearer than 100 feet to any pipeline, except for low pressure distribution system pipes as defined in section 62-2, as per Manvel Ordinance Sec. 62-116a.
15. Preliminary, this document shall not be recorded for any purpose and shall not be used to enforce or relied upon in any way.
16. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat. Upon receipt of the preliminary plat, the council will have up to twelve (12) months after approval of the final plat has been submitted to council for final approval during that time. Upon written request of the subdivider, an extension of time may be given, at the discretion of the council. If the council does not approve the plat within the time period, the subdivider has shown good faith in proceeding to complete the work necessary prior to the final plat.
17. Reserve "B-2" provides that a total of 1.21 acre of unencumbered open space within the boundary of this plat.

1. Slab elevations (finished floor) shall be a minimum of 2 feet above finished grade.

1. Slab elevations (finished floor) shall be a minimum of 2 feet above finished grade.
2. All drainage easements shown herein shall be kept clear of fences, buildings, planting and other obstructions to the operation and maintenance of drainage facilities.
3. All property shall drain into the drainage easement only through an approved drainage structure.
4. All drainage easements and detention pond reserves shown on this plat, will be maintained by the property owners and/or business owners; provided, however, and notwithstanding to the extent hereunder, that the City of Brazoria County, Texas and Brazoria County Drainage District #5, shall have the right, but not the obligation, to enter upon the drainage easements to perform maintenance operations at any time after the date hereof.
5. The property identified in the foregoing plat lies within Brazoria County Drainage District #5.
6. This rural subdivision employs a natural drainage system, which is intended to provide drainage for the subdivision that is similar to that which existed under pre-development conditions. Thus, additional drainage facilities or structures for water should be expected to occur in the subdivision to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
7. Land use within the subdivision is limited to an average impermeousness of no more than 72 percent. The drainage and/or detention system has been designed with the assumption that this average percent, impermeousness will not be exceeded. If this percentage is to be exceeded, a replat and/or redesign of the system may be necessary.
8. Other than shown herein, there are no pipeline easements or pipelines within the borders of this plat.
9. All storm water drainage pipes, culverts, tiles or other (includes driveway culverts) will be a minimum of 24" I.D. or equal.
10. Dedicated drainage easement(s) granted to Brazoria County Drainage District #5 for drainage maintenance purposes shall include 45 feet top of bank, plus the sum (footage) of both ditch side slopes and channel bottom and 45 feet of bank on the opposite bank.
11. Dedicated ingress/egress easements are granted to Brazoria County Drainage District #5 for Resolution 2011-1, Section 1.0 (1-07). Access will be gated and locked to Brazoria County Drainage District #5's lock.
12. Prohibited use of "metal" pipe in storm water/sewer applications (See District Resolution No. 2007-08).
13. Prohibited use of "rip rap" in storm water/sewer applications. (District Policy).
14. Pipelines, utility lines and other crossing under any Brazoria County Drainage District ditch require approval and permitting prior to construction.
15. All dedicated storm water drainage and/or access easements to be granted to Brazoria County Drainage District #5 by the property owners will be initiated and recorded, at property owner's expense, in Brazoria County, Texas with a "Recorded Document Number" and easement prior to final approval granted by Brazoria County Drainage District #5 Board of Commissioners.
16. It will be the property owner's responsibility to verify if any Brazoria County Drainage District #5 "Dedicated" drainage easements are on or cross their property. If so, the property owner will comply as stated within the recorded easement.
17. Project field start-up will within 365 calendar days from date shown here. Continuous and reasonable site work is expected. See Brazoria County Drainage District #5 Resolution 2011-1, Introduction, Sub-Section 1.5: Plat and Plan approval process and drainage acceptance procedures; time limit for approval and Brazoria County Drainage District #5 Resolution 2011-1, allowable time (s) and procedures for starting approved projects.

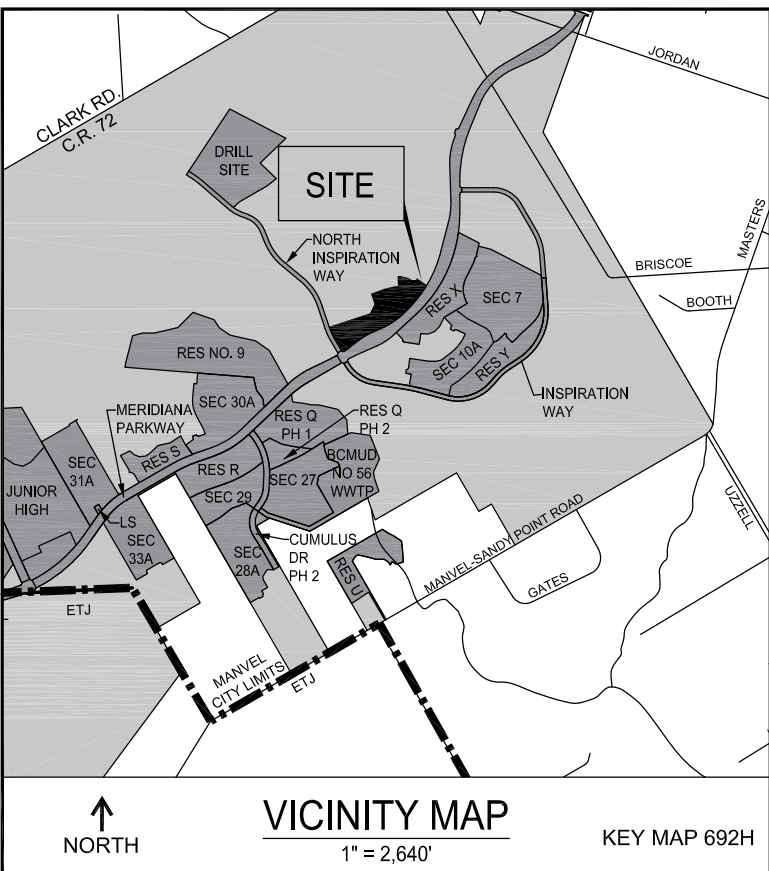
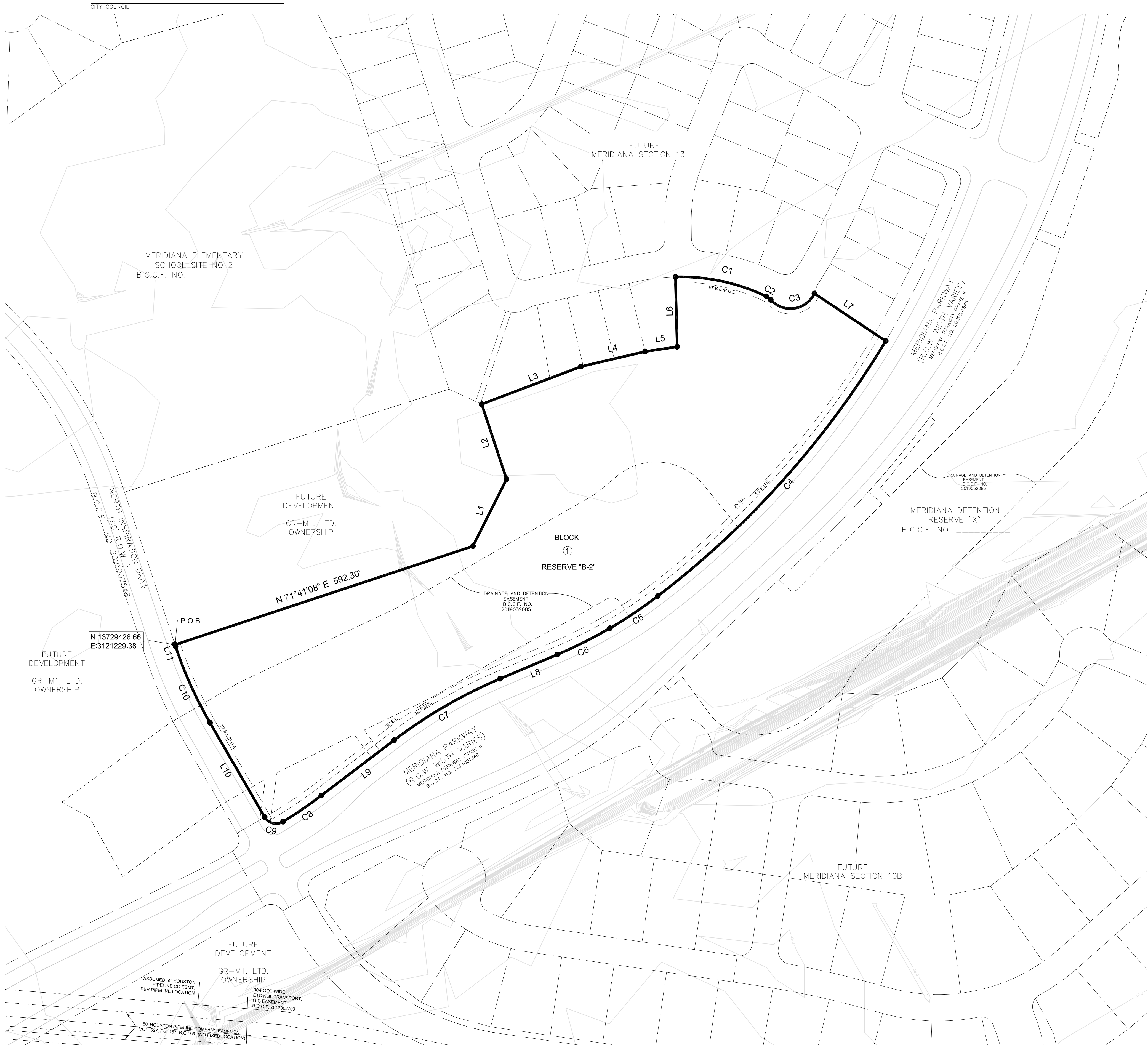
GR-M1, LTD., A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, STE. 100
KATY, TX 77493
832-916-2162

NOS MONUMENT # E IS DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS RECOMMENDED APPROVAL OF THIS PLAT OF MERIDIANA DETENTION RESERVE "B-2" IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2022.

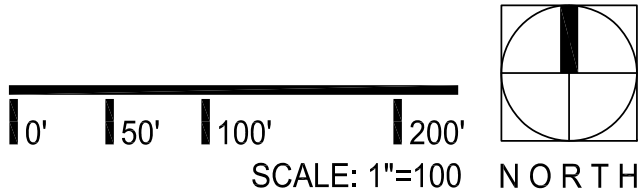
THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF MANVEL, TEXAS, HAS APPROVED THIS PLAT OF MERIDIANA DETENTION RESERVE "B-2" IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2022.

RESERVE	RESTRICTIONS	SQ. FT	ACREAGE
B-2	DETENTION, DRAINAGE, LANDSCAPE, OPEN SPACE, RECREATION & UTILITY PURPOSES	485,312	11.14



LINE TABLE		
LINE	ANGLE	DISTANCE
L1	N 26°41'08" E	141.42'
L2	N 18°18'52" W	149.20'
L3	N 69°13'41" E	200.23'
L4	N 76°48'26" E	124.47'
L5	N 81°35'24" E	61.21'
L6	N 01°25'44" W	132.00'
L7	S 56°21'23" W	161.79'
L8	S 67°03'36" W	117.08'
L9	S 52°44'09" W	172.59'
L10	N 30°06'57" W	205.86'
L11	N 18°18'52" W	3.07'

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	375.00'	177.09'	N 62°36'25" E	175.45'
C2	25.30'	10.77'	N 65°36'25" E	10.69'
C3	50.00'	9.24'	N 22°31'24" W	8.18'
C4	1722.30'	649.69'	N 68°23'12" E	645.85'
C5	871.50'	108.93'	N 82°50'01" E	108.90'
C6	871.50'	111.20'	N 82°41'22" E	111.12'
C7	928.50'	232.13'	N 75°40'32" E	231.53'
C8	871.50'	87.40'	N 84°15'51" E	87.36'
C9	25.00'	39.88'	N 11°24'09" W	35.79'
C10	770.00'	158.60'	N 78°11'56" E	158.32'



Meridiana Detention Reserve "B-2" Preliminary Plat

A Subdivision of 11.14 acres out of the Oliver Hall Survey, A-203, City of Manvel, Brazoria County, Texas.

1 Block and 1 Reserve

Owner: GR-M1, LTD., a Texas Limited Partnership

December 27, 2021



ENGINEERING THE
SINCE 18

EHRA JOB NO.
081 011 208

10011 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.784.4500
WWW.EHRINC.COM
TBPE No. F - 726
TBPLS No. 10092300

NO WARRANTY OR REPRESENTATION OF INTENDED USE, DESIGN OR PROPOSED IMPROVEMENTS ARE MADE HEREIN. ALL PLANS FOR LAND

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
Patio Home (PH)	+/- 55 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 73 Ac.	4%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 408 Ac.	25%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

Legend

Private Gated Section

Public Section

Divided or Boulevard Entry
(See Note 1)

Standard Entry
(See Note 2)

- Notes**
1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

2. A standard entry is the right-of-way width determined by Table 2 (Page 17) or as otherwise stated in the adopted O-PUD document.

3. Public sections may become private gated sections without additional consideration. Road connections between private gated sections and public sections shall not be required. This note shall not apply to Section 20 and Section 26 as identified on this document.

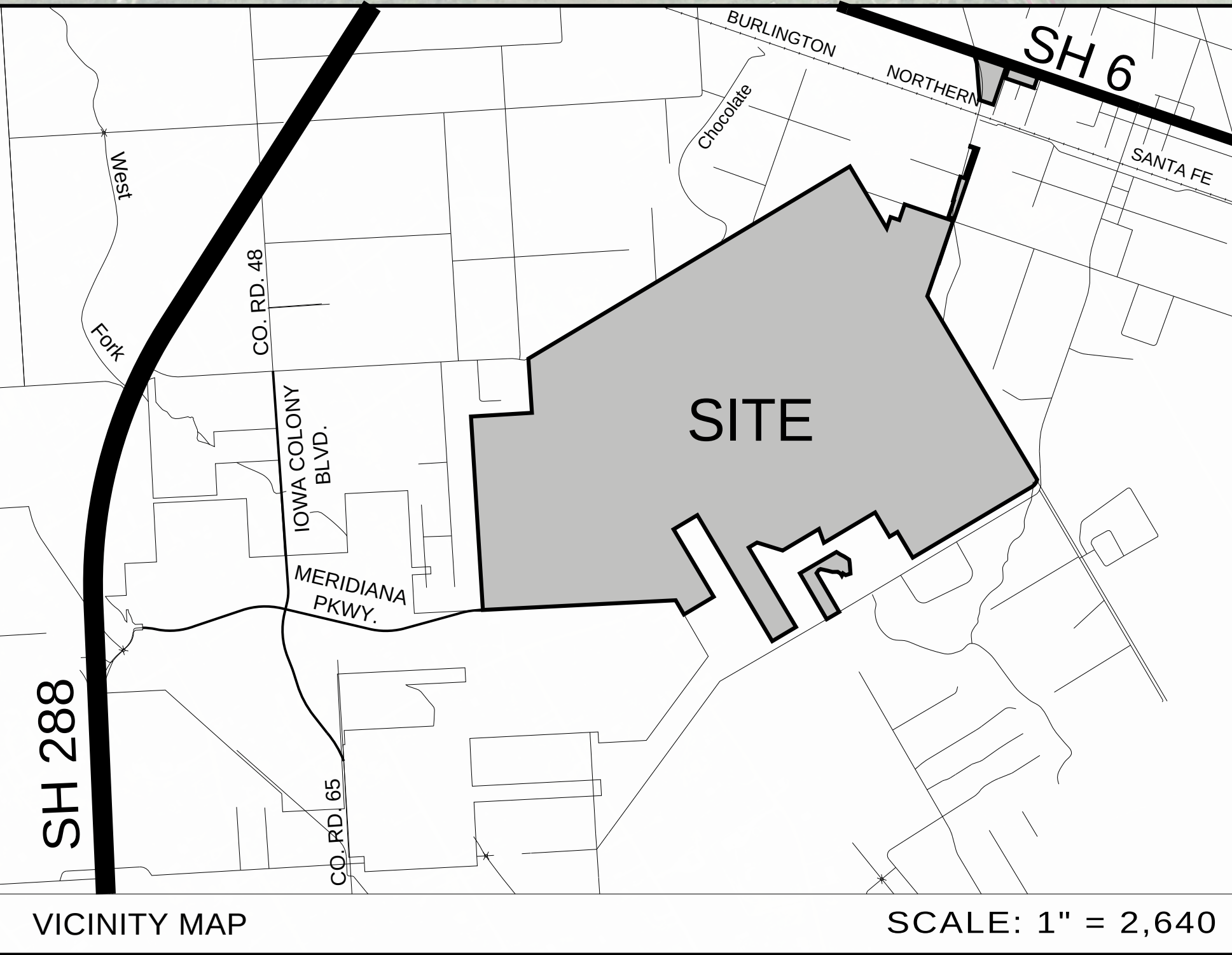
4. The Clark Road ingress/egress from Section 20 and S Masters Road ingress/egress from Section 26B shall maintain a minimum public right-of-way width of 60-feet with no parking.

THIS GENERAL DEVELOPMENT PLAN APPROVED BY THE CITY OF MANVEL PLANNING, DEVELOPMENT, AND ZONING COMMISSION ON _____

PLANNING, DEVELOPMENT AND ZONING COMMISSION



GDP AMENDMENTS	
Amendment #1 Approved:	05/18/2009
Amendment #2 Tabled:	06/25/2018
Amendment #3 Tabled:	07/09/2018
Amendment #4 Tabled:	07/23/2018
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Amendment #8 Approved:	01/28/2019
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Amendment #10 Not Approved:	06/10/2019
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Amendment #18 Not Approved:	04/12/2021
Amendment #19 Not Approved:	06/14/2021
Amendment #20 Withdrawn:	11/16/2021



Meridiana General Development Plan: Amendment #21

Brazoria County, TX

November 19, 2021

SCALE: 1" = 600'



10211 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.368.4500
WWW.EHRAINC.COM
TYPE No. F-726
TGPL No. 10092300

ENGINEERING THE FUTURE

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EHRA JOB NO.
081-011-150

No warranty or representation of intended use, design or proposed improvements are made herein. All plans for land or facilities are subject to change without notice.



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

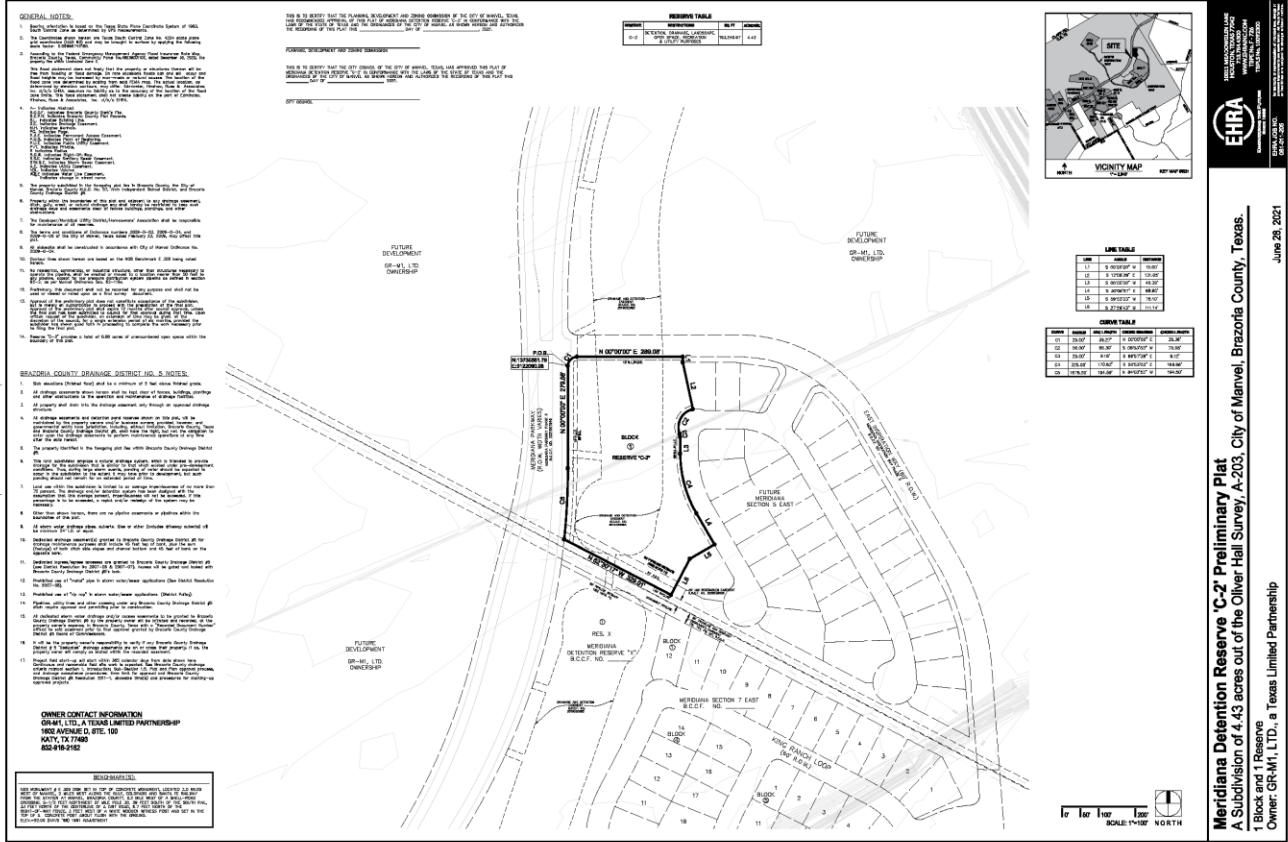
Planning, Development and Zoning Commission Plat Report

Plat Name	Meridiana Detention Reserve C-2 Preliminary Plat
Applicant	Brad Sweitzer, EHRA, Inc.
PD&Z Meeting Date	January 24, 2022
Recommendation	Approval
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

Staff recommends approval of Meridiana Detention Reserve C-2 Preliminary Plat.

Plat Exhibit

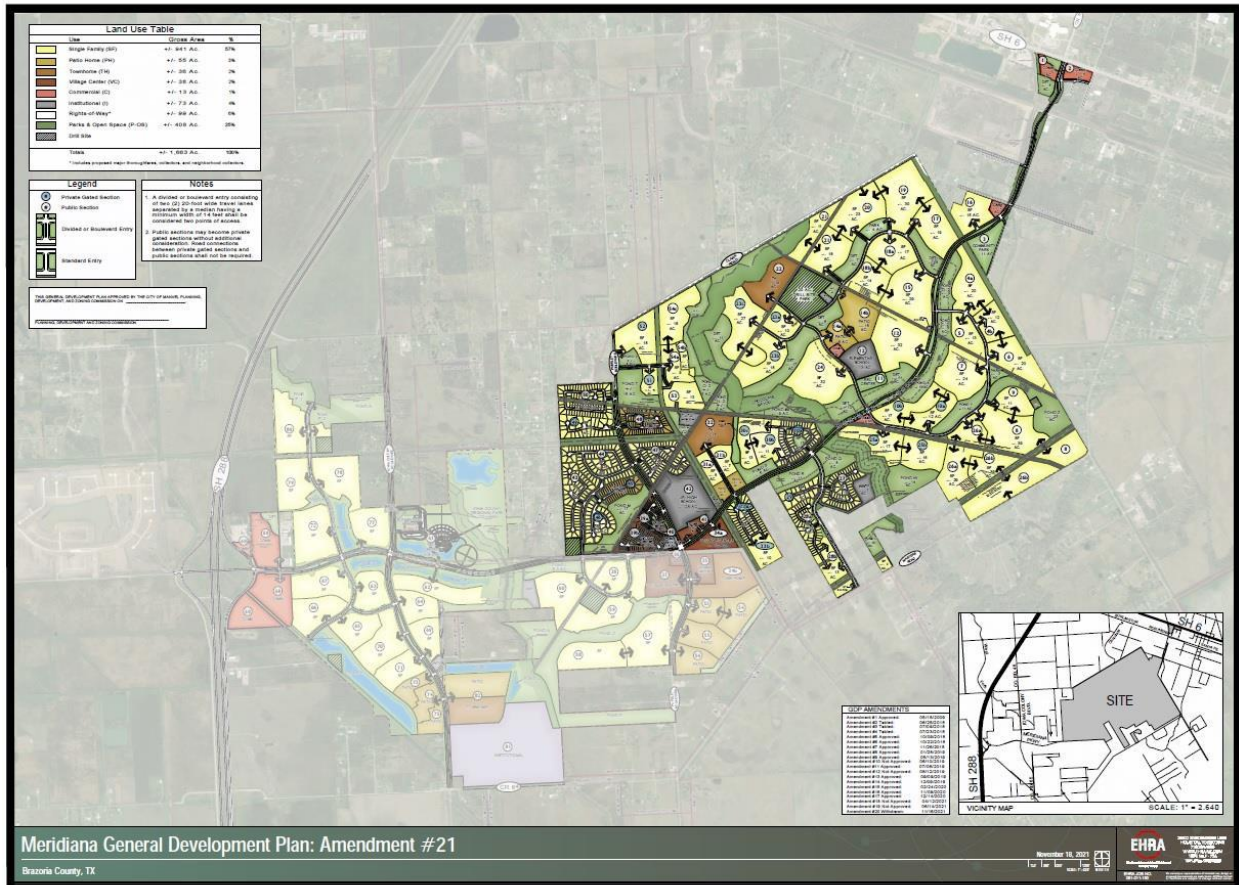




DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

Meridiana General Development Plan Amendment No. 21 (dated November 19, 2021)



Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
Patio Home (PH)	+/- 55 Ac.	3%
Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
Institutional (I)	+/- 73 Ac.	4%
Rights-of-Way*	+/- 99 Ac.	6%
Parks & Open Space (P-OS)	+/- 408 Ac.	25%
Drill Site		
Totals	+/- 1,663 Ac.	100%
* Includes proposed major thoroughfares, collectors, and neighborhood collectors.		

Legend

Private Gated Section

Public Section

Divided or Boulevard Entry
(See Note 1)

Standard Entry
(See Note 2)

- Notes**
1. A divided or boulevard entry consisting of two (2) 20-foot wide travel lanes separated by a median having a minimum width of 14 feet shall be considered two points of access.

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PLANNING, DEVELOPMENT AND ZONING COMMISSION



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Meridiana General Development Plan: Amendment #21

Brazoria County, TX

November 19, 2021

SCALE: 1" = 600'



10211 MEADOWGLEN LANE
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City of Manvel

P. O. Box 187
20025 HWY 6
Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☐	Both	☒
--------------------------------	--------------------------	--------------	--------------------------	------	-------------------------------------

Date of Request: January 24, 2022 PDZ and February 7, 2022 City Council

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: N/A

E-mail Address: bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve and move forward with recommendation
to City Council, preliminary plat for Meridiana Detention Reserve "C-2", A Subdivision of 4.43 acres,
consisting of 1 Block and 1 Reserve, out of the Oliver Hall Survey, A-203. City of Manvel, Brazoria County, Texas.

Plats:

Preliminary X

Final

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Brad Sweitzer

SIGNATURE

12/27/2021

DATE

GENERAL NOTES:

- Bearing orientation is based on the Texas State Plane Coordinate System of 1983, South Central Zone as determined by GPS measurements.
- The Coordinates shown hereon are Texas South Central Zone No. 4204 state plane grid coordinates (NAD 83) and may be brought to surface by applying the following scale factor: 0.99986742185.
- According to the Federal Emergency Management Agency Flood Insurance Rate Map, Brazoria County, Texas, Community Panel No.48039C0110K, dated December 30, 2020, the property lies within Unshaded Zone X.

This flood statement does not imply that the property or structures thereon will be free from flooding or flood damage. On rare occasions floods can and will occur and flood heights may be increased by man-made or natural causes. The location of the flood zone was determined by scaling from said FEMA map. The actual location, as determined by elevation contours, may differ. Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA, assumes no liability as to the accuracy of the location of the flood zone limits. This flood statement shall not create liability on the part of Edminster, Hinshaw, Russ & Associates, Inc. d/b/a EHRA.
- B.C.C.F. indicates Brazoria County Clerk's File.
B.C.P.R. indicates Brazoria County Plat Records.
B.C.D.R. indicates Brazoria County Deed Records.
B.L. indicates Building Line.
D.E. indicates Drainage Easement.
M.H. indicates Manhole.
P.B. indicates Page.
P.A.E. indicates Permanent Access Easement.
P.O.B. indicates Point of Beginning.
P.U.E. indicates Public Utility Easement.
P.V. indicates Private.
R indicates Radius.
R.O.W. indicates Right-Of-Way.
S.S.E. indicates Sanitary Sewer Easement.
S.T.M.S.E. indicates Storm Sewer Easement.
U.E. indicates Utility Easement.
VOL. indicates Volume.
W.L.E. indicates Water Line Easement.
X indicates change in street name.

- The property subdivided in the foregoing plat lies in Brazoria County, the City of Manvel, Brazoria County M.U.D. No. 57, Alvin Independent School District, and Brazoria County Drainage District #5.
- Property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek, or natural drainage way shall hereby be restricted to keep such drainage ways and easements clear of fences buildings, plantings, and other obstructions.
- The Developer/Homeowners' Association shall be responsible for maintenance of all reserves.
- The terms and conditions of Ordinance numbers 2009-0-03, 2009-0-04, and 2009-0-05 of the City of Manvel, Texas dated February 23, 2009, may affect this plat.
- All sidewalks shall be constructed in accordance with City of Manvel Ordinance No. 2009-0-04.
- Contour lines shown hereon are based on the NGS Benchmark E 306 being noted hereon.
- No residential, commercial, or industrial structure, other than structures necessary to operate the pipeline, shall be erected or moved to a location nearer than 50 feet to any pipeline, except for low pressure distribution system pipeline as defined in section 62-2, as per Manvel Ordinance Sec. 62-116a.
- Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.
- Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat. Approval of the preliminary plat shall expire twelve months after council approval, unless the final plat has been submitted to council for final approval during that time. Upon written request of the subdivider, an extension of time may be given, at the discretion of the council, for a single extension period of six months, provided the subdivider has shown good faith in proceeding to complete the work necessary prior to filing the final plat.

BRAZORIA COUNTY DRAINAGE DISTRICT NO. 5 NOTES:

- Slab elevations (finished floor) shall be a minimum of 2 feet above finished grade.
- All drainage easements shown hereon shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of drainage facilities.
- All property shall drain into the drainage easement only through an approved drainage structure.
- All drainage easements and detention pond reserves shown on this plat, will be maintained by the property owners and/or business owners; provided, however, and governmental entity have jurisdiction, including, without limitation, Brazoria County, Texas and Brazoria County Drainage District #5, shall have the right, but not the obligation to enter upon the drainage easements to perform maintenance operations at any time after the date hereof.
- The property identified in the foregoing plat lies within Brazoria County Drainage District #5.
- This rural subdivision employs a natural drainage system, which is intended to provide drainage for the subdivision that is similar to that which existed under pre-development conditions. Thus, during large storm events, ponding of water should be expected to occur in the subdivision to the extent it may have prior to development, but such ponding should not remain for an extended period of time.
- Land use within the subdivision is limited to an average imperviousness of no more than 72 percent. The drainage and/or detention system has been designed with the assumption that this average percent, imperviousness will not be exceeded. If this percentage is to be exceeded, a replat and/or redesign of the system may be necessary.
- Other than shown hereon, there are no pipeline easements or pipelines within the boundaries of this plat.
- All storm water drainage pipes, culverts, tiles or other (includes driveway culverts) will be minimum 24" I.D. or equal.
- Dedicated drainage easement(s) granted to Brazoria County Drainage District #5 for drainage maintenance purposes shall include 45 feet top of bank, plus the sum (footage) of both ditch side slopes and channel bottom and 45 feet of bank on the opposite bank.
- Dedicated ingress/egress accesses are granted to Brazoria County Drainage District #5 (see District Resolution No.2007-06 & 2007-07). Access will be gated and locked with Brazoria County Drainage District #5's lock.
- Prohibited use of "metal" pipe in storm water/sewer applications (See District Resolution No. 2007-08).
- Prohibited use of "rip rap" in storm water/sewer applications. (District Policy).
- Pipelines, utility lines and other crossing under any Brazoria County Drainage District #5 ditch require approval and permitting prior to construction.
- All dedicated storm water drainage and/or access easements to be granted to Brazoria County Drainage District #5 by the property owner will be initiated and recorded, at the property owner's expense, in Brazoria County, Texas with a "Recorded Document Number" affixed to said easement prior to final approval granted by Brazoria County Drainage District #5 Board of Commissioners.
- It will be the property owner's responsibility to verify if any Brazoria County Drainage District # 5 "Dedicated" drainage easements are on or cross their property, if so, the property owner will comply as stated within the recorded easement.
- Project field start-up will start within 365 calendar days from date shown here. Continuous and reasonable field site work is expected. See Brazoria County drainage criteria manual section: Introduction; Sub-Section 1.5; Plat and Plan approval process, and drainage acceptance procedures; time limit for approval and Brazoria County Drainage District #6 Resolution 2011-1, allowable time(s) and procedures for starting-up approved projects.

OWNER CONTACT INFORMATION

GR-M1, LTD., A TEXAS LIMITED PARTNERSHIP
1602 AVENUE D, STE. 100
KATY, TX 77493
832-916-2162

BENCHMARK(S):

NGS MONUMENT # E 306 DISK SET IN TOP OF CONCRETE MONUMENT, LOCATED 2.0 MILES WEST OF MANVEL, 2 MILES WEST ALONG THE GULF, COLORADO AND SANTA FE RAILWAY FROM THE STATION AT MANVEL, BRAZORIA COUNTY, 0.2 MILE WEST OF A SHELL-ROAD CROSSING, 5-1/2 FEET NORTHWEST OF MILE POLE 38, 39 FEET SOUTH OF THE SOUTH RAIL, 33 FEET NORTH OF THE CENTERLINE OF A DIRT ROAD, 6.7 FEET NORTH OF THE RIGHT-OF-WAY FENCE, 3 FEET WEST OF A WHITE WOODEN WITNESS POST AND SET IN THE TOP OF A CONCRETE POST ABOUT FLUSH WITH THE GROUND.
ELEV.=52.00 (NAVD '88) 1991 ADJUSTMENT

THIS IS TO CERTIFY THAT THE PLANNING, DEVELOPMENT AND ZONING COMMISSION OF THE CITY OF MANVEL, TEXAS, HAS RECOMMENDED APPROVAL OF THIS PLAT OF MERIDIANA UNIT 13 OPEN SPACE IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF MANVEL AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS DAY OF 2021.

PLANNING, DEVELOPMENT AND ZONING COMMISSION

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CITY COUNCIL

LINE TABLE

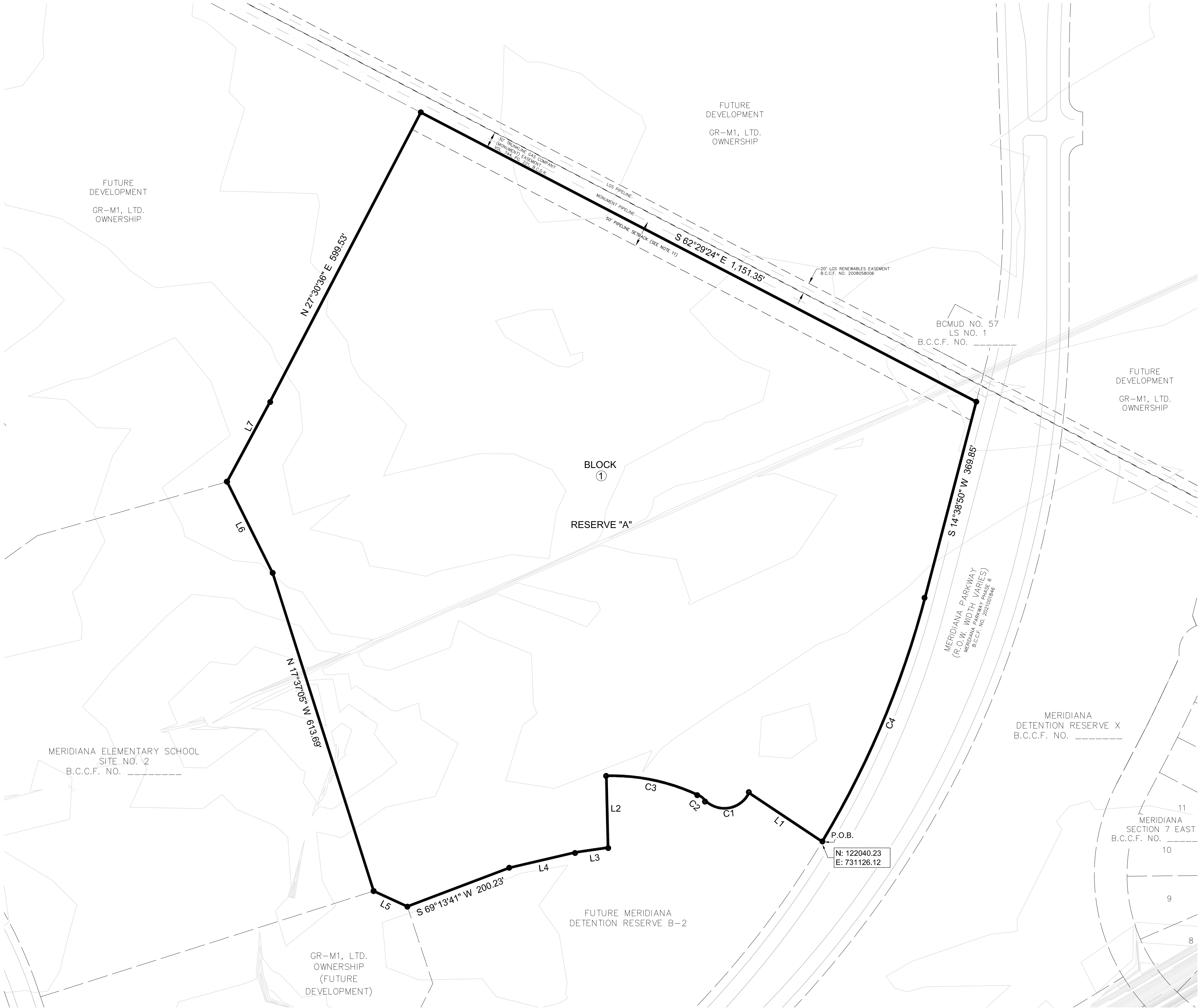
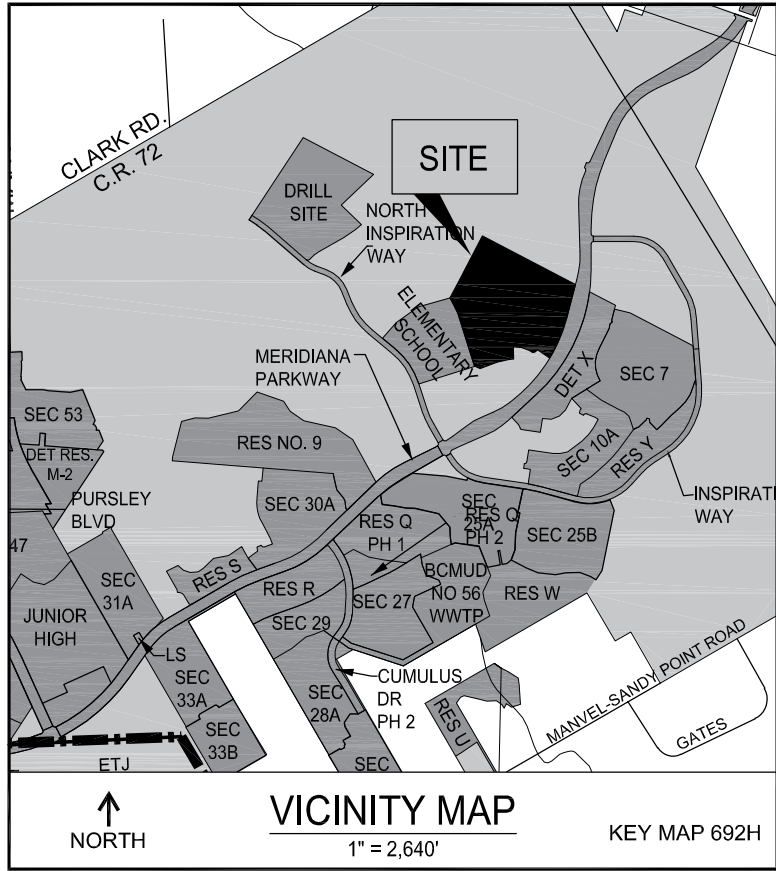
LINE	BEARING	DISTANCE
L1	N 56°21'23" W	161.79'
L2	S 01°25'44" E	132.00'
L3	S 81°35'24" W	61.21'
L4	S 76°48'26" W	124.47'
L5	N 65°22'45" W	68.07'
L6	N 26°32'51" W	187.25'
L7	N 28°12'45" E	167.14'

RESERVE TABLE

RESERVE	RESTRICTIONS	SQ. FT.	ACREAGE
A	OPEN SPACE	1,267,576.79	29.10

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	50.00'	98.91'	S 82°06'08" W	83.55'
C2	25.00'	10.10'	N 52°47'57" W	10.03'
C3	375.00'	177.09'	N 77°54'00" W	175.45'
C4	1,722.30'	489.07'	S 22°48'35" W	489.07'



Meridiana Unit 13 Open Space Preliminary Plat

A Subdivision of 29.10 acres out of the Oliver Hall Survey, A-203; City of Manvel, Brazoria County, Texas.

1 Block and 1 Reserve

Owner: GR-M1, LTD., a Texas Limited Partnership

December 27, 2021



10011 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.784.4500
WWW.EHRAINCC.COM
TBFENG, F-726
TBFPLN, No.1002300

No warranty or representation of intended use, design or construction is made by EHRA. The user of this plat and its contents shall be responsible for obtaining all necessary permits and for obtaining all necessary approvals from the appropriate authorities. The user of this plat and its contents shall be responsible for obtaining all necessary permits and for obtaining all necessary approvals from the appropriate authorities.

Land Use Table		
Use	Gross Area	%
Single Family (SF)	+/- 941 Ac.	57%
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Townhome (TH)	+/- 36 Ac.	2%
Village Center (VC)	+/- 38 Ac.	2%
Commercial (C)	+/- 13 Ac.	1%
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Public Section

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Standard Entry
(See Note 2)

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City of Manvel

P. O. Box 187
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Manvel, Texas 77578

(281) 489-0630
Fax (281) 489-0634

AGENDA REQUEST

REQUEST MUST BE MADE ACCORDING TO THE SUBMITTAL SCHEDULE

Meeting Requested: (Please check applicable meeting)

Planning, Development & Zoning	☐	City Council	☐	Both	☒
--------------------------------	--------------------------	--------------	--------------------------	------	-------------------------------------

Date of Request: January 24, 2022 PDZ and February 7, 2022 City Council

YOUR REQUEST WILL BE PLACED ON THE NEXT AVAILABLE MEETING DATE. MEETINGS ARE SECOND AND FOURTH MONDAYS FOR PLANNING, DEVELOPMENT & ZONING AND FIRST AND THIRD MONDAYS FOR CITY COUNCIL. THE AGENDAS ARE POSTED TO THE GENERAL PUBLIC AT MANVEL CITY HALL AND ON OUR WEBSITE AT www.cityofmanvel.com. THE AGENDA IS POSTED AND WILL REMAIN POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF THE MEETING. PLEASE CHECK THE BOARD FOR YOUR MEETING SCHEDULE. WE STRONGLY ENCOURAGE YOU TO ATTEND THE MEETING FOR QUESTIONS AND ANSWERS. IF YOU ARE UNABLE TO ATTEND ACTION MAY BE TABLED UNTIL THE FOLLOWING MEETING.

Person to Speak: Brad Sweitzer

Daytime Phone: 713-784-4500 Fax Number: N/A

E-mail Address: bsweitzer@ehrainc.com

Description of Request and Physical Address:

Consideration and possible action to approve and move forward with recommendation
to City Council, preliminary plat for Meridiana Unit 13 Open Space, A Subdivision of 29.10 acres,
consisting of 1 Block and 1 Reserve, out of the Oliver Hall Survey, A-203. City of Manvel, Brazoria County, Texas.

Plats:

Preliminary X

Final

ALL DOCUMENTATION AND FEES ASSOCIATED WITH THIS AGENDA REQUEST MUST BE SUBMITTED ACCORDING TO THE MEETING SUBMITTAL SCHEDULE WHICH CAN BE FOUND ON OUR WEBSITE. BY SIGNING THIS AGENDA REQUEST FORM I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THIS AGENDA REQUEST FORM.

Brad Sweitzer

SIGNATURE

12/27/2021

DATE



DEVELOPMENT SERVICES DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
281-489-0630

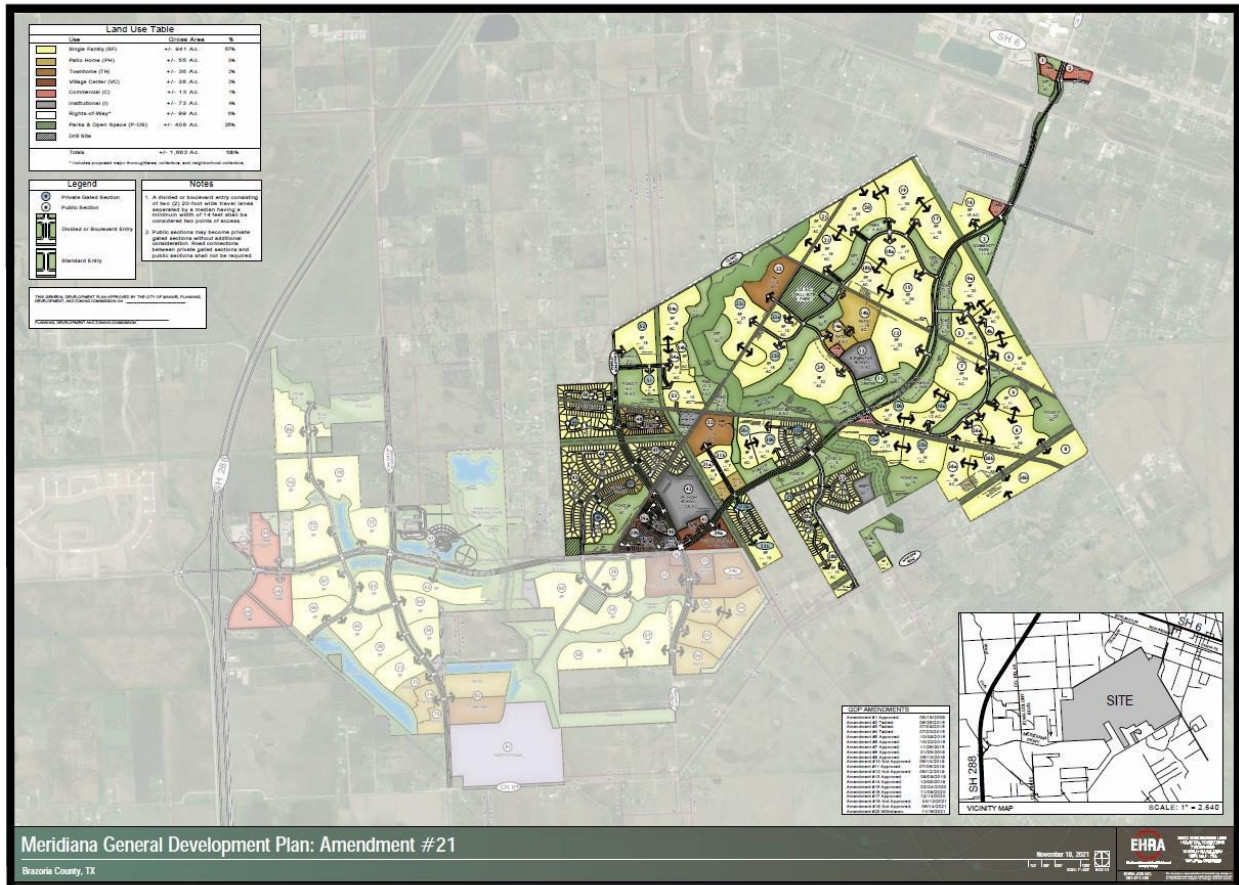
Planning, Development and Zoning Commission Plat Report

Plat Name	Meridiana Detention Unit 13 Open Space Preliminary Plat
Applicant	Brad Sweitzer, EHRA, Inc.
PD&Z Meeting Date	January 24, 2022
Recommendation	Approval
Submitted By	Kwasi Bosompem, City Planner

Staff Recommendation

Staff recommends approval of Meridiana Detention Unit 13 Open Space Preliminary Plat.

Meridiana General Development Plan Amendment No. 21 (dated November 19, 2021)





MANVEL CITY COUNCIL DATA SHEET

MEETING DATE: February 7, 2021

TOPIC

Manvel Police Department 2021 Racial Profiling Report

BACKGROUND Police Departments who routinely make traffic stops as part of their day-to-day duties are required to submit a Racial Profiling report of these traffic stops to the State and to the governing body of the city before March 1st of every year.

With this data sheet you will find the 2021 Racial profiling report and comparative analysis as required by state law.

RECOMMENDATION No action needed

ATTACHMENTS Racial Profiling Report, Comparative Analysis Report

FUNDING ISSUES

- ☒ **X** Not applicable
- ☐ Not budgeted
- ☐ Full amount already budgeted
- ☐ Funds to be transferred from Acct.#

SUBMITTING STAFF MEMBER
Keith Traylor

FINANCE DIRECTOR APPROVAL _____

CITY MANAGER APPROVAL _____

Racial Profiling Report | Full

Agency Name: MANVEL POLICE DEPT.
Reporting Date: 02/01/2022
TCOLE Agency Number: 039214

Chief Administrator: THOMAS K. TRAYLOR

Agency Contact Information:
Phone: (281) 489-1212
Email: ktraylor@manvelpd.org

Mailing Address:
6615 N. Masters
MANVEL, TX 77578

This Agency filed a full report

MANVEL POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the MANVEL POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the MANVEL POLICE DEPT. if the individual believes that a peace officer employed by the MANVEL POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the MANVEL POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the MANVEL POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The MANVEL POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),

Code of Criminal Procedure during the reporting period.

Executed by: Keith Traylor
Chief of Police

Date: 02/01/2022

Total stops: 5328

Street address or approximate location of the stop

City street	2522
US highway	0
County road	1002
State highway	1418
Private property or other	386

Was race or ethnicity known prior to stop?

Yes	78
No	5250

Race / Ethnicity

Alaska Native / American Indian	13
Asian / Pacific Islander	255
Black	1823
White	2174
Hispanic / Latino	1063

Gender

Female	1883
Alaska Native / American Indian	3
Asian / Pacific Islander	80
Black	721
White	766
Hispanic / Latino	313
Male	3445
Alaska Native / American Indian	10
Asian / Pacific Islander	175
Black	1102
White	1408
Hispanic / Latino	750

Reason for stop?

Violation of law	28
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	12
White	10

Hispanic / Latino	5
Preexisting knowledge	33
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	8
White	18
Hispanic / Latino	5
Moving traffic violation	3301
Alaska Native / American Indian	12
Asian / Pacific Islander	188
Black	1177
White	1329
Hispanic / Latino	595
Vehicle traffic violation	1966
Alaska Native / American Indian	1
Asian / Pacific Islander	64
Black	626
White	817
Hispanic / Latino	458
Was a search conducted?	
Yes	302
Alaska Native / American Indian	0
Asian / Pacific Islander	8
Black	131
White	106
Hispanic / Latino	57
No	5026
Alaska Native / American Indian	13
Asian / Pacific Islander	247
Black	1692
White	2068
Hispanic / Latino	1006
Reason for Search?	
Consent	27
Alaska Native / American Indian	0
Asian / Pacific Islander	3
Black	2
White	19

Hispanic / Latino	3				
Contraband	12				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	2				
White	8				
Hispanic / Latino	2				
Probable	205				
Alaska Native / American Indian	0				
Asian / Pacific Islander	4				
Black	117				
White	54				
Hispanic / Latino	30				
Inventory	45				
Alaska Native / American Indian	0				
Asian / Pacific Islander	1				
Black	8				
White	19				
Hispanic / Latino	17				
Incident to arrest	13				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	2				
White	6				
Hispanic / Latino	5				
Was Contraband discovered?					
Yes	186				
		Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	0	Yes	0	No	0
Asian / Pacific Islander	7	Yes	1	No	0
Black	85	Yes	3	No	7
White	65	Yes	17	No	9
Hispanic / Latino	29	Yes	5	No	4
No	116				
Alaska Native / American Indian	0				
Asian / Pacific Islander	1				
Black	46				
White	41				
Hispanic / Latino	28				

Description of contraband	
Drugs	157
Alaska Native / American Indian	0
Asian / Pacific Islander	5
Black	77
White	54
Hispanic / Latino	21
Weapons	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	0
Hispanic / Latino	1
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	9
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	6
Hispanic / Latino	3
Stolen property	4
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	0
White	1
Hispanic / Latino	2
Other	13
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	6
White	4
Hispanic / Latino	2
Result of the stop	
Verbal warning	1930

Alaska Native / American Indian	10
Asian / Pacific Islander	92
Black	672
White	807
Hispanic / Latino	349
Written warning	2021
Alaska Native / American Indian	2
Asian / Pacific Islander	105
Black	718
White	885
Hispanic / Latino	311
Citation	1230
Alaska Native / American Indian	1
Asian / Pacific Islander	54
Black	393
White	414
Hispanic / Latino	368
Written warning and arrest	28
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	7
White	13
Hispanic / Latino	8
Citation and arrest	9
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	5
White	3
Hispanic / Latino	1
Arrest	110
Alaska Native / American Indian	0
Asian / Pacific Islander	4
Black	28
White	52
Hispanic / Latino	26
Arrest based on	
Violation of Penal Code	58
Alaska Native / American Indian	0
Asian / Pacific Islander	3

Black	15
White	29
Hispanic / Latino	11
Violation of Traffic Law	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	2
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	86
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	24
White	39
Hispanic / Latino	22

Was physical force resulting in bodily injury used during stop?

Yes	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	5328
Alaska Native / American Indian	13
Asian / Pacific Islander	255
Black	1823
White	2174
Hispanic / Latino	1063

Number of complaints of racial profiling

Total	3
Resulted in disciplinary action	0
Did not result in disciplinary action	3

Comparative Analysis

Use TCOLE's auto generated analysis	☒
Use Department's submitted analysis	☐

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

Racial Profiling Analysis Report

MANVEL POLICE DEPT.

01. Total Traffic Stops:	5328	
02. Location of Stop:		
a. City Street	2522	47.33%
b. US Highway	0	0.00%
c. County Road	1002	18.81%
d. State Highway	1418	26.61%
e. Private Property or Other	386	7.24%
03. Was Race known prior to Stop:		
a. NO	5250	98.54%
b. YES	78	1.46%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	13	0.24%
b. Asian/ Pacific Islander	255	4.79%
c. Black	1823	34.22%
d. White	2174	40.80%
e. Hispanic/ Latino	1063	19.95%
05. Gender:		
a. Female	1883	35.34%
i. Alaska/ Native American/ Indian	3	0.06%
ii. Asian/ Pacific Islander	80	1.50%
iii. Black	721	13.53%
iv. White	766	14.38%
v. Hispanic/ Latino	313	5.87%
b. Male	3445	64.66%
i. Alaska/ Native American/ Indian	10	0.19%
ii. Asian/ Pacific Islander	175	3.28%
iii. Black	1102	20.68%
iv. White	1408	26.43%
v. Hispanic/ Latino	750	14.08%
06. Reason for Stop:		
a. Violation of Law	28	0.53%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	3.57%

Racial Profiling Analysis Report

iii. Black	12	42.86%
iv. White	10	35.71%
v. Hispanic/ Latino	5	17.86%
b. Pre-Existing Knowledge	33	0.62%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	6.06%
iii. Black	8	24.24%
iv. White	18	54.55%
v. Hispanic/ Latino	5	15.15%
c. Moving Traffic Violation	3301	61.96%
i. Alaska/ Native American/ Indian	12	0.36%
ii. Asian/ Pacific Islander	188	5.70%
iii. Black	1177	35.66%
iv. White	1329	40.26%
v. Hispanic/ Latino	595	18.02%
d. Vehicle Traffic Violation	1966	36.90%
i. Alaska/ Native American/ Indian	1	0.05%
ii. Asian/ Pacific Islander	64	3.26%
iii. Black	626	31.84%
iv. White	817	41.56%
v. Hispanic/ Latino	458	23.30%
07. Was a Search Conducted:		
a. NO	5026	94.33%
i. Alaska/ Native American/ Indian	13	0.26%
ii. Asian/ Pacific Islander	247	4.91%
iii. Black	1692	33.66%
iv. White	2068	41.15%
v. Hispanic/ Latino	1006	20.02%
b. YES	302	5.67%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	8	2.65%
iii. Black	131	43.38%
iv. White	106	35.10%
v. Hispanic/ Latino	57	18.87%
08. Reason for Search:		
a. Consent	27	0.51%

Racial Profiling Analysis Report

i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	3	11.11%
iii. Black	2	7.41%
iv. White	19	70.37%
v. Hispanic/ Latino	3	11.11%
b. Contraband in Plain View	12	0.23%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	16.67%
iv. White	8	66.67%
v. Hispanic/ Latino	2	16.67%
c. Probable Cause	205	3.85%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	4	1.95%
iii. Black	117	57.07%
iv. White	54	26.34%
v. Hispanic/ Latino	30	14.63%
d. Inventory	45	0.84%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	2.22%
iii. Black	8	17.78%
iv. White	19	42.22%
v. Hispanic/ Latino	17	37.78%
e. Incident to Arrest	13	0.24%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	15.38%
iv. White	6	46.15%
v. Hispanic/ Latino	5	38.46%
09. Was Contraband Discovered:		
YES	186	3.49%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	7	3.76%
Finding resulted in arrest - YES	1	
Finding resulted in arrest - NO	0	
iii. Black	85	45.70%

Racial Profiling Analysis Report

Finding resulted in arrest - YES	3	
Finding resulted in arrest - NO	7	
iv. White	65	34.95%
Finding resulted in arrest - YES	17	
Finding resulted in arrest - NO	9	
v. Hispanic/ Latino	29	15.59%
Finding resulted in arrest - YES	5	
Finding resulted in arrest - NO	4	
b. NO	116	2.18%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	1	0.86%
iii. Black	46	39.66%
iv. White	41	35.34%
v. Hispanic/ Latino	28	24.14%
10. Description of Contraband:		
a. Drugs	157	2.95%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	5	3.18%
iii. Black	77	49.04%
iv. White	54	34.39%
v. Hispanic/ Latino	21	13.38%
b. Currency	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
c. Weapons	3	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	66.67%
iv. White	0	0.00%
v. Hispanic/ Latino	1	33.33%
d. Alcohol	9	0.17%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	6	66.67%

Racial Profiling Analysis Report

v. Hispanic/ Latino	3	33.33%
e. Stolen Property	4	0.08%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	25.00%
iii. Black	0	0.00%
iv. White	1	25.00%
v. Hispanic/ Latino	2	50.00%
f. Other	13	0.24%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	1	7.69%
iii. Black	6	46.15%
iv. White	4	30.77%
v. Hispanic/ Latino	2	15.38%
11. Result of Stop:		
a. Verbal Warning	1930	36.22%
i. Alaska/ Native American/ Indian	10	0.52%
ii. Asian/ Pacific Islander	92	4.77%
iii. Black	672	34.82%
iv. White	807	41.81%
v. Hispanic/ Latino	349	18.08%
b. Written Warning	2021	37.93%
i. Alaska/ Native American/ Indian	2	0.10%
ii. Asian/ Pacific Islander	105	5.20%
iii. Black	718	35.53%
iv. White	885	43.79%
v. Hispanic/ Latino	311	15.39%
c. Citation	1230	23.09%
i. Alaska/ Native American/ Indian	1	0.08%
ii. Asian/ Pacific Islander	54	4.39%
iii. Black	393	31.95%
iv. White	414	33.66%
v. Hispanic/ Latino	368	29.92%
d. Written Warning and Arrest	28	0.53%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	7	25.00%
iv. White	13	46.43%
v. Hispanic/ Latino	8	28.57%

Racial Profiling Analysis Report

e. Citation and Arrest	9	0.17%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	5	55.56%
iv. White	3	33.33%
v. Hispanic/ Latino	1	11.11%
f. Arrest	110	2.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	4	3.64%
iii. Black	28	25.45%
iv. White	52	47.27%
v. Hispanic/ Latino	26	23.64%
12. Arrest Based On:		
a. Violation of Penal Code	58	1.09%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	3	5.17%
iii. Black	15	25.86%
iv. White	29	50.00%
v. Hispanic/ Latino	11	18.97%
b. Violation of Traffic Law	3	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	1	33.33%
iv. White	0	0.00%
v. Hispanic/ Latino	2	66.67%
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	86	1.61%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	1.16%
iii. Black	24	27.91%
iv. White	39	45.35%
v. Hispanic/ Latino	22	25.58%

Racial Profiling Analysis Report

13. Was Physical Force Used:

a. NO	5328	100.00%
i. Alaska/ Native American/ Indian	13	0.24%
ii. Asian/ Pacific Islander	255	4.79%
iii. Black	1823	34.22%
iv. White	2174	40.80%
v. Hispanic/ Latino	1063	19.95%
b. YES	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	0	
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	0	
b 3. YES: Physical Force Resulting in Bodily Injury to Both	0	

14. Total Number of Racial Profiling Complaints Received:

3

REPORT DATE COMPILED 02/01/2022

From: [Dan Johnson](#)
To: [Tammy Bell](#); [Kyle Jung](#)
Cc: [Jessica Rodriguez](#); [Elaine Graham](#); [Gilbert Salas](#); [Adewale Taiwo](#)
Subject: Lakeland Section 5
Date: Tuesday, February 1, 2022 11:03:18 AM
Attachments: [image001.png](#)

Kyle and Tammy,

-
A final acceptance walk-through has been conducted for **Lakeland Section 5** to conclude the one-year maintenance period which began on **July 15, 2019**.

All punch list items have now been addressed, and we recommend that City Council accept the infrastructure improvements for this project and release the associated maintenance bonds.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(281) 489-0630

www.cityofmanvel.com



From: [Dan Johnson](#)
To: [Tammy Bell](#); [Kyle Jung](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: Pomona Section 18
Date: Tuesday, February 1, 2022 1:58:38 PM
Attachments: [image001.png](#)

Kyle and Tammy,

-
In order to begin the two-year maintenance period, a final inspection walk-through has been conducted for:

Pomona Section 18

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(281) 489-0630

www.cityofmanvel.com



From: [Dan Johnson](#)
To: [Tammy Bell](#); [Kyle Jung](#)
Cc: [Gilbert Salas](#); [Jessica Rodriguez](#)
Subject: Pomona Section 23
Date: Tuesday, February 1, 2022 1:59:11 PM
Attachments: [image001.png](#)

Kyle and Tammy,

In order to begin the two-year maintenance period, a final inspection walk-through has been conducted for:

Pomona Section 23

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

(281) 489-0630

www.cityofmanvel.com



From: [Dan Johnson](#)
To: [Tammy Bell](#); [Kyle Jung](#)
Cc: [Jessica Rodriguez](#); [Gilbert Salas](#)
Subject: 2/07 Council Agenda - Consent- Pomona Parkway Phase 5
Date: Thursday, January 27, 2022 5:27:03 PM
Attachments: [image002.png](#)

Kyle and Tammy,

In order to begin the two-year maintenance period, a final inspection walk-through has been conducted for:

Pomona Parkway Phase 5

The Maintenance Bonds have been submitted to the City Secretary's Office, and the As-Built Construction Plans have been submitted to the Development Coordinator's Office.

In short, we recommend that City Council accept the infrastructure improvements for this project to begin the Maintenance Period.

Please let me know if you need any further information.

~Dan

Daniel S. Johnson, P.E., CFM

Assistant City Manager

City Engineer

20025 Highway 6

Manvel, Texas 77578

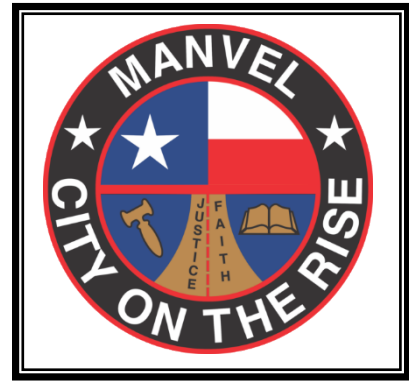
(281) 489-0630

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THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §

LARRY AKERY, COUNCIL PLACE 1
LORRAINE HEHN, COUNCIL PLACE 2
NICCOLE TYSON, COUNCIL PLACE 3
DAN DAVIS, COUNCIL PLACE 4
JASON ALBERT, COUNCIL PLACE 5
JEROME HUDSON, COUNCIL PLACE 6



DEBRA DAVISON, MAYOR
KYLE JUNG, CITY MANAGER
TAMMY BELL, CITY SECRETARY

MINUTES 1/18/2022

Workshop Session

Mayor Davison called the workshop of the Manvel City Council to order at 6:00 p.m. Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 3 Niccole Tyson
City Council Member Place 4 Dan Davis
City Council Member Place 5 Jason Albert

Absent: City Council Member Place 6 Jerome Hudson

Also Present: Kyle Jung, City Manager
Robert Gervais, City Attorney
Dan Johnson, Assistant City Manager
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Finance Director
Jessica Rodriguez, Development Services Director
Gilbert Salas, Director of Community Services

Presentation on the 2021 Master Wastewater Plan Update

Richard Weatherly of Freese and Nichols presented an update on the Master Wastewater Plan

Discussion on any subject listed on the Agenda dated January 18, 2022.

Council Member Albert asked if agenda items 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 could be acted on in one motion.

Council Member Davis asked for an update on agenda item #4. Dan Johnson provided the update and explained the process used to determine the decision made at the staff level on which bidder to recommend to the council for approval.

Mayor Davison adjourned the workshop at 6:50 p.m.

Regular Session

Call To Order

Mayor Davison called the meeting of the Manvel City Council to order at 7:00 p.m. Those in attendance were:

Present: Mayor Debra Davison
City Council Member Place 1 Larry Akery
City Council Member Place 2 Lorraine Hehn
City Council Member Place 3 Niccole Tyson
City Council Member Place 6 Jerome Hudson
City Council Member Place 4 Dan Davis
City Council Member Place 5 Jason Albert

Absent: None

Also Present: Kyle Jung, City Manager
Robert Gervais, City Attorney
Dan Johnson, Assistant City Manager
Tammy Bell, City Secretary
Keith Traylor, Chief of Police
Chris Thomas, Finance Director
Jessica Rodriguez, Development Services Director
Gilbert Salas, Director of Community Services

Inspirational Reading - Mayor Davison

Pledge

Citizen Comments: "Comment Card" Required

Mike Johnson - spoke about ongoing frustrations with Cameron Recycling.

Presentation

Proclamation - School Choice Week 1/23/2022-1/29/2022
Proclamation - Recognition of Jeanette Rau, Liz Harris and Jackie Silva

City Manager Update

Covid - 3 new employees have tested positive
From last meeting 1/3 - 1/19: cases up 964 cases in Manvel
5,352 total in Manvel
Confirm cases an increase of 784
77 probable
Recovered - increase of 172
42 deaths total in Manvel

An explosion type sound was heard on Friday evening around 10 p.m. Since Friday there has been no report of what this could have been.

Regular Agenda

1. Consideration and possible action to approve Ordinance 2022-O-01;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING THE HOLDING OF A GENERAL ELECTION ON MAY 7, 2022, FOR THE PURPOSE OF ELECTING TWO COUNCILMEMBERS: ONE EACH FOR, PLACE 4, AND PLACE 6; DESIGNATING THE CITY ELECTION PRECINCTS; DESIGNATING A POLLING PLACE; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION CONTRACT AND AUTHORIZING THE MAYOR TO EXECUTE; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; PROVIDING FOR THE INCORPORATION OF THE PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

Council Member Dan Davis made the motion to approve. Council Member Larry Akery seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

2. Consideration and possible action to approve Ordinance 2022-O-02;
AN ORDINANCE OF THE CITY OF MANVEL, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON MAY 7, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY ONE PROPOSITION RELATING TO THE AMENDMENT OF THE CITY OF MANVEL'S HOME RULE CHARTER REGARDING THE COMPENSATION AND EXPENSES OF THE MAYOR AND COUNCILMEMBERS; ORDERING A SPECIAL ELECTION TO BE HELD CONCURRENTLY WITH THE GENERAL ELECTION FOR THE ELECTION OF THE REGULAR CITY OFFICERS; PROVIDING FOR THE WORDING AND FORM OF THE BALLOT AS TO THE PROPOSED AMENDMENT; PROVIDING THE MEANS AND METHODS OF CONDUCTING THE ELECTION; DESIGNATING FIVE (5) ELECTION PRECINCTS WITHIN THE CITY; DESIGNATING POLLING PLACES; PROVIDING FOR THE APPOINTMENT OF A PRESIDING ELECTION JUDGE AND ALTERNATE PRESIDING ELECTION JUDGE; APPROVING A JOINT ELECTION WITH BRAZORIA COUNTY; ESTABLISHING OTHER PROCEDURES FOR CONDUCTING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

Council Member Hehn made the motion to approve. Council Member Hudson seconded the motion. The motion carried with a vote:

Vote: 6/1

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: City Council Member Place 4 Dan Davis

Absent: None

Abstained: None

3. Consideration and possible action to approve Ordinance 2022-O-04;

AN ORDINANCE AMENDING ORDINANCE NO. 2021-O-29 AMENDING THE CITY FISCAL YEAR 2022 BUDGET ENDING SEPTEMBER 30, 2022, BY AMENDING THE CAPITAL FUND BUDGET TO ACCOUNT FOR UPDATES TO VARIOUS CAPITAL PROJECT LINE ITEMS. DIRECTING THE BUDGET OFFICER TO FILE OR CAUSE TO BE FILED A COPY OF THE AMENDED BUDGET WITH THE CITY SECRETARY AND WITH THE OFFICE OF THE BRAZORIA COUNTY CLERK AND PROVIDING THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Council Member Hehn made the motion to approve. Council Member Akery seconded the motion. The motion carried with a vote:

Vote:6-1

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 6 Jerome Hudson

No: City Council Member Place 5 Jason Albert

Absent: None

Abstained: None

4. Consideration and possible action to award the contract for the SCADA Project to BLTI in an amount not to exceed \$369,000.00.

Council Member Tyson made the motion to approve. Council Member Hudson seconded the motion. The motion carried with a vote:

Vote:7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None Abstained: None

5. Consideration and possible action to approve a request for a 1 year extension for a specific use permit issued under Ordinance No. 2020-O-38 (adopted January 19, 2021). (Forwarded with favorable recommendation by PD&Z with a 5/0 vote).

Council Member Albert made the motion to approve. Council member Hudson seconded the motion. The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

6. Consideration and possible action to approve Final Plat for Meridiana Pursley Boulevard Phase

7;

Being a subdivision of 0.8422 acres out of the H.T. & B.R.R. Co. Survey, Section 61, Abstract 282, in the City of Manvel, in Brazoria County, Texas. (Forwarded with favorable recommendation FAILED by PD&Z with a 0/5 vote).

Council Member Albert made the motion to approve. Council Member Davis seconded the motion. The motion FAILED with a vote:

Vote: 0/7

Yes: None

No: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

Absent: None

Abstained: None

7. **Consideration and possible action to approve Final Plat for Meridiana Detention Reserve T Phase 2;
BEING A SUBDIVISION OF 0.7662 ACRES OUT OF THE H.T. & B.R.R. CO. SURVEY, SECTION 61, ABSTRACT 282, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
8. **Consideration and possible action to approve Preliminary Plat for Meridiana Units 8 and 9 Open Space;
BEING A SUBDIVISION OF 73.69 ACRES, BEING A PARTIAL REPLAT OF LOTS 6-15, BLOCK 1, OF LULLING STONE SECTION 1 MAP, AS RECORDED AT VOLUME 21, PAGES 267-270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS. (PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
9. **Consideration and possible action to approve Preliminary Plat for Meridiana Inspiration Way Phase 2;
BEING A SUBDIVISION OF 5.46 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS. (PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
10. **Consideration and possible action to approve Preliminary Plat for Meridiana Inspiration Way Phase 3,
BEING A SUBDIVISION OF 26.8 ACRES OUT OF THE OLIVER HALL SURVEY, A-203; ALSO BEING A PARTIAL REPLAT OF LOT 5 AND LOT 6, BLOCK 1, OF LULLING STONE SECTION 1, A PLAT RECORDED AT VOLUME 21, PAGES 267-270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS. (PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
11. **Consideration and possible action to approve Preliminary Plat for Meridiana Section 25A;
BEING A SUBDIVISION OF 19.49 ACRES, BEING A PARTIAL REPLAT OF LOTS 17 & 18, BLOCK 1, OF LULLING STONE SECTION 1, AS RECORDED AT VOLUME 21, PAGES 267-270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).

12. **Consideration and possible action to approve Preliminary Plat for Meridiana Detention Reserve W;
BEING A SUBDIVISION OF 15.53 ACRES, BEING A PARTIAL REPLAT OF LOTS 16, 17, & 18, BLOCK 1 OF LULLING STONE SECTION 1, AS RECORDED AT VOLUME 21, PAGES 267-270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
13. **Consideration and possible action to approve Preliminary Plat for Meridiana Detention Reserve X;
BEING A SUBDIVISION OF 12.44 ACRES OUT OF THE OLIVER HALL SURVEY, A-203; ALSO BEING A PARTIAL REPLAT OF AMENDING PLAT OF LOT NO. 15 - LULLING STONE SECTION 1, A PLAT RECORDED AT VOLUME 22, PAGE 165, BRAZORIA COUNTY PLAT RECORDS; ALSO BEING A PARTIAL REPLAT OF LOT 13 AND LOT 14, BLOCK 1, OF LULLING STONE SECTION 1, A PLAT RECORDED AT VOLUME 21, PAGES 267-270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
14. **Consideration and possible action to approve Preliminary Plat for Meridiana Section 10A;
BEING A SUBDIVISION OF 12.94 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
15. **Consideration and possible action to approve Preliminary Plat for Meridiana Section 7 East;
BEING A SUBDIVISION OF 23.36 ACRES, BEING A PARTIAL REPLAT OF LOTS 11-16, BLOCK 1, OF LULLING STONE SECTION 1, A PLAT RECORDED AT VOLUME 21, PAGES 267-270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
16. **Consideration and possible action to approve Preliminary Plat for Meridiana Detention Reserve Y;
BEING A SUBDIVISION OF 9.98 ACRES OUT OF THE OLIVER HALL SURVEY, A-203, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS. (PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).
17. **Consideration and possible action to approve Preliminary Plat for Meridiana Detention Reserve Z Phase 1;
BEING A SUBDIVISION OF 11.89 ACRES, BEING A PARTIAL REPLAT OF LOTS 1-8, BLOCK 1 OF LULLING STONE SECTION 1, AS RECORDED AT VOLUME 21, PAGES 267-270, BRAZORIA COUNTY PLAT RECORDS, CITY OF MANVEL, BRAZORIA COUNTY, TEXAS.
(PD&Z Forwarded with favorable recommendation with the conditions as recommended by staff with a 5/0 vote).

Council Member Albert made the motion to **approve agenda items #7 through agenda items #17 with conditions as recommended by the staff and the PD&Z Board. Council Member Hudson seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

18. Consideration and possible action to approve the Master Plan for Valencia, being 438.4 acres of land, Manvel, Texas.

(Forwarded with favorable recommendation FAILED by PD&Z with a 0/5 vote).

Council Member Davis made the motion to approve. Council Member Tyson seconded the motion. The motion FAILED with a vote:

Vote: 0/7

Yes: None

No: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

Absent: None

Abstained: None

19. Consideration and possible action to direct staff to provide Applicants written statements of the conditions for any conditional approvals, and the reasons for disapproval of any plans or plats that were not approved, per Texas Local Government Code §212.0091.

Council Member Jason Albert made the motion to approve. Council Member Larry Akery seconded the motion.

The motion carried with a vote:

Vote:

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Consent Agenda

1. Approve Final Plat for Meridiana Section 28B;
Being a subdivision of 14.35 acres out of the Oliver Hall Survey, Abstract 203; also being a partial replat of a portion of Lots 5 and 6, Block 1, of Lulling Stone Section Three, as recorded in Vol. 22, Pg. 231-234, Brazoria County Plat Records, City of Manvel, Brazoria County, Texas.
2. Approve Final Plat for Meridiana Section 51;
Being a subdivision of 7.176 acres out of the H.T. & B.R.R. Co. Survey, Section 61, Abstract 282, and the Oliver Hall Survey, Abstract 203, City of Manvel, Brazoria County, Texas.

3. Acceptance of infrastructure improvements for Pomona Parkway Phase 4 and release of associated Maintenance Bonds.
4. Acceptance of infrastructure improvements for Meridiana Section 48 to begin the One-Year Maintenance Period.
5. Acceptance of the meeting minutes to date.

Council Member Jerome Hudson made the motion to approve. Council Member Niccole Tyson seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Mayor Davison recessed the meeting at 7:53 p.m. for executive session.

Executive Session

City Council will convene into Executive Session pursuant to Texas Government Code, Sec. 551.074. "Personnel Matters - to deliberate the appointment, employment, evaluation, and duties of a public officer or employee".

Kyle J. Jung, City Manager Bobby Gervais, City Attorney

No action was taken in executive session.

Mayor Davison reconvened the meeting at 9:24 p.m.

Regular Agenda

20. Consideration and possible action regarding compensation and terms of employment of the City Attorney.

Council Member Dan Davis made the motion to approve a 4% salary increase. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis, City Council Member Place 5 Jason Albert, City Council Member Place 6 Jerome Hudson

No: None

Absent: None

Abstained: None

Mayor and Council Comments

Adjourn

Council Member Dan Davis made the motion to adjourn. Council Member Jerome Hudson seconded the motion.

The motion carried with a vote:

Vote: 7/0

Yes: Mayor Debra Davison, City Council Member Place 1 Larry Akery, City Council Member Place 2 Lorraine Hehn, City Council Member Place 3 Niccole Tyson, City Council Member Place 4 Dan Davis

No: None

Absent: None

Abstained: None

The meeting adjourned at 9:26 p.m.

CERTIFICATION

DEBRA DAVISON, MAYOR
CITY OF MANVEL, TEXAS

TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS