

Ordinance amending Chapter 55 of the Corpus Christi Code to require industrial facilities to have either a reduced pressure backflow device or air gap at each City meter servicing potable water; a double check assembly for fire service lines; an industrial district affidavit upon installing, repairing, or replacing a reduced pressure backflow preventer or an air gap; annual backflow preventer testing; and providing for penalty.

WHEREAS, pursuant to the 2015 Industrial District Agreements, companies in the Industrial District are required to comply with regulations relating to the delivery of utility services and industrial waste disposal through City-owned facilities;

WHEREAS, no direct connection between the public drinking water supply and a potential source of contamination is permitted;

WHEREAS, potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device;

WHEREAS, public water utility regulations are a public health regulation and Texas Local Government Code §54.001 provides a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000;

WHEREAS, a violation of public water utility regulations constitutes a nuisance and Texas Local Government Code §217.042 authorizes a home-rule city to define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the limits and to enforce all ordinances necessary to prevent and summarily abate and remove said nuisance; and

WHEREAS, the Water Utilities Department has proposed Chapter 55 to protect public safety regarding our drinking water supply.

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

SECTION 1. Corpus Christi Code of Ordinances, Chapter 55 “UTILITIES,” Article VI “Waterworks,” Section 55-96 “Industrial Backflow,” is added as delineated below:

Sec. 55-96. – Industrial Backflow.

- a. All potable water connections between an industrial facility or industrial processing unit and the City’s water system must be equipped with a reduced pressure backflow preventer (assembly) or air gap, which will prevent backflow and back-siphonage. A reduced pressure backflow preventer (assembly) or air gap must be installed directly after each City meter servicing potable water and meet Texas Commission on Environmental Quality and Municipal code requirements.
- b. Fire service lines must have a double-check assembly directly after the City meter or tap.
- c. All backflow preventers (assemblies), excluding air gaps, must be inspected and certified to be operating within specifications on an annual basis by a State-licensed backflow prevention assembly tester. In addition, the Backflow Prevention Assembly Tester must file a copy of

the test report with the City's third-party database within ten (10) days of the testing.

- d. Upon installing, repairing, or replacing a reduced pressure backflow preventer (assembly) or an air gap on a property with an industrial facility or industrial processing unit, an Industrial District Affidavit must be immediately submitted by a Texas Licensed Professional Engineer to the Utilities Department for each City water meter on the property. In addition, upon relocating a water meter, an Industrial District Affidavit must be immediately submitted by a Texas Licensed Professional Engineer to the Utilities Department. The Industrial District Affidavit must confirm there is no cross-connection between the City meter(s) and backflow preventer(s) and will be on a form designated by the City. The Industrial District Affidavit also identifies the location of each backflow preventer(s).
- e. The City has the right to inspect any connections to the City's water system, including any valves and backflow prevention devices.
- f. If the owner or operator of an industrial facility or industrial processing unit fails to comply with this Section, the City may refuse to connect the industrial facility or industrial processing unit or disconnect the property, facility, or unit from the City's water supply system. Failure to comply with the requirements of this Section will result in termination of the water service.
- g. A violation of this Section is a nuisance punishable by a fine of up to \$2,000. Each day any violation of this Section continues constitutes a separate offense.

SECTION 2. Corpus Christi Code of Ordinances, Chapter 55 "UTILITIES," Article II "RULES AND REGULATIONS OF THE UTILITIES BUSINESS OFFICE," Section 55-37 "Procedures for installation, testing, repair, and replacement of backflow prevention devices and associated billing." is amended by adding the following language that is underlined (added) and deleting the language that is stricken (~~deleted~~) as delineated below:

Sec. 55-37. - Procedures for installation, testing, repair, and replacement of backflow prevention devices and associated billing.

- (a) The city plumbing code, city building code, city residential code, and state laws and regulations establish requirements for installation and testing of backflow prevention devices for protection of the municipal water supply. The utility customer is responsible to install and maintain the required backflow prevention device in accordance with said code and regulations and as further provided in this Section. For purposes of this Section, the city plumbing code, the city building code, and the city residential code refer to said codes as adopted by city Ordinance 030847, as amended from time to time.
- (b) Backflow prevention devices must be tested as required by Corpus Christi Code by a state-licensed backflow prevention assembly tester to be certified to be operating in accordance with applicable standards, with the test results to be provided to the city manager or designee.
- (c) In accordance with 30 Texas Administrative Code Sec. 290.44(h)(1)(B)(iii), it is the responsibility of the City, as the water purveyor, to ensure that backflow requirements are met. In dealing with a non-compliant customer, The city may will, at its discretion, require the customer, at the customer's expense, to use a third party contractor to inspect, install, repair and/or replace the backflow prevention device required by this Section, adopted codes, state

or federal laws or regulations to protect the city's water supply from potential contamination.
~~The city may also contract with an entity to perform any of the aforementioned activities.~~

(d) If the owner or operator of an industrial facility or industrial processing unit fails to comply with this Section, the City, at its discretion, can refuse to connect the industrial facility or industrial processing unit or disconnect the property, facility, or unit from the City's water supply system. Failure to comply with the requirements of this Section, including subsection (c), will result in termination of the water service.

(e) If an imminent threat to the City's water system exists, the City will terminate the customer's water service immediately.

(f) A violation of this Section is an offense punishable by a fine not to exceed \$2,000. Each day any violation of this Section continues constitutes a separate offense.

~~(d) If a test result is delinquent or shows a failing backflow prevention device, the city is authorized to repair and/or replace or contract for the repair and/or replacement of the backflow prevention device and may also authorize the disconnection of water service to the property. If the city performs the installation, testing, repair and/or replacement, then the charge for the installation, testing, repair and/or replacement of the backflow prevention device will be charged to the utility customer receiving utility service at the property.~~

~~(e) A utility customer may authorize the city to inspect, install, repair, and/or replace a backflow prevention device, regardless of delinquency or failure thereof. A utility customer may further be presumed by the city to have issued said authorization after the city issues the utility customer a notice of said customer's rights and gives the utility customer thirty (30) days to object to such presumed authorization.~~

~~(f)~~(g) The provisions of this Section shall apply to the provision of water provided to customers, other than wholesale customers, inside and outside the city limits unless otherwise contradicted in a written contract to supply water to said outside city limits customer.

(Ord. No. 031067, § 4, 2-14-2017)

SECTION 3. A violation of this ordinance, or requirements implemented under this ordinance, constitutes an offense punishable as provided in Section 1-6 and 1-6.1 of the Corpus Christi Code of Ordinances.

SECTION 4. It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or Section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the City would not have acted the same without the incorporation into this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or Section.

SECTION 5. Publication shall be made in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 6. This ordinance takes effect upon publication.

That the foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

That the foregoing ordinance was read for the second time and passed finally on this the _____ day of _____ 2021, by the following vote:

Paulette M. Guajardo _____

John Martinez _____

Roland Barrera _____

Ben Molina _____

Gil Hernandez _____

Mike Pusley _____

Michael Hunter _____

Greg Smith _____

Billy Lerma _____

PASSED AND APPROVED on this the _____ day of _____, 2021.

ATTEST:

Rebecca Huerta
City Secretary

Paulette M. Guajardo
Mayor