

**Ordinance amending Corpus Christi Code Chapter 55 Article XIX regarding Recycled/ Reclaimed/Effluent water regulations and fees, providing for waiver of effluent water service fee, effective January 1, 2026, providing for publication and penalties.**

**Be it ordained by the City Council of the City of Corpus Christi, Texas:**

**Section 1.** City Code Chapter 55 Article XIX regarding Recycled Water is amended by deleting struck-through text and inserting underlined text as follows:

## ***ARTICLE XIX. RECYCLED WATER***

### ***DIVISION 1. IN GENERAL***

#### **Sec. 55-550. Purpose.**

The purpose of this article is to define the terms and conditions for which recycled water may be provided to users within areas approved for recycled water use.

(Ord. No. 029884, § 1, 7-9-2013)

#### **Sec. 55-551. Definitions.**

In this article:

*Approved use* means the use of recycled water as authorized by a recycled water agreement with the city.

*Approved use area* means a site authorized by law and designated approved in a recycled water agreement to receive recycled water for an approved use.

*Chapter 210* refers to Chapter 210 of Title 30 of the Texas Administrative Code, titled "Use of Recycled Water," as amended.

*Cross connection* means any physical arrangement where a potable water supply is actually or potentially connected with any non-potable water system, used water system or auxiliary water supply, sewer, drain conduit, swimming pool, storage reservoir, plumbing fixture, swamp cooler, air conditioning unit, fire protection system, or any other assembly which contains, or may contain, contaminated water, domestic sewage, or other liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water system as a result of backflow. Bypass arrangements, jumper connections, removable sections, swivel or change over assemblies, or other temporary or permanent assemblies through which, or because of which, backflow may occur are considered to be cross connections.

*Delivery main* means a recycled water delivery main offsite that delivers recycled water to a user. A delivery main is constructed at the expense of the recycled water user and connects one (1) or more users to a city delivery main of recycled water. Delivery mains terminate at: (1) the point of connection with a user's recycled water meter; and (2) the point of connection with the city's delivery mains. All delivery mains (including the recycled water meter connecting to a user's onsite recycled water main) accepted by the city become the property of the city at the time the city accepts the delivery main.

*Department* refers to the city's wastewater department.

*Design standard* means a design criterion or standard issued or required by the city engineer or the Texas Commission on Environmental Quality (TCEQ), or as provided under the city's design standards manual, the city's Unified Development Code (UDC), or Chapter 210 of the Texas Administrative Code, as amended from time to time.

*Director* means the city manager or designee, the director of the city's wastewater department.

*Drawings* mean plans; working drawings; detail drawings; technical profiles, exhibits or sketches; typical cross sections; or reproductions that show locations, character, dimensions, or details of work related to a recycled water system and its components.

*Off-site facilities* means any delivery main and as defined herein.

*On-site facilities* means any recycled water delivery or distribution lines on the user's side of the recycled water meter. On-site recycled water mains are built by the user and subject to permitting, the city's regulations and inspection, and chapter 210's minimum standards.

*Point of connection* means a location where off-site facilities connect to on-site facilities and, unless otherwise set forth in the recycled water agreement, is the point at the downstream end of the city's recycled water service.

*Effluent, Reclaimed or Recycled water* means wastewater that is collected through a city-owned wastewater treatment plant and treated to a quality that meets or exceeds the TCEQ's [aAuthorization](#) to the city and/or chapter 210 requirements. Recycled water is synonymous with the terms "reclaimed water" as that term is defined under chapter 210, and "effluent" or "effluent water."

*TCEQ's Authorization* means [Authorization No. R10401-004 for the Oso Wastewater Treatment Plant issued to the City by the TCEQ on November 15, 2006 as may be amended; and also any other similar authorization issued to the City by the TCEQ for any other wastewater treatment plant.](#)

*Recycled water agreement* means the required standard form agreement, between a user and the city that establishes the conditions and terms for delivery and use of recycled water.

*Recycled water delivery system* means that system of pipes and related facilities for the delivery, use and sale of recycled water by the city or the city's contractors.

*Recycled water service* means the furnishing of recycled water to a user, through a metered connection, to on-site facilities.

*Recycled water service area or service area* means the territory within the city and within its extraterritorial jurisdiction (ETJ).

*Recycled water storage facility* means an impoundment or structural tank that receives and stores recycled water and complies with applicable requirements under chapter 210.

*TAC* refers to the Texas Administrative Code.

*TCEQ* refers to the Texas Commission on Environmental Quality and its successor agencies.

*UDC* refers to the city's Unified Development Code.

*User* means a person [or entity](#) who uses, receives, distributes or handles recycled water pursuant to a recycled water agreement [or permit](#) with the city or a recycled water agreement for distribution.

*Wastewater department* means the city's wastewater department.

*Water department* means the city's water department.

*Water right* means a real property right to divert, use, or consume water flowing to, over, or under land.

(Ord. No. 029884, § 1, 7-9-2013)

**Secs. 55-552—55-554. Reserved.**

## ***DIVISION 2. RECYCLED WATER SERVICE TO USER'S ON-SITE FACILITIES***

### **Sec. 55-555. Availability of recycled water service.**

- (a) The director may make recycled water available to persons or entities who execute a recycled water agreement with the city under the terms of this article.
- (b) The director shall prescribe the method of operation and conditions of service.
- (c) The ~~city engineer~~ director shall prescribe design requirements for recycled water facilities and the manner of construction.
- (d) The director may refuse to provide service for the following reasons:
  - (1) Recycled water service would be detrimental to the potable water system;
  - (2) The city's supply of ~~treated wastewater~~ recycled water is inadequate to meet the anticipated needs of the proposed use area;
  - (3) Required fees have not been paid;
  - (4) Recycled water service to the area would not benefit the city;
  - (5) The proposed use is inappropriate for recycled water; or
  - (6) Known safeguards are not in place to protect the public health or the environment.
- ~~(e) In determining whether to provide recycled water service to an applicant, the director may consider the following factors:
  - ~~(1) The existence of a recycled water delivery main adjacent to or near the premises of an applicant;~~
  - ~~(2) The applicant's offer to pay the cost of service extension; and~~
  - ~~(3) The applicant's intent to enter into the required recycled water agreement.~~~~

(Ord. No. 029884, § 1, 7-9-2013)

### **Sec. 55-556. Provision of recycled water service.**

- (a) Upon the director's recommendation that the provision of recycled water is feasible, the city manager or designee is authorized to execute a standard form recycled water agreement with the city for the provision of recycled water to properties within the recycled water service area upon an application and agreement in compliance with this article and other applicable laws and regulations.
- (b) A person who requests recycled water service from the city must file an application that meets the requirements of this article, and must meet or exceed the minimum design, construction and operation standards for recycled water facilities.

(Ord. No. 029884, § 1, 7-9-2013)

### **Sec. 55-557. No grant or transfer of water right or ownership interest.**

The delivery of recycled water by the city and ~~or~~ the acceptance and use of the recycled water by the user is not a transfer or an acquisition by the user of a water right or an ownership interest in any of the offsite facilities.

(Ord. No. 029884, § 1, 7-9-2013)

**Secs. 55-558—55-560. Reserved.**

***DIVISION 3. REQUEST FOR RECYCLED WATER SERVICE TO USER'S ON-SITE FACILITIES***

**Sec. 55-561. Application for recycled water service, determination of feasibility.**

- (a) The director shall prescribe an application form for recycled water service **to user's on-site facilities**.
- (b) To request recycled water service, a person must own or **have a management agreement in place that allows recycled water to be used on** ~~manage~~ the property for which the service is to be provided.
- (c) An applicant for a subdivision plat, building permit, site plan, water service extension, or water connection within the service area may submit an application to use recycled water.
- (d) A person must submit an application to the director and agree to abide by all requirements for recycled water service as described in this article. If a person meets the requirements described herein, then that person must enter into a standard form recycled water agreement prior to the delivery of recycled water.
- (e) The director shall review each submitted application and investigate the proposed service, such investigation to include site visits, as is reasonably necessary to determine if such service is feasible.

(Ord. No. 029884, § 1, 7-9-2013)

**Sec. 55-562. Proof of compliance with the minimum design and operation standards.**

- (a) A person making an application for recycled water service shall submit the following information to the director for his approval, prior to construction or retrofit of an onsite facility that will use or receive recycled water:
  - (1) Design drawings and specifications which must be in compliance with the UDC, the Plumbing Code, Chapter 210, and other TCEQ regulations and applicable laws;
  - (2) Design drawings and specifications must be in compliance with the city's design standards manual issued by the city engineer;
  - (3) Drawings of the final installed onsite facility and the entire proposed use area;
  - (4) Proof that the user will be compliant with Chapter 210, the UDC, and other city codes, rules and regulations, and that the user has the required backflow prevention assembly on the recycled water service line and sufficient air gap; and
  - (5) Proof, as requested by the director, that the user has sufficient storage facilities for the recycled water and will be in compliance with chapter 210.
- (b) The director may issue written notice to the applicant to proceed with construction and/or retrofit upon satisfaction that the applicant meets or shall meet the minimum design and operation standards for recycled water service.
- (c) After completion of the construction or retrofit of the onsite facilities for recycled water service, the applicant must make a written request for inspection by the city. The inspection shall include the cross connection control and an operational test.

~~(d) The director shall grant the user approval of recycled water onsite facilities if:~~

~~(1) The director determines that the applicant meets the city's minimum design and operation standards; and~~

~~(2) The system passes the inspection and the operational tests of the cross-connection control.~~

(Ord. No. 029884, § 1, 7-9-2013)

**Secs. 55-563—55-565. Reserved.**

#### *DIVISION 4. SYSTEMS AND CONSTRUCTION OF DISTRIBUTION MAINS*

##### **Sec. 55-566. Cross connections with potable water mains prohibited.**

- (a) It shall be unlawful for any person to make or to maintain any cross connection or to allow any cross connection to exist at any place under the control of any person.
- (b) ~~Any switchover system potentially allowing use of potable water as a temporary substitute for recycled water if recycled water is not available shall be built to ensure that recycled water does not back flow into the potable water system.~~
- (c) To ensure the complete separation of a user's onsite potable water system from the lines supplying recycled water, the city shall inspect or cause to be inspected by a third party contractor, the user's onsite potable water system prior to supplying recycled water. Any recommended piping modifications shall be completed prior to commencement of the recycled water service. A re-inspection shall be conducted every year or as deemed necessary by the director.

(Ord. No. 029884, § 1, 7-9-2013)

##### **Sec. 55-567. Recycled water delivery mains—Construction.**

- (a) Any person who desires the extension of recycled water delivery mains for the provision of recycled water service shall bear all costs of extending the delivery main to the user's property line and comply with the city's policies and requirements as they relate to recycled water service. The size of delivery mains is to be determined by the city, based on the user's expected recycled water consumption.
- (b) The user shall install a water meter that meets or exceeds the director's requirements.
- (c) The city will not pay for offsite facilities improvements and infrastructure. The user shall dedicate to the city the offsite facilities improvements and infrastructure, that the city approves and accepts, and such offsite facilities improvements and infrastructure shall become the property of the city upon the city's acceptance of the dedication.
- (d) The director may allow a credit for a User's construction of facilities to the extent the director determines the facilities benefit the city. ~~The director will credit a user for the offsite facilities improvements approved and accepted by the city that the user has constructed and dedicated in order for the city to be able to deliver to recycled water to the user's onsite facilities. This credit will be applied to the user's monthly payment for recycled water under the applicable rate for recycled water, for a period of time not to exceed five (5) years. The city manager may establish rules to implement this section.~~

**Sec. 55-568. Reserved.**

#### *DIVISION 5. RECYCLED WATER AGREEMENT FOR USER'S ON-SITE FACILITIES*

### **Sec. 55-569. Recycled water agreement.**

- (a) Upon approval of the recycled water service onsite facilities, the applicant must execute a standard recycled water agreement with the city to receive recycled water service.
- (b) The recycled water agreement shall incorporate the requirements of this article, chapter 210, the UDC, the Corpus Christi Code of Ordinances, and any other terms and conditions prescribed by the city.
- (c) ~~The recycled water agreement shall be reviewed periodically at a minimum of every five (5) years and revised to be fully compliant with all TCEQ permits and regulatory requirements.~~
- (d) Prior to delivery of recycled water, the applicant must sign the recycled water agreement acknowledging that the applicant, as the user, is now responsible for onsite facilities and related activities; that the user shall comply with all applicable laws and regulations, including but not limited to chapter 210.
- (e) Every user shall agree to indemnify, hold harmless, and defend the City of Corpus Christi, its officers, agents, employees, representatives, consultants and contractors from and against any and all claims and actions, and all expenses incidental to the investigation of and defense of all claims and actions, based upon or arising out of damages or injuries to person or property in any way related to or in connection with the use or delivery of recycled water and the operation and maintenance of the onsite facilities and related activities.
- (f) Every user shall provide proof of and shall maintain in force a policy of comprehensive general liability insurance in the amount specified by the city's risk manager under section 17-19; or shall maintain a policy of general business liability insurance in the same or greater amount with a contractual liability endorsement; and shall maintain any other policy set by law or the city's risk manager under section 17-19. The city must be named as an additional insured on the general liability insurance policies by endorsement.

(Ord. No. 029884, § 1, 7-9-2013)

## **DIVISION 6. USE AND DISCONTINUANCE OF RECYCLED WATER**

### **Sec. 55-570. Discontinuance of recycled water service.**

- (a) The city shall be under no obligation to provide such recycled water and reserves the right to discontinue such service at any time and to limit the volume of recycled water at any time.
- (b) The city may discontinue recycled water service if the city manager determines that continuing to provide recycled water service would compromise the city's ability to comply with any law, rule, regulation, or order issued by TCEQ, the United States Environmental Protection Agency, the United States Department of Justice, or any other legal authority of competent jurisdiction.
- (c) The director may discontinue recycled water service if a user:
  - (1) Violates the terms of the recycled water agreement or this article;
  - (2) Fails to pay any and all fees assessed on the user's water bill;
  - (3) Tampers with any facilities related to the service, including the meter;
  - (4) Cross-connects the recycled water system with a potable water source;
  - (5) Refuses to permit an authorized representative of the city to enter his or her premises to inspect the user's recycled water system; or
  - (6) Performs an act that the director determines may be detrimental to the water, wastewater, or recycled water systems, or detrimental to the health and safety of the public.
- (d) A user shall pay for the recycled water provided by the city until the recycled water service is properly disconnected.

- (e) A user may not reconnect a discontinued service without the director's approval.
- (f) If a user reconnects a discontinued service without the director's approval, the department may remove the service and charge an additional fee.
- (g) A user may apply for reinstatement of service after paying all fees or charges assessed.
- (h) The director shall charge a fee for reinstatement of recycled water service.

(Ord. No. 029884, § 1, 7-9-2013)

#### **Sec. 55-571. City's responsibilities.**

- (a) The city and its authorized agents, employees, or contractors are responsible for the operation, management, and control of the offsite facilities and the oversight of recycled water service.
- (b) The city shall:
  - (1) Obtain necessary TCEQ authorizations for the offsite use of recycled water under chapter 210;
  - (2) Comply with the record keeping and reporting requirements of a provider under subchapter C of chapter 210-~~1~~;
  - (3) Conduct recycled water quality assessments as may be required by chapter 210; and
  - (4) Have the right to take any action at such times that it deems necessary to safeguard the public health and safety.

(Ord. No. 029884, § 1, 7-9-2013)

#### **Sec. 55-572. User's responsibilities.**

A user shall:

- (1) Be responsible for constructing the onsite and off-site facilities, with an on-site facility service line or delivery main constructed to an established point of connection;
- (2) Be responsible for dedicating to the city the off-site facilities improvements and infrastructure after approval and acceptance of the improvements by the director;
- (3) Provide supervision of on-site facilities to assure compliance with this article and the applicable cross connection control provisions of chapter 210, the city Code, and the UDC;
- (4) Provide access to on-site facilities at reasonable times for inspections by the city;
- (5) Train all on-site facilities operations personnel consistent with the worker training and safety plan approved by TCEQ under 30 TAC 210 Section 210.4 (a)(4)(F), as amended;
- (6) Conduct all operations related to recycled water service in compliance with this article; and
- (7) Comply with the record keeping and reporting requirements of a user under subchapter C of chapter 210.

(Ord. No. 029884, § 1, 7-9-2013)

#### **Secs. 55-573—55-575. Reserved.**

~~DIVISION 6. RESERVED~~

**Secs. 55-576—55-581. Reserved.**

**~~DIVISION 7. USE OF RECYCLED WATER~~**

**Sec. 55-582. Use of recycled water.**

- (a) Recycled water may be used only as provided under chapter 210, for the following purposes:
  - (1) A user may use recycled water only in locations and for uses as designated and approved in the user's executed recycled water agreement or permit.
- (b) Each user of recycled water and action related to recycled water must comply with chapter 210 and the provisions of this article.
- (c) Recycled water agreements and/or permits are non-transferrable to subsequent property owners and/or users. Each user must enter into a recycled water agreement or permit for the provision of recycled water.
- (d) Recycled water used for cooling or processing must be discharged to a sanitary sewer, in compliance with all applicable permits and laws governing such discharges, or must obtain written approval from the director for any other proposed use, disposal or discharge of such water.

(Ord. No. 029884, § 1, 7-9-2013)

**Sec. 55-583. General requirements.**

- (a) Reuse of untreated wastewater is prohibited.
- (b) The unauthorized use of recycled water is prohibited.
- (c) Food crops that may be consumed raw by humans shall not be spray irrigated with recycled water. 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 recycled water with edible portions of food crops are acceptable. Use of recycled water for 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.
- (d) There shall be no nuisance conditions resulting from the distribution, the use, and/or storage of recycled water.
- (e) Recycled water shall not be utilized in a way that degrades ground water quality to a degree adversely affecting its actual or potential uses.
- (f) Recycled 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 TCEQ. 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 and the director, as appropriate, shall report the noncompliance. A written submission of such information shall also be provided to the TCEQ regional office Region 14 and to the TCEQ Austin Office, Water Enforcement Section (MC-~~149~~ 219), 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.
- (g) Reclaimed water may not be used to fill swimming pools, hot tubs, wading pools, or any other structures designed for contact recreation.

(Ord. No. 029884, § 1, 7-9-2013; Ord. No. 031700, § 2, 3-19-2019)



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**Sec. 55-584. Use of recycled water, in irrigation systems; ~~other water supply sources~~.**

- (a) Recycled water may be utilized in the irrigation systems if:
- (1) There is a written agreement between the city and the owner/operator of the irrigation system;
  - (2) The user complies with chapter 210;
  - (3) There is no direct contact with edible crops, unless the crop is ~~pasteurized~~ peeled, skinned, cooked, or thermally processed before consumption;
  - (4) The irrigation system does not spray water across property lines that do not belong to the user and/or irrigation system's owner;
  - (5) The irrigation system is installed using purple ~~components~~; hose bibs and faucets and is designed to prevent connection to a standard water hose;
  - (6) The domestic potable water line is connected using an air gap or a reduced pressure principle backflow prevention device and sufficient air gap in accordance with Title 30, Texas Administrative Code, Section 290.47(i); the city's Code of Ordinances, Unified Development Code, and plumbing code, any other applicable laws.
  - (7) 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, "RECYCLED WATER - DO NOT DRINK" and "AGUA DE RECUPERACIÓN - NO BEBER"; and
  - (8) The backflow prevention on the recycled water supply line has sufficient air gap and complies with chapter 210, the city's Code of Ordinances, the Unified Development Code, the plumbing code, and any other applicable laws.
- ~~(b) A person may not use or connect any alternative water supply sources, such as but not limited to, gray water or harvested rain water without the prior written approval of the city's water director.~~
- ~~(c) A person commits an offense if that person uses or causes to be used recycled water or any other source or supply of water in violation of this section.~~

(Ord. No. 029884, § 1, 7-9-2013)

**Sec. 55-585. Annual inspection; right of inspection of recycled water system onsite facilities.**

- (a) The user shall conduct an annual inspection of the onsite facilities, either through the city or through the use of a city-approved third party contractor.
- (b) Additionally, the director may inspect devices installed by the user to control the flow of recycled water and may remove, or secure such devices if installed in violation of this article or any term of the recycled water agreement.
- (c) Director may inspect any offsite or onsite facilities, as well as use areas and adjoining property belonging to the user and shall be granted access, without prior notice to the user during normal business hours. If access is needed by the director during non-business hours, the user shall allow access at a reasonable time upon a prior request by the director.
- (d) The user and his/her operators shall cooperate with the city and its authorized representatives and assist in performing inspections and operational tests.
- (e) Any modifications to the user's onsite facilities must meet all criteria in this article and is subject to inspection.

(Ord. No. 029884, § 1, 7-9-2013)

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**Sec. 55-586. Identification of recycled water onsite facilities.**

A user must identify recycled water onsite facilities with signs having a minimum size of eight (8) inches by eight (8) inches posted at all storage areas and on all hose bibs and faucets, in both English and Spanish, the words "Recycled Water, Do Not Drink" or a similar warning in accordance with Section 210.25 of Title 30 of the TAC.

(Ord. No. 029884, § 1, 7-9-2013)

**Sec. 55-587. Maintenance of recycled water service pipes.**

All persons using recycled water shall keep their on-site facilities in good repair, so as to prevent leakage. Maintenance is the user's responsibility. All on-site transportation, holding and delivery facilities for recycled water shall comply with the standards of chapter 210.

(Ord. No. 029884, § 1, 7-9-2013)

**Sec. 55-588. Violations; prohibited uses.**

- (a) A person commits an offense if a person:
- (1) Violates a provision of this article or any applicable provision of the Texas Administrative Code, the Texas Water Code, or the Texas Health and Safety Code;
  - (2) Uses recycled water for a purpose not approved by this article and/or authorized in the recycled water agreement;
  - (3) Uses or applies recycled water for any purpose, including approved uses, by direct application or by windblown spray, to an area other than the approved use area;
  - (4) Uses hose bibs or faucets on a recycled water system unless they are designed and installed to prevent connection to a standard water hose, as defined in chapter 210;
  - (5) Allows any obstruction to impede access to meter boxes or other onsite facilities or offsite facilities;
  - (6) Gives, sells, trades, or transfers recycled water to another area without the prior written approval of the director;
  - (7) Discharges airborne or surface recycled water from the user's property, other than to a wastewater treatment system or wastewater collection system, without notifying the city of its permit granted by TCEQ and authorizing the discharge;
  - (8) Interrupts recycled water service in a portion of the city's system without the prior written approval of the director;
  - (9) Stores or applies recycled water in such a way as to cause runoff or ponding. If such conditions occur, in addition to any other corrective action taken or required by law, the user shall immediately alter its method of application to prevent any further runoff or ponding;
  - (10) Tamper with, works on, or in any way alters or damages any part of the city's recycled water system. Tampering or work shall include, but is not limited to, opening or closing of valves, or causing of any recycled water to flow from the system;
  - (11) Cuts into or makes any improper connection with the system;
  - (12) Causes or allows their recycled water system to have any cross connections (between two (2) or more water supplies), any illegal connections or tie-ins, or any discharge of recycled water into the public wastewater system;

- (13) Takes or uses recycled water without payment;
- (14) Removes or defaces any warnings, labels or signs pertaining to recycled water use;
- (15) Commits an offense under applicable state law.

(Ord. No. 029884, § 1, 7-9-2013)

**Secs. 55-589—~~55-590~~. Reserved.**

(Ord. No. 24396, § 1, 3-20-2001; Ord. No. 24576, § 4, 9-11-2001; Ord. No. 031700, § 3, 3-19-2019)

Editor's note(s)—Formerly numbered § 55-158.

## ***DIVISION 7. RECLAIMED/RECYCLED/EFFLUENT WATER AVAILABLE FOR PICKUP AT WASTEWATER FACILITY***

**Sec. ~~55-157~~ 55-590. Reclaimed/Recycled/Effluent distribution to permittees into private containers at City wastewater facility; service charge rate, permit and regulations.**

In this section:

“Effluent”, “recycled water” or “reclaimed water” means wastewater that is collected through a city-owned wastewater treatment plant and treated to a quality that meets or exceeds the Texas Commission on Environmental Quality (TCEQ) Reclaimed Water Authorization to the City and/or Chapter 210 requirements.

“Reclaimed Water Authorization” means Authorization No. R10401-004 for the Oso Wastewater Treatment Plant issued to the City by the TCEQ on November 15, 2006 as may be amended; and also any other similar authorization issued to the City by the TCEQ for any other wastewater treatment plant.

“User” or “permittee” means an individual person or entity that receives a permit from the City pursuant to this section for pick up of reclaimed water for use at the person or entity’s individual property.

“Provider” means an individual person or entity that distributes reclaimed water to specific addresses in accordance with authorization of the Texas Commission on Environmental Quality. A provider is required to identify all addresses where the provider distributes reclaimed water.

- (a) The city may make available effluent water discharged from its sewage treatment plants for disbursement into private tanks or other approved containers for the purpose of watering lawns, grass, and other plants, dust control and ~~similar other approved~~ uses at the specific addresses identified by the user or provider.
  - (1) Such effluent water shall be made available only under the terms and conditions herein provided and only to such persons or entities as are duly permitted ~~as distributors~~ as provided in this section or to provider authorized by TCEQ to distribute such water.
  - (2) The city shall be under no obligation to provide such effluent and reserves the right to discontinue such service at any time and to limit the volume and to establish or alter loading procedures and/or locations as necessary for the efficient administration of the wastewater division.

- (3) The maximum quantity of effluent available per day per address is subject to availability determined by Corpus Christi Water Director. There is an effluent service fee per pick-up for each address where the effluent is to be distributed by the permitted user or provider. The effluent service fee is:

<u>0 to 300 gallons per pick-up per address where the effluent is to be distributed</u>	<u>\$15.00</u>
<u>301 to 600 gallons or daily available maximum per pick-up per address where the effluent is to be distributed</u>	<u>\$30.00</u>

The fee is due at time of pickup. The Chief Operating Officer of Corpus Christi Water may waive the fee for a permitted customer in recognition of community-benefiting actions or public service contributions. This fee may be waived by the City Manager for all permitted customers with notice to City Council if necessary for public health and safety.

- (b) No effluent distribution permit shall be issued except upon application filed with the wastewater division of the city. Every such application shall contain the following information:
- (1) Name of applicant.
  - (2) Name of authorized representative (e.g., president of corporation; partner, etc.) if applicant is other than an individual.
  - (3) Business address and phone number.
  - (4) Residence address and phone number of authorized individual representative.
  - (5) Description of each vehicle and container unit to be used in the transportation or distribution of effluent water, ~~including the make, year, model, type, weight and gross vehicle weight, container capacity in gallons, vehicle registration number, and the state safety inspection certificate number and expiration date.~~
  - (6) Names and driver's license number of every proposed driver of such vehicles.
  - (7) Statement of previous use of container units and any proposed use after or concurrently with such units use for effluent distribution.
  - (8) Statement of the proposed uses of any effluent water, including whether the use is proposed for residential, commercial, or industrial purpose.
  - (9) Location where the effluent will be used.
  - (10) Additional terms and conditions required for compliance with the Reclaimed Water Authorization and this Article.
- (c) Upon the filing of the required application, ~~and payment of the permit fee specified herein for each container unit,~~ the director over wastewater operations, or the director over wastewater operations' designee, shall upon his determination that the applicant and vehicles and container units are in compliance with all applicable provisions of this article, issue a permit ~~for each such container unit to the applicant (the "user" or "permittee") for the specific location permitted for use.~~
- ~~(1) The permit shall identify the particular unit for which it is issued and shall be displayed in a prominent place upon the unit.~~

~~(2) Each unit shall be separately permitted.~~

- ~~(d) The permit fee shall be fifty dollars (\$50.00) per month for each unit plus five dollars (\$5.00) per month for each unit per one thousand (1,000) gallons of capacity (or portion thereof) over the first one thousand (1,000) gallons of capacity.~~
- ~~(e) Permits shall be issued on a quarterly annual basis from the effective date of this plan; fee proration shall be on a monthly basis and expire every December 31.~~
- ~~(f) Notwithstanding subsection (g) of this section, a resident of the City of Corpus Christi~~

A permittee or provider may obtain effluent at no charge from a wastewater treatment plant, designated by the director over wastewater operations, for the irrigation of vegetation, dust control, or watering a foundation at the individual's personal residence or for any other use authorized by the Reclaimed Water Authorization .

- ~~(1) Any effluent received under this subsection may not be sold or transferred to another individual or used for commercial purposes.~~
  - ~~a. Before receiving effluent the resident the user must obtain a permit from the director over wastewater operations, or the director over wastewater operations's designee. Before receiving effluent, the provider must be authorized by the TCEQ and the specific locations for use of the effluent must be identified by the provider at time of pick-up.~~
  - ~~b. Prior to receiving a permit, the resident must complete a course of instruction on the handling of wastewater effluent that has been developed by the city's health department.~~
  - c. Any container used to receive and transport effluent must have a lid or cap, be watertight, and be properly secured to the vehicle.
  - d. All containers are subject to inspection and approval of the city ~~health department or~~ wastewater department.
  - e. Any effluent received under this subsection must be immediately transported to the ~~personal residence of the individual receiving the effluent~~ location permitted or identified for use and used for the irrigation of vegetation, dust control, or watering a foundation or other use authorized pursuant to this section.
  - f. The effluent may not be stored for future use.
  - g. A ~~resident~~ The property owner or property manager of property using effluent for the irrigation of vegetation or dust control must post a sign on the property legible from the street stating that effluent is being used on the property.
  - h. Every ~~resident person or entity~~ obtaining effluent under this ~~subsection~~ section must ~~either:~~
    - ~~1. Provide proof of and maintain in force a property liability insurance policy (homeowner/renter) in the amount of three hundred thousand dollars (\$300,000.00) per occurrence; or~~
    - ~~2.~~ Sign a form provided by the director over wastewater operations that releases the City of Corpus Christi from any liability resulting from the ~~resident's~~ improper use or transportation of the effluent and agree to hold the city harmless, including reimbursing the city for the costs of defending itself.
- ~~(g) Every effluent distribution permit use shall be subject to the following terms and conditions and no person shall receive or distribute effluent water except in compliance herewith:~~
  - ~~(1) Container units or tanks shall have a minimum capacity of five hundred (500) gallons for the use of reclaimed water must be approved by CCW and~~ shall be capable of being closed water-tight and shall be so closed during transport of effluent water; and shall be maintained in a leak-proof condition;

~~provided, however, that special permits may be issued for container units with a capacity of less than five hundred (500) gallons upon the determination by the director over wastewater operations that all other container unit specifications herein required have been met and that the particular container unit does shall not create an increased risk to the public health and safety.~~

- (2) No vehicle may be used in connection herewith which has not been reported on the application and approved for such use.
- (3) Every driver or handler must be ~~certified~~ approved by the wastewater division prior to receiving any effluent water from the city.
  - ~~a. The wastewater division may certify a driver or handler who has completed a course of instruction on the handling of wastewater effluent that has been developed by the city's health department.~~
- (4) Effluent water shall be used as soon as possible to prevent regrowth of bacteria.
  - a. Permittees shall check effluent water in their units not less than every four (4) hours for chlorine residual, except for effluent stored in fixed-site containers which shall be checked not less than every eight (8) hours.
- (5) Chlorine residuals shall be maintained at one (1) milligram per liter (parts per million) [one (1) mg/one (l) (ppm)], consistent throughout the effluent container.
- (6) The minimum quality of the effluent must not exceed conditions on the use of effluent set out in any permits or authorizations issued to the city by a federal or state regulatory agency or the applicable regulations of a federal or state regulatory agency.
- (7) Effluent containers, including those used for storage, shall be subject to inspection and approval of the ~~city health department or~~ wastewater division, whose inspectors are hereby authorized to prohibit the use of any container or effluent water which is determined to be outside the parameters established in this section or is otherwise determined to present a danger to public health.
- (8) ~~Every permittee shall provide proof of, and shall maintain in force, a policy of comprehensive general liability insurance in the amount specified by the city's risk manager under section 17-19; or shall maintain a policy of general business liability insurance in the same or greater amount with a contractual liability endorsement; and shall maintain a policy of automobile liability insurance in the minimum amounts set by state law. The city shall be named as an additional insured on the general liability insurance policies.~~
- (9) By acceptance of a permit under this section and/or receipt of effluent water from the city system, the permittee and/or recipient of such effluent agree to fully indemnify, save and hold harmless, the City of Corpus Christi, Texas, its agents and employees, from and against all claims and actions, and all expenses incidental to the investigation and defense thereof, based upon or arising out of damages or injuries to person or property in any way related to or in connection with the use or distribution of effluent water under this section.
- (10) Permittees shall provide a written notice to every person to whom effluent is furnished which shall state in not less than 10-point type, substantially as follows:

"CAUTION"

"You are hereby advised that effluent water is the discharged water from a sewage treatment plant. ~~The Director of Public Health has determined that improper~~ Improper use or handling could be harmful and ~~recommends advise~~ the following precautions:

1. Do not use effluent water for drinking, bathing, or personal hygiene purposes.
2. Do not use effluent water for washing autos, clothes, or other personal contact items.
3. Do not use effluent water in swimming pools or for similar recreational uses.

4. Do not allow children to play on grass wet with effluent water, wait until it dries.
5. Do not use effluent which has been stored for more than four (4) hours unless the chlorine residual level has been tested and is not less than one (1) part per million [one (1) mg/one (1)(p.m.)].
6. Application of effluent shall be by coarse stream and shall not be by fine spray."

(11) All terms and conditions required for compliance with the Reclaimed Water Authorization and this Article.

- (h) Violation of any of the cautions set forth in subsection (g)(10) of this section, by any person, is a violation of this section.
- (i) Violation of any of the provisions of this section, in addition to the general penalties provided in this part, shall result in denial of effluent, or revocation of any such violator's effluent ~~distribution~~ permit, and notification to TCEQ as required by TCEQ regulations.

## *DIVISION 8. RATES AND CHARGES*

### **Sec. 55-591. Establishment of rates and charges.**

Rates and charges for recycled water service are hereby established, based upon factors that include the cost to the city to provide recycled water service, the savings to the city to be able to produce less potable water, and the value to the city to be able to implement longstanding city policies and goals related to water conservation and drought planning and management. Each user of recycled water shall pay a charge for recycled water service at the rates established under this article.

(Ord. No. 029884, § 1, 7-9-2013)

### **Sec. 55-592. Periodic review of rates.**

The city council will periodically review the rates for recycled water service and any proposed rate increases in accordance with applicable laws and regulations.

(Ord. No. 029884, § 1, 7-9-2013)

### **Sec. 55-593. Fees.**

The city council may adopt a schedule of fees to reimburse the city its costs to provide permitting and inspection services in connection with recycled water service.

(Ord. No. 029884, § 1, 7-9-2013)

### **Sec. 55-594. Schedule.**

Users shall pay a monthly or other applicable charge for reclaimed or recycled water service provided to the user's on-site facilities based on the amount of recycled water ~~used by the user~~ according to the following rates: The rate per 1,000 gallons of recycled water service provided to the user's on-site facilities is the same per 1,000 gallon rate as the City's raw water cost adjustment rate established by City ordinance.

~~(a) — Rate classes. The rate classes for recycled water are as follows:~~

~~(1) — First. Customers who receive recycled water through a recycled water delivery system.~~

~~(b) — Recycled water rates.~~

~~(1) — First class. The rate for recycled water for customers in the first class is a monthly charge of:~~

Per 1,000 gallons	\$ 1.00

~~(2) — First class initial rate. The rate for recycled water for the first twenty-four (24) months that a customer in the first class receives recycled water service is a monthly charge of:~~

Per 1,000 gallons	\$0.75

(Ord. No. 029884, § 1, 7-9-2013)

#### **Sec. 55-595. Calculation of quantity of recycled water delivered.**

The amount of recycled water received by a user at the user's on-site facilities is based on monthly meter readings performed by the city.

(Ord. No. 029884, § 1, 7-9-2013)

#### **Sec. 55-596. Inaccurate meter readings.**

Should any meter fail to register correctly the amount of recycled water used by a user at the user's on-site facilities since the previous reading, the department has a right to charge for recycled water service on the basis of three (3) month's average.

(Ord. No. 029884, § 1, 7-9-2013)

#### **Sec. 55-597. Billing.**

Bills for recycled water service are due upon receipt and payable to the City of Corpus Christi, at the office of the Utility Business Office, 1201 Leopard Street, Corpus Christi, Texas, 78701.

(Ord. No. 029884, § 1, 7-9-2013)

#### **Sec. 55-598. City-owned buildings and properties.**

City-owned buildings and properties are exempt from charges for recycled water service.

(Ord. No. 029884, § 1, 7-9-2013)

#### **Sec. 55-599. Exemptions.**

The city council has determined that charges for recycled water service do not apply to facilities of the United States Navy; the Coastal Bend State Veterans Cemetery; independent school districts; public institutions of higher education; Nueces County; or agencies and departments of the State of Texas.



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(Ord. No. 029884, § 1, 7-9-2013)

**Sec. 55-600. Reserved.**

*DIVISION 9. RESERVED*

*DIVISION 10. ENFORCEMENT*

**Sec. 55-620. Purpose.**

- (a) The purpose of this division is to provide for the enforcement of this article and other applicable provisions of state law.
- (b) The director is authorized to enforce this article.
- (c) The purpose of any fine imposed against a person under this article is to penalize and deter non-compliance with this article, the Texas Administrative Code, the Texas Water Code, the Texas Health and Safety Code, and other state law and to recover any economic benefit resulting from the non-compliance as the director determines is appropriate. Specific statutory requirements include the Texas Administrative Code, Chapters 70 and 210; the Texas Water Code, Chapters 5, 7, 11-13, and 16; and the Texas Health and Safety Code, Chapters 341, 366, 369, 371, 374, and 401.
- (d) This article applies to any person who receives or uses recycled water, and all persons within the city limits of the City of Corpus Christi.
- (e) If some part or parts of this article cannot be interpreted as consistent with the Texas Water Code, the Texas Health and Safety Code, or the Texas Administrative Code, or where applicable parts of those statutes are not specifically included in this article, the statutes shall control.

(Ord. No. 029884, § 1, 7-9-2013)

**Sec. 55-621. Offenses, violations, and penalties.**

- (a) A person commits an offense if the person violates any provision of this article or any applicable state law, including the Texas Administrative Code, the Texas Water Code, the Texas Health and Safety Code.
- (b) A person violating any provision of this article or any applicable state law shall be subject to the penalties as provided under section 1-6 of this Code.
- (c) The commission of a violation of each provision, and each separate violation thereof, shall be deemed a separate offense, in and upon conviction thereof, shall be fined as provided in section 1-6 of this Code.
- (d) If any person or a second person at the same location or premises, is found guilty of a second violation of this article or any applicable state law, the director shall be authorized to discontinue recycled water service to the premises where such violation occurs.
- (e) Cases filed under this section shall be expedited and given preferential setting in municipal court before all other cases.
- (f) Any person who is the party to the recycled water agreement and whose name is on file with the director or the utilities billing office as the user of the recycled water service for the property where the violation occurs

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(Supp. No. 42, Update 2)

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or originates shall be presumed to be the violator, and proof that the violation occurred on said premises shall constitute prima facie evidence that the user committed the violation, but said user shall have the right to show that he or she did not commit the violation.

- (g) If any person fails to respond to a citation or summons issued for a violation of this article within the time allowed, upon receipt of notice from the director or a judge of the municipal courts, the director is authorized to discontinue recycled water service under the recycled water agreement to the location or premises where such violation occurs.

(Ord. No. 029884, § 1, 7-9-2013)

### **Sec. 55-622. Authority to enforce.**

The city manager is authorized to make determinations necessary to effectuate the purposes of this article.

The city attorney and assistant city attorneys are authorized to ensure that this article is properly and diligently enforced, to prosecute violations of this article, to defend the legality of this article if challenged, and to seek legal and/or equitable remedies for violations of this article, including the filing of criminal charges. A legal proceeding pursued under this article does not constitute a waiver by the city of any right the city may have to join in a legal action originating from an alternative source of law. The city may commence such actions for appropriate legal and/or equitable relief in courts having proper jurisdiction and may seek civil penalties and any other legal or equitable relief available under common law, V.T.C.A., Local Government Code Chapter 54, under V.T.C.A., Water Code § 26.124, or any other applicable local, state, or federal code or statute.

(Ord. No. 029884, § 1, 7-9-2013)

### **Secs. 55-623—55-640. Reserved.**

**SECTION 2.** 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. Penalties are as provided in Chapter 55 Article XIX. This ordinance takes effect January 1, 2026.

**SECTION 3.** If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

Introduced and voted on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

PASSED and APPROVED on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

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Paulette Guajardo, Mayor

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Rebecca Huerta, City Secretary