



201 S. MAIN ST.
BRAZORIA, TEXAS 77422

Ph: (979) 798-2489
Fax: (979) 798-2018

October 2, 2023

Dear Citizens,

As of October 1, 2023, the City of Brazoria is increasing the water and sewer rates. This increase is due partially to the new water storage requirements put in place by the Texas Commission on Environmental Quality (TCEQ). TCEQ now requires the City of Brazoria to have 358,000 gallons of water per day in storage.

In order to accommodate the TCEQ's mandated storage requirements, Brazosport Water Authority (BWA), our water supplier, entered into a partnership with Dow Chemical to build a new reservoir. The cost of the debt incurred to build the reservoir is being charged to the member cities, of which we are one. Brazoria's current share of the debt service cost is \$1.55 per 1,000 gallons on our mandated purchase of \$358,000 gallons a day (\$17,200 per month). Per BWA this fee is scheduled to increase annually for the next five years.

In addition to the increase caused by the new water storage requirement, BWA has again increased the fee on water consumption. Rates on water consumption have been as follows:

Fiscal Year 21/22	\$3.36 per 1,000 gallons on 315,000 gallons a day	\$ 31,752/month
Fiscal Year 22/23	\$3.78 per 1,000 gallons on 315,000 gallons a day	\$ 36,912/month
Fiscal Year 23/24	\$4.07 per 1,000 gallons on 315,000 gallons a day	\$ 39,744/month

The increase to your rates is not something anyone in City Management or on City Council was in favor of having to do. However, due to the mandated State requirements and BWA rate increase we had no choice. I am attaching a copy of the Ordinance which includes the details of the rate increases and the TCEQ letter that explains the mandate the City was given. Thank you for your understanding of this matter.

Sincerely,

Sheila Williams
City Manager

Encls.

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



PWS_0200003_CO_20220926_ACR

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 26, 2022

RECEIVED OCT 06 2022

Ms. Kelly M. Hajek, P.E.
Strand Associates Inc.
1906 Neibuhr Street
Brenham, Texas 77833

Re: City of Brazoria – PWS ID No. 0200003
Request for Alternative Capacity Requirements (ACRs)
Brazoria County, Texas
RN 102674447 | CN 600573414

Dear Ms. Hajek:

On July 29, 2022, the Texas Commission on Environmental Quality (TCEQ) received your submittal, dated July 26, 2022, requesting an alternative capacity requirement (ACR) be granted to the City of Brazoria public water system (PWS) under the requirements specified in Title 30 of the Texas Administrative Code (30 TAC) §290.45(g). The regulations found in 30 TAC §290.45(f)(4) for purchased water systems require the maximum authorized daily purchase rate specified in the contract, or a uniform purchase rate in the absence of a specified daily purchase rate, plus the actual production capacity of the system to be at least 0.6 gallons per minute (gpm) per connection. You requested a reduced production ACR. The City of Brazoria (PWS ID No. 0200003) primarily purchases treated surface water from the Brazosport Water Authority (PWS ID No. 0200497) which is distributed to approximately 1,867 active connections on one pressure plane.

Per the latest Comprehensive Compliance Investigation (CCI) conducted by the TCEQ Houston Regional Office on November 13, 2018 (Investigation No. 1526795), the City of Brazoria is contracted to receive water from the Brazosport Water Authority for up to 315,000 gallons per day. During this CCI, the City was cited an alleged violation for failure to meet a production capacity of 0.6 gpm per connection. The TCEQ Technical Review and Oversight Team (TROT) reviews requests for ACRs based on an evaluation of a system's maximum daily demand (MDD) and the actual number of connections served at that time. Based on the information submitted, we are granting a new ACR as follows:

Total Production (Purchased + Groundwater + Surface Water) 0.25 gpm/connection

Your submitted daily usage data from March 2019 to February 2022 indicated an MDD of 582,000 gallons on March 10, 2021. The number of connections served during March 2021 was 1,857. Using the specifications in 30 TAC §290.45(g)(2) and a safety factor of 1.15, we calculated an equivalency ratio of 0.42. The above ACR was calculated using this equivalency ratio and the specifications in 30 TAC §290.45(g)(2).

As allowed by 30 TAC §290.45(g)(1)(E), the following dates were excluded from the data used to calculate the MDD:

Date(s) Excluded	Reason
February 14, 18-20, 2021	Winter Storm Uri
June 28-29, 2021	Extensive hydrant flushing
December 6-7, 28, 2021	Water leak
February 9-10, 2022	Water leak

Condition of Granted ACR

Condition 1:

- This ACR is contingent upon the continuing collection and retention of the most recent three (3) consecutive years of daily usage data.

All ACRs are subject to periodic review. They may be revised or revoked if water demand conditions change or if evidence is found that granting it has resulted in the degradation of potable water quality or quantity. Please note that per 30 TAC §290.45(g)(6)(B), revision or revocation of granted ACRs may be initiated if any of the conditions in 30 TAC §290.45(g)(6)(A) are met. This letter must be kept on file at the water system for as long as any ACR granted in this letter is in effect. This letter must be made available to TCEQ staff upon request.

Granted ACRs only waive compliance to the 30 TAC Chapter 290 requirements explicitly stated in the TCEQ ACR letter. Noncompliance with any condition stated in this letter may result in an enforcement action as specified in 30 TAC §290.39(1)(5). Granted ACRs cannot be used as a defense in any enforcement action resulting from noncompliance with any other requirement in 30 TAC Chapter 290.

If you have questions concerning this letter, or if we can be of additional assistance, please contact Ms. Yadhira A. Resendez, P.E. at yadhira.resendez@tceq.texas.gov, by telephone at (512) 239-1018, or by correspondence at the following address:

Technical Review and Oversight Team (MC 159)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Sincerely,



Stephanie Escobar, Team Leader
Technical Review and Oversight Team
Plan and Technical Review Section
Water Supply Division
Texas Commission on Environmental Quality

SJE/yar/db

cc: The Honorable Roger Shugart, Mayor, City of Brazoria, 201 South Main Street, Brazoria, Texas 77422-8701

CITY of BRAZORIA
TCEQ ALTERNATIVE CAPACITY REQUIREMENT (ACR)
BRAZOSPORT WATER AUTHORITY
SUPPLIED WATER

GPM/CONNECTIONS ACR X CONNECTIONS X MINUTES IN A DAY = ACR GALS/ DAY

.25 ACR x 1867 CONNECTIONS IN BRAZORIA x 1440= 672,120 GALLONS PER DAY

OPTION 1

TAKE OR PAY 673,000 GALS/DAY x \$3.78/1,000GAL x 365 DAYS IN A YEAR= \$928,538

OPTION 2 (RECOMMENDED)

CURRENT CONTACTED

TAKE OR PAY 315,000 GALS/DAY x \$3.78/1,000GAL x 365 DAYS IN A YEAR= \$434,606

RESERVED WATER 358,000 GALS/DAY x \$1.40/1,000GAL x 365 DAYS IN A YEAR= \$182,938

YEARS TOTAL \$617,544

ORDINANCE #23-014

AN ORDINANCE FOR THE CITY OF BRAZORIA, TEXAS AMENDING THE CODE OF ORDINANCES BY THE CITY, BY AMENDING SECTION 13.02.034 WATER SERVICE MONTHLY CHARGES THROUGH ESTABLISHING NEW WATER SERVICE RATES; PROVIDING FOR THE REPEAL OF ALL ORDINANCE, RESOLUTIONS OR UNFOUNDED POLICIES WHICH ARE IN ANY INCONSISTENT OR IN CONFLICT WITH THEIR PROVISIONS.

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

SECTION 1: Section 13.02.034(a) of the Code of Ordinances of the City of Brazoria shall be and is hereby amended to read as follows:

Section 13.02.034 Water service monthly charges

(a) Rates. The following monthly rates and charges are hereby fixed and shall be charged and collected by the city for water services:

(1) Residential customers shall be billed at the following rates and charges:

Water Usage	Inside City Limits	Outside City Limits
Minimum fee including 1,000 gallons	\$43.09	\$54.49

Additional charges for water usage in excess of 1000 gallons shall be at the fee established in the categories below which fee shall be prorated based upon the actual water usage to the nearest 100 gallons of water used.

Water usage	Inside City Limits	Outside City Limits
1,001 to 5,000	\$6.16	\$10.47
5,001 to 10,000	\$6.38	\$10.92
10,001 to 15,000	\$6.73	\$11.61
15,001 to 25,000	\$6.95	\$12.06
25,001 to 50,000	\$7.30	\$12.75
In excess of 50,000 gallons	\$7.38	\$13.11

The above rates, other than the minimum rate, are to be prorated to the nearest 100 gallons water used in each category of water usage. By way of illustration, the patron will be charged a

prorated amount of the \$6.16 rate for each 1,000 gallons of water used in excess of 1,000 gallons but less than 5,001 gallons.

(2) Commercial customers shall be billed at the following rates and charges:

Water Usage	Inside City Limits	Outside City Limits
Minimum fee including 1,000 gallons	\$43.09	\$54.49

Additional charges for water usage in excess of 1000 gallons shall be at the fee established in the categories below which fee shall be prorated based upon the actual water usage to the nearest 100 gallons of water used.

Water usage	Inside City Limits	Outside City Limits
1,001 to 5,000	\$6.16	\$10.47
5,001 to 10,000	\$6.38	\$10.92
10,001 to 15,000	\$6.73	\$11.61
15,001 to 25,000	\$6.95	\$12.06
25,001 to 50,000	\$7.30	\$12.75
In excess of 50,000 gallons	\$7.38	\$13.11

The above rates, other than the minimum rate, are to be prorated to the nearest 100 gallons water used in each category of water usage.

(3) Government customers shall be billed at the following rates and charges.

Water Usage	Inside City Limits	Outside City Limits
Minimum fee including 1,000 gallons	\$43.09	\$54.49

Additional charges for water usage in excess of 1000 gallons shall be at the fee established in the categories below which fee shall be prorated based upon the actual water usage to the nearest 100 gallons of water used.

Water usage	Inside City Limits	Outside City Limits
1,001 to 5,000	\$6.16	\$10.47
5,001 to 10,000	\$6.38	\$10.92
10,001 to 15,000	\$6.73	\$11.61

15,001 to 25,000	\$6.95	\$12.06
25,001 to 50,000	\$7.30	\$12.75
In excess of 50,000 gallons	\$7.38	\$13.11

The above rates, other than the minimum rate, are to be prorated to the nearest 100 gallons water used in each category of water usage.

{Subsection (b) and (c) is unchanged.}

SECTION 2:

Any and all rules, ordinances, police regulations, and /or policies of the City of Brazoria, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and hereby repealed to the extent of such conflict and /or inconsistency.

SECTION 3:

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this ordinance which are not specifically designated as illegal, invalid, or unenforceable.

SECTION 4:

This ordinance shall be effective from and after the date of its passage and approval.

PASSED AND APPROVED THIS 26TH DAY OF SEPTEMBER 2023.



Phillip Ray
 Phillip Ray, Mayor

ATTEST:

Clissa Mills
 Clissa Mills, City Secretary

ORDINANCE #23-015

AN ORDINANCE FOR THE CITY OF BRAZORIA, TEXAS AMENDING THE CODE OF ORDINANCES BY THE CITY, BY AMENDING SECTION 13.02.033 SEWER SERVICE MONTHLY CHARGES THROUGH ESTABLISHING NEW SEWER SERVICE RATES; PROVIDING FOR THE REPEAL OF ALL ORDINANCE, RESOLUTIONS OR UNFOUND POLICIES WHICH ARE IN ANY INCONSISTENT OR IN CONFLICT WITH THEIR PROVISIONS.

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

SECTION 1: Section 13.02.033 of the Code of Ordinances of the City of Brazoria shall be and is hereby amended to read as follows:

The following rates and charges are hereby fixed and shall be charged and collected by the city for sewer services and other services incidental thereto:

(1) Residential customers shall be billed at the following rates and charges:

(a) Inside City limits. Each residential customer shall pay a monthly service charge to the city for the sanitary sewer services provided by the city as follows:

Gallons of fluid introduced into Sanitary Sewer System per month	Charge per month
0 to 1,000	\$33.39

Additional charges for sewer introduced into system in excess of 1000 gallons shall be at the fee established in the categories below which fee shall be prorated based upon the actual fluid introduced to the nearest 100 gallons of fluid introduced:

1,001 to 5,000	\$ 2.44
5,001 to 10,000	\$ 2.60
10,001 to 15,000	\$ 2.86
15,001 to 25,000	\$ 3.12
25,001 to XXXXX	\$ 3.38

(b) Outside city limits. Each residential customer outside the city limits shall pay a monthly service charge to the city for the sanitary sewer services provided by the city as follows:

Gallons of fluid introduced into Sanitary Sewer System per month	Charge per month
0 to 1,000	\$45.35
Additional charges for sewer introduced into system in excess of 1000 gallons shall be at the fee established in the categories below which fee shall be prorated based upon the actual fluid introduced to the nearest 100 gallons of fluid introduced:	
1,001 to 5,000	\$ 4.63
5,001 to 10,000	\$ 4.94
10,001 to 15,000	\$ 5.46
15,001 to 25,000	\$ 5.98
25,001 to XXXXX	\$ 6.50

(2) Regular commercial customers shall be billed at the following rates and charges:

(a) Inside City limits. Each regular commercial customer shall pay a monthly service charge to the city for the sanitary sewer services provided by the city as follows:

Gallons of fluid introduced into Sanitary Sewer System per month	Charge per month
Minimum including the first 1,000 gallons	\$33.91
Additional charges for sewer introduced into system in excess of 1000 gallons shall be at the fee established herein which fee shall be prorated based upon the actual fluid introduced to the nearest 100 gallons of fluid introduced:	
	\$ 2.86

(b) Outside City limits. Each regular commercial customer shall pay a monthly service charge to the city for the sanitary sewer services provided by the city as follows:

Gallons of fluid introduced into Sanitary Sewer System per month	Charge per month
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Minimum including the first 1,000 gallons \$46.39

Additional charges for sewer introduced into system in excess of 1000 gallons shall be at the fee established herein which fee shall be prorated based upon the actual fluid introduced to the nearest 100 gallons of fluid introduced: \$ 5.46

For the purposes of computing the monthly service charge provided above, each sanitary sewer patron of the city shall be charged a sewer service fee for the number of gallons equal to the number of gallons of water used by such patron as metered by the city for the same metering cycle.

(3) Special commercial and industrial customers. The monthly service charge for providing sanitary sewer service to special commercial and industrial customers shall be based upon:

- (a) The number of gallons of water used by the patron in question as metered by the city, or
- (b) The number of gallons of wastewater and other fluids introduced into the city sanitary sewer system by the patron in question, as estimated or metered by the city, whichever is greater;

Plus where applicable, a monthly surcharge computed on the basis of the industrial waste ordinance of the city for industrial customers that have sewage strengths in excess of 200 mg/l (BOD) and 200 mg/l (TSS). In addition, industrial customers, in accordance with the environmental protection agency's assistance grant cost recovery requirements, will be subject to pay their proportionate share of the city's federal assistance grant amount allocable to the treatment of the city's waste.

© Monthly service charge (exclusive of the surcharge or any other applicable charges):

Gallons of fluid introduced into Sanitary Sewer System per month Charge per month

0 to 1,000 \$35.47

Additional charges for sewer introduced into system in excess of 1000 gallons shall be at the fee established in the categories below which fee shall be prorated based upon the actual fluid introduced to the nearest

100 gallons of fluid introduced:

1,001	to	5,000	\$ 3.12
5,001	to	10,000	\$ 3.38
10,001	to	15,000	\$ 3.64
15,001	to	25,000	\$ 3.90
25,001	to	XXXXX	\$ 4.16

(c) Monthly surcharge. A monthly surcharge shall be applicable to all industrial customers which introduce wastewater and other fluids in to the city sanitary sewer system which have sewage strengths in excess of 200 mg/l (BOD) and 200 mg/l (TSS). All charges hereunder shall be determined pursuant to the following formula:

Industrial surcharge

$$C + V\{(B-200)B + (S-200)S\}$$

Where:

- C is the surcharge for user X
- V is the billing volume for user X, in thousands
- B is the tested BOD level for user X or 200mg/l, whichever is greater
- B is the unit cost factor for treating one unit of BOD per 1000 gallons (\$0.0006672)
- S is the tested TSS level for user X or 200mg/l
- S is the unit cost factor for treating one unit of TSS per 1000 gallons (\$0.000168).

This subsection (30 is included in the section with the knowledge that at the present time there are no such sanitary sewer patrons in the city. It is the intention of the city council in enacting this section that in the event the city acquires such customers in the future, the council shall review this subsection and make any amendments, deletions or additions as may be required to adequately establish sanitary sewer service rates based upon the actual information available to the city council at that time.

(4) Governmental customers shall be billed at the following rates and charges:

Gallons of fluid introduced into Sanitary Sewer System per month	Inside city limits	Outside city limits
Minimum including the first 2,000 gallons	\$33.90	\$33.90

Additional charges for sewer introduced into system in excess of 1000 gallons shall be at the fee established herein which fee shall be prorated based upon the actual fluid introduced to the nearest 100 gallons of fluid introduced:

\$3.17 \$ 3.17

- (5) Allocation of monthly charge to debt retirement. With respect to the minimum monthly charges established in subsection (1) and (2) above, the city council directs that \$2.71 of the minimum monthly charge shall be allocated to debt retirement with respect to the sanitary sewer system and plant owned either in whole or in part by the city and shall be expended for no other purpose.

- (6) In addition to the other rates and charges specified by this ordinance, each residential and commercial customer (whether residing inside or outside of the city limits) shall be billed and shall pay a monthly meter charge of fifty cents (\$0.50) for each meter on the property or premises of such customer.

SECTION 2:

Any and all rules, ordinances, police regulations, and /or policies of the City of Brazoria, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and hereby repealed to the extent of such conflict and /or inconsistency.

SECTION 3:

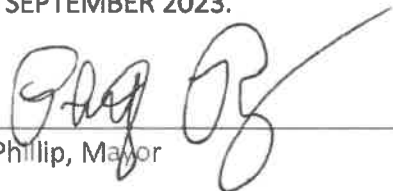
It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this ordinance which are not specifically designated as illegal, invalid, or unenforceable.

SECTION 4:

This ordinance shall be effective from and after the date of its passage and approval.

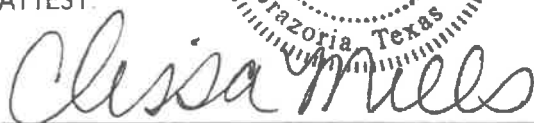
PASSED AND APPROVED THIS 26th DAY OF SEPTEMBER 2023.





Ray Phillip, Mayor

ATTEST:



Clissa Mills, City Secretary

Clissa Mills, City Secretary