

Ordinance O-2021-5

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING ARTICLE VI (“WATER AND SANITARY SEWER LINE EXTENSION OR IMPROVEMENT APPROVAL”), AND SECTIONS 21-601 THROUGH 21-605, TO CHAPTER 21 (“UTILITY SERVICES”) OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH DEFINITIONS, CREATING A PROCESS FOR MUNICIPAL EXEMPTION FROM CERTAIN STATE PERMITS FOR WATER LINE AND SANITARY SEWER LINE EXTENSIONS, SYSTEMS AND IMPROVEMENTS, REQUIRING COMPLIANCE WITH DEPARTMENT OF ENVIRONMENTAL QUALITY AND CITY OF NORMAN STANDARDS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 1. That Article VI titled “Water and Sanitary Sewer Line Extension or Improvement Approval” is hereby enacted with Chapter 21 (“Utility Services”) of the Code of the City of Norman, and which includes Sections 21-601 through 21-605.

* * * * *

- § 2. That Section 21-601 of the Code of the City of Norman shall read as follows:

SEC. 21-601. DEFINITIONS.

(a) “City” shall mean the City of Norman, Oklahoma, a municipal corporation acting through the Norman Utilities Authority and the City’s duly authorized officer or agents.

(b) “DEQ” shall mean the Oklahoma Department of Environmental Quality, its successors, designees, and assigns.

(c) “Director” shall mean the Director of the Utilities Department of the City of Norman, or any person succeeding to the Director’s duties and functions.

(d) “Utilities Engineer” or their designee shall mean:

1. person in responsible charge of the reviewing staff of the City;
2. person responsible for reviewing plans and specifications for water line and sewer line extensions or improvements for the City;
3. is a Licensed Engineer; and
4. has passed an examination on the contents of the Standards for Water Pollution Control Facilities and Standards for Public Water Supply Facilities.

(e) “Licensed Engineer” shall mean a person licensed as a professional engineer in the State of Oklahoma.

(f) “Water Distribution Lines” shall mean water mains no larger than twelve (12) inches in diameter and not constructed in whole or in part with funds from the Environmental Protection Agency and/or administered by the DEQ.

(g) “Municipal Sewer/Wastewater System” shall mean public sanitary sewer collection system constructed, operated, and/or maintained by a municipality or trust for the benefit of such a municipality.

(h) “Municipal Water System” shall mean a public water distribution system constructed, operated, and/or maintained by a municipality, trust, or authority for the benefit of such a municipality.

(i) “Permit” shall mean the City’s written approval of the plans and specifications for water line or sewer line extensions or improvements which connect to the water or sewer system of the City.

(j) “Person” shall mean any natural individual, corporation, company, firm, partnership, association or trust, including any state agency, governmental subdivision, instrumentality, and agency, county, city, and town.

(k) “Premise” shall mean any plot or tract of ground, regardless of size or plat, under individual ownership or individual use or occupancy.

(l) “Sewer Collection Lines” shall mean and include gravity sewage collection lines and pressurized force mains not larger than twelve (12) inches in diameter, except for systems constructed in whole or in part with funds from Environmental Protection Agency and/or administered by the DEQ.

* * * * *

§ 3. That Section 21-602 of the Code of the City of Norman shall read as follows:

Sec. 21-602. WATER DISTRIBUTION LINE – CONSTRUCTION PERMIT EXEMPTION

(a) **Purpose.** The purpose of this section is to qualify for exemptions from the Department of Environmental Quality (DEQ) construction permit requirement for water systems, pursuant to Title 252, Chapter 626 of the Oklahoma Administrative Code, entitled "Public Water Supply Construction Standards," adopted by the Board of Environmental Quality on November 7, 2017. Water Distribution Lines not larger than twelve (12) inches in diameter are the only mains eligible for the exemption from the requirements of issuance of state construction permits. All Water Distribution Lines constructed in whole or in part with funds from the United States Environmental Protection Agency and/or with funds administered by the DEQ shall not be exempted from the requirement of obtaining a state construction permit.

- (b) **Systems and Connection Requirements.** Water Distribution Lines or connections to the Municipal Water System shall be constructed in compliance with the applicable regulations, rules and requirements of the DEQ or the ordinances, regulations, rules and requirements of the City, whichever standard is more stringent.
- (c) **Approval Required.** All Water Distribution Lines to be connected to the Municipal Water System shall be approved by the Director prior to actual construction.
- (d) **Approval Withheld.** Approval shall be withheld if the water treatment plant, pump station or distribution main to which the Water Distribution Lines are to attach has reached or, with the addition of the proposed Water Distribution Lines, would reach treatment or hydraulic capacities. Further, approval shall also be withheld if the Water Distribution Lines do not meet or exceed the standards of the DEQ and the City, or may be withheld for any other reason.
- (e) **Review and Approval of Plans and Specifications for Connection to Systems.** Prior to construction, plans and specifications for Water Distribution Lines must be signed and sealed by a Licensed Engineer, who may or may not be under the direction of the City but is the Engineer of Record, and shall be reviewed, approved and signed by the Utilities Engineer designated by the Director as being in responsible charge of such connections to the Municipal Water System. All approved plans and specifications shall be signed and sealed by a Licensed Engineer and reviewed, approved, and signed by the Utilities Engineer indicating approval to proceed with construction in accordance with the approved plans and specifications as long as all other City requirements have been met. No Water Distribution Line construction shall proceed until plans and specifications have been reviewed, approved, and signed in this manner.
- (f) **Listing of Projects.** The Director or his designated representative shall supply DEQ with one (1) copy of all such approved plans and specifications together with a listing of all approved projects for Water Distribution Lines monthly, on or before the fifteenth of each month following approval of the plans and specifications for each project. The listing shall include the name, location and date of approval of each such project.
- (g) **Inspection.** The Director or his designated representative shall inspect each approved project and shall prohibit commencement of any construction of Water Distribution Lines or connection prior to approval of plans and specifications in accordance with this chapter.
- (h) **System Operation.** The City shall operate its Municipal Water System in compliance with the applicable rules of DEQ.
- (i) **System Capacity Exception.** Should the City declare a moratorium on construction of Water Distribution Lines or should any proposed Water Distribution Lines bring the Municipal Water System, a connected pump station, distribution main or water treatment plant to its design capacity, the construction or connection of the proposed Water Distribution Lines may still be allowed, to the extent approved by DEQ, under the following circumstances:

1. The City shall request, in writing, to the DEQ for a variance allowing the specified construction to proceed within the area;
2. The variance request shall detail what the City will do to ensure that the construction or connection will not worsen any existing problems;
3. The variance request shall include timetables for correcting any stated problems, prior to the connection of any additional users, demands or flows as a result of the construction of which approval is sought;
4. The variance request, if approved, shall become a condition of any permit issued for such construction by the DEQ;
5. Approval of construction in an area under moratorium or at design capacity which has not received such a variance from the DEQ may result in revocation of the City's overall water permit exemption status, as provided by the rules and regulations of DEQ.

* * * * *

§ 4. That Section 21-603 of the Code of the City of Norman shall read as follows:

Sec. 21-603. COMPLIANCE WITH STANDARDS – WATER

- (a) Water Distribution Lines, facilities and connections shall be constructed in compliance with the "Public Water Supply Construction Standards" established by the Oklahoma Department of Environmental Quality or City standards, whichever is more stringent.
- (b) No Water Distribution Lines shall be constructed until plans and specifications meeting the criteria in Subsection (a), above, are signed and sealed by a Licensed Engineer and reviewed, approved and signed by the Utilities Engineer.

§ 5. That Section 21-604 of the Code of the City of Norman shall read as follows:

* * * * *

Sec. 21-604: SEWER COLLECTION LINES – CONSTRUCTION PERMIT EXEMPTION

- (a) **Purpose.** The purpose of this section is to qualify for exemptions from the Department of Environmental Quality construction permit requirement for Sewer Collection Lines, pursuant to Title 252, Chapter 656 of the Oklahoma Administrative Code, entitled "Water Pollution Control Construction Standards," adopted by the DEQ on February 20, 2015. Sewer Collection Lines, gravity sewer and force main lines not larger than twelve (12) inches in diameter, are the only systems eligible for the exemption from the requirements of issuance of state construction permits, provided all systems which are constructed in

whole or in part with funds from the United States EPA and/or with funds administered by the DEQ shall not be exempt from the requirement of obtaining a state construction permit.

- (b) **Systems and Connection Requirements.** All Sewer Collection Lines and any connection to the Municipal Sewer/Wastewater Systems shall be constructed in compliance with the applicable regulations, rules and requirements of the DEQ or the applicable regulations, rules and requirements of the City, whichever standard is more stringent.
- (c) **Approval Required.** All Sewer Collection Lines to sewage treatment plants, lift stations and interceptor lines or improvements shall be approved by the Director prior to actual construction.
- (d) **Approval Withheld.** Approval shall be withheld if the sewage treatment plant, lift station or interceptor line to which the Sewer Collection Lines are to attach has reached or, with the addition of the proposed Sewer Collection Lines, would reach treatment or hydraulic capacities. Further, approval shall also be withheld if the Sewer Collection Lines do not meet or exceed the standards of the DEQ and the City, or may be withheld for any other reason.
- (e) **Review and Approval of Plans and Specifications for Connection to Systems.** Prior to construction, plans and specifications for Sewer Collection Lines must be signed and sealed by a Licensed Engineer, who may or may not be under the direction of the City but is the Engineer of Record, and shall be reviewed, approved and signed by the Utilities Engineer and designated by the Director as being in responsible charge of connections to the Municipal Sewer/Wastewater System. All approved plans and specifications shall be signed and sealed by a Licensed Engineer and reviewed, approved, and signed by the Utilities Engineer indicating approval to proceed with construction in accordance with the approved plans and specifications as long as other City requirements have been met. No construction of Sewer Collection Lines shall proceed until plans and specifications have been reviewed, approved, and signed in this manner.
- (f) **Listing of Projects.** The Director or his designated representative shall supply DEQ with one (1) copy of all such approved plans and specifications for together with a listing of all approved projects for Sewer Collection Lines monthly, on or before the fifteenth of each month following approval of the plans and specifications for each project. The listing shall include the name, location and date of approval of each such project.
- (g) **Inspection.** The Director or his designated representative shall inspect each approved project and shall prohibit commencement of any construction of Sewer Collection Lines or connection prior to approval of plans and specifications in accordance with this chapter.
- (h) **System Operation.** The City shall operate the Municipal Sewer/Wastewater System in compliance with the applicable rules of DEQ.
- (i) **System Capacity Exception.** Should any proposed Sewer Collection Lines bring a connected lift station, interceptor line or sewage treatment plant to its design capacity, the

construction or connection of the proposed sewer line extension may still be allowed, to the extent approved by DEQ, under the following circumstances:

1. The City shall request, in writing, to the DEQ for a variance allowing the specified construction to proceed within the area;
2. The variance request shall detail what the City will do to ensure that the construction or connection will not worsen any problems or treatment capacity, flow or bypassing of sewage;
3. The variance request shall include timetables for correcting any stated problems, prior to the connection of any additional users, demands or flows as a result of the construction of which approval is sought;
4. The variance request, if approved, shall become a condition of any permit issued for such construction by the DEQ;
5. Approval of construction in an area under moratorium or at design capacity which has not received such a variance from the DEQ may result in revocation of the City's overall sewer line permit exemption status, as provided by the rules and regulations of DEQ.

* * * * *

§ 6. That Section 21-605 of the Code of the City of Norman shall read as follows:

Sec. 21-605. COMPLIANCE WITH STANDARDS – WASTEWATER

- (a) All Sewer Collection Lines shall be constructed in compliance with the “Water Pollution Control Construction Standards” established by the Oklahoma Department of Environmental Quality or City standards, whichever is more stringent.
- (b) No Sewer Collection Lines shall be constructed until plans and specifications meeting the criteria in Subsection (a), above, are signed and sealed by a Licensed Engineer and reviewed, approved and signed by the Utilities Engineer.

* * * * *

§ 7. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

NOT ADOPTED this _____ day

of _____, 2020.

of _____, 2020.

(Mayor)

(Mayor)

ATTEST:

(City Clerk)