

§ 82-41. Definitions. (Ord. No. B-755-06(A1211), § 1, 1-3-2011)

When used in this article, these terms shall be defined as follows:

ABNORMAL SEWAGE — Any industrial waste discharged into the authority's sanitary sewer which, when analyzed, shows by weight a total suspended solids (TSS) concentration greater than 240 mg/L or a biochemical oxygen demand (BOD) concentration greater than 210 mg/L. In addition, the authority may judge independently a waste's suitability for discharge to the POTW that requires additional treatment, based upon BOD, TSS or other characteristics, as abnormal. Any waste in this classification must be made acceptable for discharge into the POTW as defined in this article.

ACT — The Clean Water Act (33 U.S.C. 1251 et seq.), as amended.

APPROVAL AUTHORITY — Director of the Texas Commission on Environmental Quality ("TCEQ").

AUTHORITY — The City of Burleson, Texas.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER — Authorized representatives (authorized signatories) for wastewater discharge permit applications and for reports submitted under section 82-45 of this article are:

- (1) A responsible corporate officer, if the discharger submitting the application or report is a corporation. This includes the president, vice-president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
- (2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or any control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (3) For a partnership or sole proprietorship, a general partner of the proprietor, respectively.
- (4) The principal executive officer or director having responsibility for the overall operation of the facility if the discharger is a federal, state or local governmental entity, or their agents.
- (5) A duly authorized representative of the individual designated in (1), (2), (3) or (4) above if:
 - a. The authorization is made in writing by the individual described above in (1), (2), (3), or (4); and
 - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates (such as a plant manager), or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

- c. The written authorization is submitted to the city.

If an authorization is no longer accurate because a different individual or position has responsibility, a new authorization must be submitted to the City prior to or together with any reports signed by an authorized representative.

BEST MANAGEMENT PRACTICES (BMP) — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 82-43 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed as parts per million by weight or in terms of milligrams per liter.

BTEX — An acronym for Benzene, Toluene, Ethylbenzene and Xylenes, a group of toxic chemicals that are found in gasoline and other petroleum products.

BYPASS — The intentional diversion of waste streams or wastewater from any portion of a discharger's wastewater treatment equipment or pretreatment facility.

CATEGORICAL INDUSTRIAL USER — An industrial user subject to a categorical pretreatment standard or categorical standard.

CATEGORICAL PRETREATMENT STANDARDS — Limitations on pollutant discharges to POTW's promulgated by EPA in accordance with section 307 of the Clean Water Act, that apply to specified process wastewaters of particular industrial categories [40 CFR 403.6 and Parts 405-471].

CFR — Code of Federal Regulations.

CITY — City of Burleson, Texas.

CHEMICAL OXYGEN DEMAND (COD) — A measure of the oxygen consuming capacity of inorganic matter present in the water or wastewater expressed in mg/L as determined by the amount of oxidant consumed from a chemical reflux. Such term does not, however, differentiate between stable and unstable organic matter, and therefore does not necessarily correlate with biochemical oxygen demand.

COMBINED WASTESTREAM FORMULA (CWF) — A procedure found in 40 CFR 403.6 (e) for calculating fixed alternative discharge limits at industrial facilities applicable when regulated process wastewater, subject to a categorical pretreatment standard, is mixed with non-regulated wastewaters prior to sampling.

COMPOSITE SAMPLES — A mixture of grab samples collected at the same sample point at different times and composed of not less than four samples. The series of samples may be collected on a time or flow proportional basis.

(1) **TIME PROPORTIONAL COMPOSITE SAMPLE** — A sampling method which combines discrete samples of constant volume collected at constant time intervals (e.g., 200 milliliter samples collected every half hour for a 24-hour period).

(2) **FLOW PROPORTIONAL COMPOSITE SAMPLE** — A sampling method which combines

discrete samples collected over time, based on the flow of the waste stream being sampled. There are two methods used to collect this type of sample. One method collects a constant sample volume at time intervals which vary based on the stream flow [e.g., 200 milliliters of sample collected for every 5,000 gallons discharged]. The other method collects samples of varying volume, based on stream flow, at constant time intervals. Flow proportional composite will be used only in locations that have the capability to measure flow during the sampling period.

CONTAMINATED — Containing a harmful quantity of any substance.

CONTROL AUTHORITY — The City of Fort Worth, Texas as holder of the respective Texas Pollutant Discharge Elimination System (TPDES) permit.

COOLING WATER — The water discharged from any system of condensation such as air conditioning, cooling, refrigeration or water used as a coolant in cooling towers where the only pollutant is thermal.

DIRECTOR — The director of public works, or his or her authorized representative.

DISCHARGER — Any user discharging an effluent into a POTW by of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto. The term includes owners and occupants of such premises.

EPA — Environmental Protection Agency of the federal government.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GARBAGE — Solid waste from domestic or commercial preparation, cooking or dispensing of food or from the handling, storage, and sale of produce.

GPD — Gallons per day

GRAB SAMPLE — A sample which is taken from a waste stream on a one time basis with no regard to the flow of the waste stream and without consideration of time. The sample is collected over a period of time not exceeding 15 minutes.

INDIRECT DISCHARGE OR DISCHARGE — The introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

INDUSTRIAL WASTE — Solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

INDUSTRIAL USER OR USER — A source of indirect discharge.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT — The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges

from other sources, both:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- (2) Therefore is a cause of a violation of any requirement of the POTW's TPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

MAY — Is permissive.

MAXIMUM DAILY AVERAGE — The maximum concentration of a substance allowed in a discharge as determined from a laboratory test of a daily composite sample. The daily composite sample is the concentration of discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

MAXIMUM GRAB — The maximum concentration of a substance allowed in a discharge as determined from a laboratory test of a grab sample.

MG/L — Milligram per liter.

MONTHLY AVERAGE LIMIT — The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

NEW SOURCE — Any building, structure, facility or installation from which there is or may be a discharge of pollutants, and on which construction commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (4) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

- (5) Construction of a new source as defined under this paragraph has commenced if the owner or operator has;
- a. Begun, or caused to begin as part of a continuous onsite construction program;
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NONCONTACT COOLING WATER — Water used for cooling which does not come into direct contact with raw materials, intermediate product, waste product, or finished product.

NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER — An industrial user that is subject to categorical pretreatment standards that may, at the discretion of the director, be permitted as a non-significant categorical industrial user (NSCIU) based on a finding that the industrial user never discharges categorical wastewater and the following conditions are met:

- (1) The industrial user, prior to city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
- (2) The industrial user annually submits the certification statement required in section 82-45(c)(9)b. of this article [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
- (3) The industrial user never discharges any categorical process wastewater into the sanitary sewer.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) — Is a system used by the federal government for collecting and organizing industry-related statistics. The NAICS codes are updated every five years to stay current with industry developments.

O AND M (OR O & M) — Operation and maintenance.

OTHER WASTES — Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, and all other substances except sewage and industrial wastes.

OWNER OR OCCUPANT — The person, firm, or public or private corporation, using the lot, parcel of land, building or premises connected to and discharging sewage, industrial wastewater or liquid, into the sanitary sewage system of the City, and who pays, or is legally responsible for the payment of, water rates or charges made against the said lot, parcel of land, building or premises, if connected to the water distribution system of the City, or who would pay or be legally responsible for such payment if so connected.

PASS THROUGH — The discharge of pollutants through the POTW into waters of the United States in quantities or concentrations which are a cause of or significantly contribute to a violation

of any requirement of the POTW's TPDES permit.

PERMIT — Wastewater discharge permit, issued to non-domestic dischargers of industrial waste into the sanitary sewerage system of the POTW.

PERSON — Any individual, business entity, partnership, corporation, governmental agency, political subdivision, or any agent or employee thereof.

PFAS — Defined as perfluoroalkyl and polyfluoroalkyl substances, including specific compounds.

PFAS Analytical Method — Reference the currently applicable EPA analytical method (e.g., EPA draft Method 1633 for wastewater PFAS monitoring).

PFAS Discharge Limit — If local numeric limits or narrative requirements are adopted.

PH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, in grams per liter of solution; a measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT — Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

POTW (PUBLICLY OWNED TREATMENT WORKS) — Any sewage treatment plant owned and operated by an entity (i.e. the control authority) other than a private industry and the sewers, pipes and conveyances owned in whole or part by the control authority that convey wastewater to the sewage treatment plant. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sanitary sewer.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

PRETREATMENT STANDARD — Prohibited discharge limits established pursuant to 40 CFR Part 403.5, categorical pretreatment standards, and local limits, including best management practices.

PROCESS WASTEWATER — Water that comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, waste product, or wastewater.

PUBLIC WORKS UTILITY SUPERINTENDENT (OR SUPERINTENDENT) — Public works utility superintendent of the city, or his authorized representative.

SANITARY SEWER — A publicly owned pipe or conduit designed to collect and transport industrial waste and domestic sewage to the POTW.

SEVERE PROPERTY DAMAGE — Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be reasonably expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

SEWAGE — Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

SHALL — Is mandatory.

SIGNIFICANT CHANGE — An increase or decrease in the volume of wastewater discharged by more than 20 percent from the data submitted in the permit application, or the deletion or addition of any pollutant regulated by the authority or by a categorical standard. Volumes are those measured by the water service meter, a verifiable estimate, or a permanently installed effluent flow meter approved by the authority.

SIGNIFICANT INDUSTRIAL USER (SIU) — All industrial users subject to categorical pretreatment standards and any other industrial user that:

- (1)
 - a. Discharges an average of 25,000 gallons per day or more of process wastewater to a POTW (excluding sanitary, noncontact cooling or boiler blow-down wastewater);
 - b. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of a POTW; or
 - c. Is designated as such by the authority on the basis that the industrial user has a reasonable potential for adversely affecting a POTW's operation or for violating any pretreatment standard or requirement.
- (2) An industrial user that is subject to categorical pretreatment standards may, at the discretion of the director, be permitted as a non-significant categorical industrial user (NSCIU) based on a finding that the industrial user never discharges categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
 - a. The industrial user, prior to city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - b. The industrial user annually submits the certification statement required in subsection 82-45(c)(9)b. of this article [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - c. The industrial user never discharges any categorical process wastewater into the sanitary sewer.
- (3) Upon a finding that a noncategorical industrial user meeting the criteria for a significant industrial user has no reasonable potential for adversely affecting a POTW's operation or for violating any pretreatment standard or requirement, the authority may at any time on its own initiative or in response to a petition received from a noncategorical industrial user, and in accordance with 40 CFR 403.8 (f)(6), determine such user is not a significant industrial user.

SLUG LOAD OR SLUG DISCHARGE — Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE — Codes which best describe the activities conducted at the facility or establishment. SIC codes are four-digit numbers used by the Bureau of Census as part of a system to categorize and track the types of business activities conducted in the United States. The first two digits of the code represent the major industry group and the second two digits represent the specific subset of that group.

STANDARD METHODS — "Standard Methods for the Examination of Water and Wastewater", a publication prepared and published jointly by the American Public Health Association, American Waterworks Association and the Water Pollution Control Federation, as it may be amended from time to time.

STORM WATER — Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation including snowmelt.

TOTAL SUSPENDED SOLIDS (TSS) — Solids that either float on the surface of, or in suspension in, water, sewage or other liquid and which are removable by laboratory filtering.

TOTAL TOXIC ORGANICS (TTO) — The sum of masses or concentration of the toxic organic compounds listed in 40 CFR 122 Appendix D, Table II, excluding pesticides, found in industrial users' discharges at a concentration greater than 0.01 mg/L. Only those parameters reasonably suspected to be present, to be determined by the city, if any, shall be analyzed for with non-categorical industries. With categorical industries, the list of TTOs is specific for every applicable federal category. TTO's will be sampled for as stipulated in the particular category or those parameters reasonably suspected to be present, to be determined by the city, where not stipulated.

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) PERMIT — Permit issued by the Texas Commission on Environmental Quality under authority delegated pursuant to 33 USC 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

UNPOLLUTED WATER OR WASTE — Any water or liquid waste containing none of the following: phenols or other substances to an extent imparting taste and odor in receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; noxious or odorous gases; more than 10,000 parts per million, by weight, of dissolved solids, of which not more than 2,500 parts per million are chloride; not more than ten parts per million each of TSS and B.O.D.; color not exceeding 50 color units; nor pH value of less than 5.5 nor higher than 11.0 and any water or waste approved for discharge into a stream or waterway by the appropriate state authority.

UPSET — An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards established in this subdivision, due to factors beyond the reasonable control of the discharger and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof Any affirmative defenses to upset only apply to federal court actions as per section 82-46(g)(2) of this article.

USER — A person who is a source of an indirect discharge.

U.S.C — United States Code

WASTEWATER — Liquid and water-carried industrial waste and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.