

ORDINANCE No. _____

AN ORDINANCE OF THE CITY OF BURLESON PROVIDING FOR THE AMENDMENT OF ARTICLE II, "INDUSTRIAL WASTE DISCHARGE", IN CHAPTER 82, "UTILITIES," OF THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS, BY AMENDING SECTION 82-43, "DISCHARGE PROHIBITIONS AND LIMITATIONS," TO LIMIT HAULING OR TRUCKING WASTE WITH DETECTABLE QUANTITIES OF PFAS AND TO PROHIBIT PFAS OR PFAS RELATED SUBSTANCES ABOVE BASELINE CONCENTRATIONS WITHOUT A PLAN OF CORRECTION IMPLEMENTING BEST MANAGEMENT PRACTICES; INCORPORATING THE RECITALS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES NOT IN DIRECT CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; FINDING COMPLIANCE WITH OPEN MEETINGS ACT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council has determined that certain amendments needs to be made to Section 82-43 "Discharge Prohibitions and Limitations", in the Code of Ordinances, City of Burleson, Texas, to limit the hauling or trucking of waste with detectable quantities of PFAS and to prohibit PFAS or PFAS-related substances above baseline concentrations without a plant of correction implementing best management practices; and

WHEREAS, the provisions herein are necessary to promote and protect the health, safety, and welfare of the public by creating an urban environment that is protective of the City's water supply and provides an enhanced quality of life for the citizens of the City of Burleson.

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

SECTION 1

Section 82-43, "Discharge Prohibitions and Limitations," in Article II, "Industrial Waste Discharge," in Chapter 82, "Utilities," of the Code of Ordinances, City of Burleson, Texas, is hereby amended by amending subsection (d)(20) to read as follows:

"(20) Trucked or hauled pollutants.

Trucked or hauled pollutants, except at discharge points designated by the authority in writing accordance with subsection (c) of this section, or waste from any industrial activities/processes regulated by any specific category listed in 40 Code of Federal Regulations (40 CFR) Parts 405 – 471 with detectable quantities of PFAS.”

SECTION 2

Section 82-43, “Discharge Prohibitions and Limitations,” in Article II, “Industrial Waste Discharge,” in Chapter 82, “Utilities,” of the Code of Ordinances, City of Burleson, Texas, is hereby amended by adding subsection (d)(28) to read as follows:

“(28) PFAS.

Any PFAS or PFAS-related substances above baseline collection system concentrations of 25 ng/L without an approved plan of correction, as defined in the dischargers permit, which employs “Best Management Practices” (BMPs) to reduce or eliminate the pollutants within one year of detection/notification.”

SECTION 3

The findings set forth above in the recitals of this Ordinance are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 4

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson’s various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

SECTION 5

That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

SECTION 6

Any complaint, notice, notice of violation, action, cause of action, hearing request, appeal, or claim which prior to the effective date of this Ordinance that has been initiated or arisen under or pursuant to any other ordinance(s) shall continue to be governed by the provision of that ordinance or ordinances, and for that purpose that ordinance or ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 7

That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become a part of the Code of Ordinances of the City of Burleson, and that the sections of this ordinance may be renumbered or relettered to accomplish such intention.

SECTION 8

That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

SECTION 9

Pursuant to Section 36 of the Charter of the City of Burleson, that this ordinance shall take effect after its passage and publication, and that the City Secretary is hereby directed to give notice of the passage of this ordinance by causing the caption or title and the penalty clause of this ordinance to be published once in a newspaper of general circulation in the city and on the city's website.

PASSED AND APPROVED:

First Reading: the _____ day of _____, 20_____.

Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

Amanda Campos, City Secretary

APPROVED AS TO FORM & LEGALITY:

E. Allen Taylor, Jr., City Attorney