

Sewer and Water Service Ordinance with Revisions

CHAPTER 50. - SEWER AND WATER SERVICE

ARTICLE I. - GENERAL PROVISIONS

Sec. 50.1. - Definitions.

- A. *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Act. or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

Approval authority. The State.

Authorized or Duly Authorized representative of the industrial user.

1. If the industrial user is a corporation, "authorized representative" shall mean the following:
 - a. The President, Secretary, Treasurer or a Vice-President 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; or
 - b. The Manager of one or more manufacturing, production or operation 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 requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the industrial user is a partnership or sole proprietorship, an "authorized representative" shall mean a general partner or proprietor, respectively.
3. If the industrial user is a federal, state or local governmental facility, an "authorized representative" shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or his/her designee.
4. The individuals described in subsections (1)—(3) above may designate another authorized representative" if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the city.

Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 50.21. 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. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

Biochemical Oxygen Demand or BOD. The quantity of oxygen, expressed in parts per million by weight (milligrams per liter), utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five (5) days at a temperature of 20°C. The laboratory determinations shall be made in accordance with procedures set forth in 40 CFR 136.

Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning three feet outside the inner face of the building wall.

Building sewer. The extension from the building drain to the public sewer or other place of disposal.

Categorical pretreatment standard or Categorical standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with sections 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial dischargers. (Located in 40 CFR Chapter 1, Subchapter N, Parts 405-471.)

City. The City of Stephenville.

Chemical Oxygen Demand or COD. A measure of oxygen required to oxidize all compounds, both organic and inorganic, in water.

Composite sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

Control authority. The City.

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.

Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

Discharge. The introduction or addition of any waste, wastewater or other substance into the POTW.

Discharger. Any person who discharges or introduces anything other than normal domestic sewage into the POTW. The term includes owners and/or occupants of the premises connected to and discharging waste or wastewater into the POTW.

Domestic sewage. Waterborne wastes normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories and institutions free from storm and surface waters and industrial wastes.

Environmental Protection Agency or EPA. The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator of the EPA or other duly authorized official of EPA.

Existing Source. Any source of discharge that is not a "New Source."

Fats, oils and greases (FOG). Organic polar compounds derived from animal and/or plant sources containing multiple-carbon-chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."

Garbage. Solid wastes and residue from the preparation, cooking and dispensing of food and from the handling, storage and sale of food products and produce.

Generator. Any person who owns or operates a grease trap/grease interceptor, or whose act or process produces a grease trap waste.

Grab sample. A sample that is taken from a waste stream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Grease. Fatty acids, soaps, fats, waxes, petroleum products, oil and any other material which is extractable by hexane or freon solvent from an acidified sample and which is not volatilized during evaporation of the solvent.

Grease trap or interceptor. A device by which the grease content of sewage may be cooled and congealed so that it may be skimmed from the surface. A "grease trap or interceptor" is a device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection system. Grease traps and interceptors are also referred to herein as "grease traps/interceptors."

Grease trap self-cleaning operators. Operators authorized by the POTW to self-clean grease traps/interceptors at the operator's place of business.

Grease trap waste. Material collected in and from a grease trap/interceptor in the sanitary sewer service line of a commercial, institutional or industrial food service or processing establishment, including the solids resulting from a de-watering process.

Indirect discharge. The discharge or the introduction of industrial waste into a POTW from any nondomestic source.

Industrial discharger. Any person who discharges or introduces an industrial waste into a POTW.

Industrial waste. Waterborne solids, liquids or gaseous wastes resulting from and discharged, permitted to flow or escaping from any industrial, manufacturing or food-processing operation or process, or from the development of any natural resource, or any mixture of these, with water or domestic sewage. (The term is generally synonymous with nondomestic waste.)

Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited 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.

2. Therefore, is a cause of a violation of any requirement of the POTW's NPDES 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 11, 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.

Liquid waste hauler. Any person who transports wastewater beyond the site of origin within the city.

Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in Section 50.21.A.

Maximum allowable discharge limit. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

May. Permissive.

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

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.

North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. NAICS as developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) System.

National Pollution Discharge Elimination System (NPDES) permit. A permit issued pursuant to Section 402 of the Act (33 USC 1342) which regulates discharges to waters of the state.

Natural outlet. Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New source.

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which 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 the following:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located;

- b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; and
 - c. 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.
2. 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 Section (1)(b) or (c) above but otherwise alters, replaces or adds to existing process or production equipment.
3. Construction of a new source as defined under this subsection has commenced if the owner or operator has done any of the following:
 - a. Begun, or caused to begin as part of a continuous on-site construction program the following:
 - i. Any replacement, assembly or installation of facilities or equipment; or
 - ii. 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 are 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 any raw material, intermediate product, waste product or finished product.

Normal domestic sewage. Domestic sewage in which the average concentration of suspended solids and five-day BOD are at 225 parts per million (milligrams per liter) each, or lower.

Owner or occupant. Any person using the lot, parcel of land, building or premises connected to and discharging sewage into the POTW, and who pays, or is legally responsible for the payment of, water rates or charges made against the 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.

Parts per million. A weight-to-weight ratio also expressed as milligrams per liter; the parts per million value, multiplied by the factor 8.345 shall be equivalent to pounds per million of water.

Pass through. The discharge of pollutants through the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES or TNRCC permit or any discharge permit issued by the state.

Permit or discharge permit. A wastewater discharge permit issued to a significant industrial discharger to allow a discharge into the POTW.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities

pH. The measure of the relative acidity or alkalinity of water, defined as the logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in grams per liter of solution. It shall be determined by one of the procedures outlined in 40 CFR 136.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, agricultural and industrial wastes and the characteristics of the wastewater (including pH, temperature, TSS, turbidity, color, BOD, Chemical Oxidation Demand (COD) toxicity and odor).

POTW or publicly-owned treatment works. A treatment works owned by a state or municipality, as defined by Section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that convey wastewater to a POTW treatment plant. The term also means the municipality, as defined in Section 502(4) of the Act, that has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this chapter, the terms "sanitary sewer system" and "POTW" may be used interchangeably.

POTW or Publicly Owned treatment works or treatment plant. That portion of the POTW designed to provide treatment to wastewater, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Pretreatment or treatment. 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 a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except as prohibited by 40 CFR 403.6(d).

Pretreatment requirement. Any substantive or procedural requirement related to pretreatment imposed on a discharger by this chapter, by state statute or regulation or by a categorical pretreatment standard.

Pretreatment standard or standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards and local limits.

Process Wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 50.21.A. of this ordinance.

Properly shredded garbage. Garbage that has been shredded to such a degree that all particles shall be carried freely under the flow conditions normally prevailing in the sewer, with no particle greater than one-half inch in any dimension.

Public sewer. A sewer in which all owners of abutting properties have equal rights and interest, and which is controlled by public authority.

Separator or oil separator. A receptacle designed to remove oils and grease from wastewater by separation, usually by simple flotation or by chemical addition where the oils or greases are soluble or emulsified.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, institutions and/or industrial facilities, together with such ground, surface and storm water as may be present, whether treated or untreated, which is discharged or permitted to enter the POTW.

Sewage service charge. The charge made on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal domestic sewage.

Sewer or sanitary sewer. A pipe or conduit for conveying sewage and into which storm, surface and ground waters are not intentionally admitted.

Shall. Mandatory.

Significant industrial discharger (SIU). Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

1. An Industrial User subject to categorical Pretreatment Standards; or
2. An Industrial User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - b. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total 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 Section 50.26.N., together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater.

d. Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

4. If the Control Authority determines that an existing NSCIU no longer meets a required criterion for being categorized as non-significant, such as the requirement to be in consistent compliance with Pretreatment Standards and Requirements, the User becomes an SIU and must be issued a control mechanism.

5. The Control Authority will perform the same minimum oversight of a NSCIU that is required for other facilities that are not SIUs, including notifying the CIU of its status and requirements (403.8(f)(2)(iii); receiving and reviewing required reports (403.8 (f) (2) (iv) and 403.12 (b), (d), & (e)); random sampling and inspection (403.8 (f) (2) (v)); and investigating noncompliance as necessary (403.8 (f) (2) (vi)).

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 50.21.A of this ordinance. A Slug Discharge is 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 methods. The examination and analytical procedures set forth in the latest edition of "Standard Methods for the Examination of Water and Sewage" as prepared, approved and published jointly by the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation.

State. The State of Texas, including the Texas Commission on Environmental Quality (TCEQ) or any duly-authorized agency thereof having jurisdiction over waters of the state, sewage collection or treatment or municipal sewage sludge disposal.

Storm sewer or storm drain. A pipe or conduit for conveying storm and surface waters and drainage and from which domestic sewage and industrial waste is excluded.

Storm water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

Superintendent. The person designated by the City to supervise the operation of the POTW, and who is charge with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the Superintendent.

Surcharge. The charge, in addition to the sewage service charge, which is made on those persons whose wastes are greater in strength than the concentration values established as representative of normal domestic sewage.

Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering. Quantitative determination of suspended solids shall be expressed in parts per million by weight (milligrams per liter) and made in accordance with procedures set forth in 40 CFR 136.

Texas Commission on Environmental Quality (TCEQ). The state agency of that title, and its predecessor and successor agencies or, where appropriate, the term may also be used as a designation for the director or other duly authorized official of that agency.

Toxic pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the Clean Water Act, Section 307(a), or other legislation.

Transporter. A person registered with and authorized by the TCEQ to transport sewage sludge, water treatment sludge, domestic septage, chemical toilet waste, grit trap waste or grease trap waste in accordance with 30 Texas Administrative Code § 312.142.

Upset. Any exceptional incident in which a discharger unintentionally and temporarily fails to comply with the standards established in this chapter or with the discharger's permit, due to factors beyond its reasonable control of the discharger, 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.

User or Industrial User. Any person, including those located outside the jurisdictional limits of the city, who contributes, causes or permits the contribution of wastewater into city's wastewater system, including persons who contribute such wastewater from mobile sources. A source of indirect discharge.

Wastewater. The liquid and water-carried industrial and sewage from residential dwellings, commercial buildings, industrial facilities and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plan. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Water of the state. As defined by TCEQ.

Watercourse. A channel in which a flow of water occurs, either continuously or intermittently.

Work day. When used in conjunction with the determination of a significant industrial discharger, the term means any day, or portion thereof, when the discharger is providing any service or producing its product or any part of its product line, or otherwise generating nondomestic wastewaters that may be discharged to the POTW. All other use of this term shall mean any day a nondomestic wastewater discharge occurs.

B. Abbreviations. The following abbreviations shall have the designated meanings.

BOD—Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report

CFR—Code of Federal Regulations

CIU – Categorical Industrial User

COD—Chemical Oxygen Demand

EPA—U.S. Environmental Protection Agency

gpd—Gallons Per Day

IU – Industrial User

L—Liter

mg—Milligrams

mg/L—Milligrams per Liter

NAICS – North American Industry Classification System

NPDES—National Pollutant Discharge Elimination System

NSCIU – Non-Significant Industrial User

O&M—Operation and Maintenance

POTW—Publicly-Owned Treatment Works

RCRA—Resource Conservation and Recovery Act

SIU – Significant Industrial User

SNC – Significant Noncompliance

SWDA—Solid Waste Disposal Act (42 USC 6901, et seq.)

TCEQ – Texas Commission on Environmental Quality

TSS—Total Suspended Solids

USC—United States Code

(1975 Code, § 19-11; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998; Am. Ord. 2013-03, passed 4-2-2013)

Sec. 50.2. - Policy, purposes and applicable regulations.

- A. This chapter provides for prohibitions on discharges of certain substances into the POTW of the city from all sources, domestic, commercial or industrial. A further purpose of this chapter is to set forth uniform requirements for industrial dischargers into the POTW and to enable the Control Authority to protect the public health in conformity with all applicable state and federal laws relating thereto.
- B. The objectives of this chapter are as follows:
 1. To prevent the introduction of pollutants into the POTW which will interfere with the normal operation of the POTW or contaminate the resulting sludge;
 2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

3. To improve the opportunity to recycle or reclaim the wastewater and to dispose of, recycle or reclaim the sludge generated by the POTW;
 4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
 5. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
 6. To enable the city to comply with its NPDES permit conditions, sludge use and disposal requirements and any other federal or state laws to which the POTW is subject.
- C. The regulation of discharges into the POTW under this chapter shall be accomplished through the issuance of permits, as specified herein, and by monitoring and inspection of facilities, according to this chapter.
- D. Parts of this chapter are enacted pursuant to regulations established by the U.S. Environmental Protection Agency (EPA). All categorical pretreatment standards, lists of toxic pollutants, industrial categories and other standards and categories which have been promulgated by the EPA are incorporated as a part of this chapter, as are EPA regulations regarding sewage pretreatment established pursuant to the Clean Water Act. The city shall maintain current standards and regulations which shall be available for inspection and copying.
- E. The city shall have the authority to promulgate such administrative regulations as are from time to time necessary for the implementation and enforcement of this chapter. Public notice of any such proposed regulations shall be published in a newspaper of general circulation in the city at least fourteen (14) days prior to promulgation. After such notice, the city shall give interested persons an opportunity to submit written data, views or arguments, with or without opportunity for oral presentation. After consideration of the relevant matter presented, in conjunction with any regulation adopted, the city shall prepare a concise general statement of the basis and purpose of the regulation.
- F. The city has developed and implemented procedures to ensure compliance with the requirements of a pretreatment program, including random sampling and analysis of the effluent from industrial users and conducting surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with pretreatment standards. Each significant industrial user will be inspected, and samples collected and analyzed at least once a year. The city will also evaluate, at least once every year during the annual inspection, whether each significant industrial user needs a plan to control slug discharges. Except as otherwise provided herein, the Control Authority shall administer, implement, and enforce the provisions of this ordinance. The Control Authority shall identify industrial users subject to categorical pretreatment standards that are subject to reduced reporting requirements under paragraph 40 CFR 403.12 (e) (3), and identify which industrial users are NSCIUs and/or MTCIUs and that are subject to reduced reporting requirements in the annual pretreatment report to TCEQ. Any powers granted to or duties imposed upon the Control Authority may be delegated by the Control Authority to a duly authorized City employee.

(1975 Code, § 19-12; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.3. - Confidential information.

- A. Information and data on a User obtained from reports, surveys, wastewater discharge permit

applications, individual wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

(1975 Code, § 19-22; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.4. - Removal credits.

Where applicable, the Control Authority may elect to initiate a program of removal credits as part of this chapter to reflect the POTW's ability to remove pollutants in accordance with 40 CFR 403.7.

(1975 Code, § 19-35(A); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.5. - Net/gross calculations.

A discharger whose only source of intake water is the city water service may apply to the Control Authority to adjust categorical pretreatment standards and/or pretreatment requirements in this chapter to reflect the presence of pollutants in the discharger's intake water, in accordance with 40 CFR 403.15.

(1975 Code, § 19-35(B); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.6. - Preservation of records.

- A. All dischargers subject to this chapter shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling, best management practices requirements, and chemical analyses made by and on behalf of a discharger in connection with its discharge.
- B. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Control Authority pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(1975 Code, § 19-35(C); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.7. - Right of revision.

The Control Authority reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance and to amend this chapter to provide for more or less stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in section 50.2.

(1975 Code, § 19-35(E); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.8 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to a duly authorized City or contracted employee.

Sec. 50.9 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards/requirements, or in other cases when the imposition of mass limitations is appropriate.

Secs. 50.10—50.19. - Reserved.

ARTICLE II. - WASTEWATER DISPOSAL; PRETREATMENT STANDARDS

Sec. 50.20. - Admission of industrial wastes into public sewers.

- A. *Approval required.* Review and acceptance of the Control Authority, pursuant to section 50.68, shall be obtained prior to the discharge into the POTW of any wastewaters having the following:
1. A five-day, 20°C biochemical oxygen demand (BOD) greater than 225 parts per million; or
 2. Suspended solid containing greater than 225 parts per million.
 3. Whenever deemed necessary, the Control Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- B. *Pretreatment.* The Control Authority may require a discharger to install and maintain, on their property at the discharger's expense, preliminary treatment, a suitable storage and flow-control facility to ensure equalization of flow or processing facilities as may be necessary to prevent the following: pass through; interference; a violation of the discharger's categorical pretreatment standards; any general or specific discharge prohibition contained in this chapter; any adverse effect on the health and safety of personnel maintaining and operating the POTW; and any unreasonable adverse effect on the POTW. An individual wastewater discharge permit may be issued solely for flow equalization.
- C. *Grease, oil and sand interceptors.* Grease, oil and sand interceptors shall be provided, when, in the opinion of the Control Authority, they are necessary for the proper handling of liquid wastes and wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Control Authority and shall comply with the City's Oil and Grease Management ordinance in Section 50.27 and be located so as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which shall be gastight and watertight. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his/her expense, in continuously efficient operation at all times. Owners shall keep complete records of all cleaning and maintenance of interceptors. A record copy of the invoice for any cleaning or maintenance is to be forwarded to the Control Authority by the disposal facility. If necessary, the Control Authority may establish and require specific interceptor cleaning frequencies for individual owners to be in compliance.

D. Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 50.21 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

- E. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(1975 Code, § 19-13; Am. Ord. passed 4-3-79; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.21. – GENERAL SEWER USE REQUIREMENTS

A. Prohibited discharge standards.

1. General Prohibitions. No person shall discharge or cause to be discharged into the POTW, either directly or indirectly, any waste, wastewater or other substance which will cause Pass Through or interference with the operation or performance of the POTW. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, state, or local Pretreatment standards or requirements.
2. Specific Prohibitions. No person shall discharge or cause to be discharged into the POTW, either directly or indirectly, any of the following described substances, waste or wastewater:
 - a. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - b. Any wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering city personnel;
 - c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any dimension;
 - d. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals;
 - e. Any wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
 - f. Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through;
 - g. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - h. Any trucked or hauled pollutants, except at discharge points designated by the city in accordance with section 50.51;
 - i. Any noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair;
 - j. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the city's NPDES permit. Color (in combination

with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent from the seasonably established norm for aquatic life;

- k. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Control Authority in compliance with applicable state or federal regulations;
- l. No person shall discharge, or cause to be discharged any storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, downspouts, yard drains, yard fountains, ponds or lawn sprays and unpolluted industrial wastewater, unless specifically authorized by the Control Authority; Storm water and all other such unpolluted drainage water shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Control Authority. No wastewater may be discharged into any storm sewer within the City.
- m. Any sludges, screenings or other residues from the pretreatment of industrial wastes;
- n. Any medical wastes, except as specifically authorized by the Control Authority in a wastewater discharge permit;
- o. Any wastewater causing the treatment plant's effluent to fail a toxicity test;
- p. Any wastes containing detergents, surface active agents or other substances which may cause excessive foaming in the POTW;
- q. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.
- r. No person shall discharge, or cause to be discharged, into the POTW any wastewater or other wastes containing free or emulsified oil and grease, or combinations thereof, exceeding the local limit, if in the opinion of the Control Authority it appears probable that such wastes will do the following:
 - i. Deposit grease or oil in the sewer lines in such a manner to clog the sewers;
 - ii. Overload skimming and grease-handling equipment;
 - iii. Not be amenable to bacterial action and will therefore pass to the receiving water without being affected by normal sewage treatment processes; or
 - iv. Have deleterious effect on the treatment process due to the excessive quantities.

3. Local Limits:

Pollutant limits shall be established by resolution of the City Council to protect against pass through and interference. No SIU shall discharge wastewater containing pollutant levels in excess of the daily maximum allowable discharge limits.

The limits apply at the point where the wastewater is discharged to the POTW (end of the pipe). All the concentrations for metallic substances are for "total" metal unless indicated otherwise. The City may impose mass limitation in addition to (or in place of) the concentration-based limitations. Where a user is subject to a categorical pretreatment standard and a local limit for a given pollutant, the more stringent limit or applicable pretreatment standard shall apply.

The Control Authority may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of Section 50.21.A.1-2.

4. Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.
5. No wastewater may be discharged into any waters of the state within the city, unless expressly authorized by the Texas Commission of Environmental Quality (TCEQ) and the EPA.
6. Users must comply with the State Pretreatment standards codified at 30 TAC 315 Subchapter A. If the Control Authority determines that any person is discharging, or causing to be discharged, to the POTW any wastewater or other substance in violation of the prohibitions in this section, the Control Authority may take enforcement action pursuant to sections 50.80 through 50.84.

B. National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

1. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with Section 50.21.B.5 and 50.21.B.6.
2. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Control Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Control Authority shall impose an alternate limit in accordance with 40 CFR 403.6(e).
4. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
 - a. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph b. of this Section are met.
 - b. Criteria.
 - i. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 - ii. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - iii. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional

monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

- iv. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.
5. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Control Authority. Where the Control Authority has not yet issued a control mechanism that contains established categorical concentration-based limits, the Industrial user must comply with the default flow-based mass limits as established in the applicable categorical pretreatment standard. Where the Control Authority may determine that an Industrial User should be subject to both the flow-based mass limit as well as the concentration-based limit, they will both be incorporated into the issued control mechanism and the industrial user would have to comply with both limits. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 50.21.B.5.a.i. through 50.21.B.5.a.v. below.
- a. To be eligible for equivalent mass limits, the Industrial User must:
 - i. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - ii. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - iii. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - iv. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - v. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
 - vi. At a minimum, no SNC over the last two (2) years.
 - b. An Industrial User subject to equivalent mass limits must:
 - i. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - ii. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - iii. Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than twenty percent (20%) from its baseline production rates determined in paragraph 50.21.B.5.a.iii. of this Section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

- iv. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 50.21.B.5.a.i. of this Section so long as it discharges under an equivalent mass limit.
 - v. Failure of the Industrial user to comply with these requirements will result in disqualification of the CIU from coverage by equivalent mass limits and the pre-existing concentration-based standards will become automatically enforceable.
 - c. When developing equivalent mass limits, the Superintendent:
 - i. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 - ii. Equivalent limitations calculated in accordance with 40 CFR 403.6 (c)(7), are deemed pretreatment standards for the purposes of section 307 (d) of the Act and this part. The Control Authority must document how the equivalent limits were derived and make this information publicly available. Once incorporated into its control mechanism, the Industrial User must comply with the equivalent limitations in lieu of the promulgated categorical standards from which the equivalent limits were derived.
 - iii. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - iv. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 50.9. The Industrial User must also be in compliance with Section 50.22.C.4. regarding the prohibition of bypass.
6. The Control Authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.
7. The Control Authority may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Control Authority.
8. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 50.21.B. in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. The Control Authority is required to assess Industrial user compliance. The Control Authority will conduct its mandatory one-per-year monitoring of the IU, the relevant actual flow from the facility is required to assess whether the User is in compliance with its mass limits.
9. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. The Control Authority is not limited to those circumstances in which the Control Authority determines that the facility's flow is so variable as to make the mass limits impracticable.
10. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Control Authority within two

(2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.

(1975 Code, § 19-14; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.22. - Special rules for industrial discharges.

A. *Compliance with standards.*

1. Upon the promulgation of the categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter.
2. State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations or those in this or any other applicable chapter.
3. No discharger shall increase the use of process water or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the pretreatment requirements set forth in this chapter.
4. The Control Authority may impose mass limitations on dischargers where the imposition of mass limitations is deemed appropriate.

B. *Accidental Discharge/Slug Discharge Control Plans*

1. *The Superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges within a year of becoming an SIU. The Superintendent may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Superintendent may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:*
 - a. Description of discharge practices, including non-routine batch discharges;
 - b. Description of stored chemicals;
 - c. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate the prohibition under 40 CFR 403.5(b) or as required by Section 50.26.F., with procedures for follow-up written notification within five (5) days; and
 - d. If necessary, procedures to prevent adverse impact from accidental spills, including, but not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

2. *Prevention of accidental discharges.* Each discharger shall provide prudent protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. When applicable, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Control Authority for review and shall be approved by the Control Authority before construction of the facility. Each existing discharger as designated by the Control Authority shall complete its plan and submit same to the Control Authority within sixty (60) days after the effective date of this chapter. No designated discharger proposing to connect or contribute any wastewater to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the Control Authority. Review and approval of such plans and operating procedures by the Control Authority shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.
 3. *Notice of accidental discharges or "slugloads."*
 - a. Dischargers shall notify the Control Authority orally as soon as practicable but not later than within twenty-four (24) hours following the occurrence of a "slugload" or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions.
 - b. A written report shall also be provided within five (5) days of the occurrence. The written report shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and 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 reoccurrence of the noncompliance. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
 - c. Notification shall not relieve the discharger of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills or any other damage to person or property; nor shall such notification relieve the discharger of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.
 4. *Liability due to accidental discharges or "slugloads".* Any discharger who discharges "slugloads" or prohibited materials shall be liable, pursuant to Sec. 50.89, for any expense, loss or damage to the POTW caused thereby, in addition to the amount of any fines imposed on the Control Authority on account thereof under state and federal law.
 5. *Instructions to employees.* Each employer shall instruct all applicable employees who may cause or discover such a discharge with respect to emergency notification procedures including the proper telephone number and/or extension number of the Control Authority to be notified.
- C. *Bypass.*
1. *Definitions.*
 - a. *Bypass.* The intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

- b. *Severe property damage.* Substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- 2. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections 3. and 4. of this section.
- 3. *Bypass notifications*
 - a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, at least ten (10) days before the date of the bypass, if possible.
 - b. An industrial user shall submit oral notice to the Control Authority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- 4. *Bypass*
 - a. Bypass is prohibited and the City may take enforcement action against an industrial user for a bypass, unless the following occurred:
 - 1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;
 - 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and/or
 - 3. The industrial user submitted notices as required under subsection 3. of this division C.
 - b. The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in subsection 4.a. of this division C.

(1975 Code, § 19-15; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.23 – Compliance Monitoring

I. Right of Entry: Inspections and Sampling.

- A. The Control Authority shall have the right to enter any premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users should allow the Control Authority ready access to all parts of the premises for the purposes of inspection, sampling, records, examination and copying, and the performance of any additional duties.
1. Where a User has security measures in force which require proper identification and clearance before entry into its premise, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority shall be permitted to enter without delay for the purposes of performing specific responsibilities. Any employee, agent or other representative of the Control Authority who enters private property shall observe the establishment's rules and regulations concerning safety, internal security and fire protection, and if the property has management in residence, shall notify management or the person then in charge of his/her presence and shall exhibit proper credentials. Unscheduled inspections may be conducted whenever deemed by the Control Authority to be reasonably necessary to ensure that the terms of this chapter are complied with.
 2. The Control Authority shall have the right to set up on the User's property, or require installations of, such devices as are necessary to conduct sampling and/or metering, of the User's operations.
 3. The Control Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually or according to manufacturer guidelines to ensure their accuracy.
 4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Control Authority and shall not be replaced. The costs of clearing such access shall be born by the User.
 5. Unreasonable delays in allowing the Control authority access to the User's premises shall be a violation of this ordinance. The failure or refusal of a discharger to allow the access required by this section shall be grounds for the disconnection of water and/or sewer service to the discharger's facility, pursuant to the provisions of this chapter applicable to enforcement and/or termination of service.
- B. Any discharges of wastewater or other waste into the POTW shall be subject to inspection and/or sampling as often as may be deemed necessary by the Control Authority. Sample shall be collected in such manner as to be representative of the character and concentration of the wastewater or waste under operating conditions. Upon specific request, the Control Authority shall provide the discharger with a split set of all discharge samples taken. The laboratory methods used in the examination of the waste shall be those set forth in 40 CFR 136. Regular inspections and/or sampling shall be conducted at such times and on such schedules as may be established by the Control Authority. Should a discharger desire that a scheduled inspection and/or sampling be conducted at

some time other than that scheduled by the Control Authority, such inspection and/or sampling may be conducted by the Control Authority at the expense of the discharger.

- C. Unless expressly exempted by the Control Authority, all significant industrial dischargers shall provide, at their own expense, monitoring facilities prior to approval of a permit application, to allow inspection, sampling and flow measurement at each discharge point. Each monitoring facility shall be located on the discharger's premises; except, in the case where such location would be impractical or cause undue hardship to the discharger, the Control Authority may approve the placement of monitoring facilities in the public street or sidewalk area. All monitoring equipment and facilities shall be maintained in safe and proper operating condition at the expense of the discharger.
- D. Failure to provide proper monitoring facilities shall be grounds for denial of a permit application.

(1975 Code, § 19-19; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.24. - Search Warrants.

If the Control Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Control Authority may seek issuance of a search warrant from the Municipal Court of the City of Stephenville.

Sec. 50.25. - Flow measurement.

- A. The water consumption during the previous month, as determined from the meter records of the city water department, shall be the basis for computing the sewage flow from any discharger, unless actual sewage flow is measured by a recording meter of a type approved by the Control Authority. The discharger shall install and maintain the recording meter in proper condition to accurately measure the flow. Upon failure to do so, the meter consumption shall be the basis for computing the sewage flow.
- B. When water is contained in a product or is evaporated or is discharged as unpolluted wastewater in an uncontaminated condition to surface drainage (in compliance with this chapter and all state and federal law), an application may be made for a reduction in the computed volume of waste discharged to the POTW, provided supporting data satisfactory to the Control Authority is furnished. Such data shall include a flow diagram and other indication of the destination of water supply and/or wastewater, supported by data from meters installed on such process piping at the expense of the discharger.
- C. Any discharger who procures any part or all of his/her water supply from a source or sources other than the city, any of which is discharged into the POTW, shall install and maintain at his/her expense an effluent meter and/or other flow measuring device of a type approved by the Control Authority for the purpose of determining the proper volume of flow to be used in computing sewer flow. Such meters or measuring devices shall be read monthly.

(1975 Code, § 19-20; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.26. - Reporting requirements.

A. *Baseline report.* Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administration decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Control Authority a report, which contains the information listed in paragraph 50.26.A.1, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and source that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Control Authority a report which contains the information listed in paragraph 50.26.A.1, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

1. Users described above shall submit the information set below.

a. All information required in section 50.41.A.1., B, C, and F.

b. Measurement of Pollutants.

i. The User shall provide the information required in Section 50.41.G.1 through 4.

ii. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

iii. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6 (e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

iv. Sampling and analysis shall be performed in accordance with section 50.26.K.

v. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

vi. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

c. Compliance Certification. A statement reviewed by the User's Authorized Representative as defined in Section 50.1.A and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

d. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this

schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 50.26.B of this ordinance.

- e. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 50.26.N.1 of this ordinance and signed by an authorized representative as defined in Section 50.1.A.

B. *Compliance Schedule Progress Reports*

1. The following conditions shall apply to the compliance schedule required by Section 50.26.A.1.d of this ordinance.
 - a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - b. No increment referred to above shall exceed nine (9) months;
 - c. The User shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
 - d. In no event shall more than nine (9) months elapse between such progress reports to the Control Authority.

C. *Reports on Compliance with Categorical Pretreatment Standard Deadline.* Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Control Authority a report containing the information described in Section 50.41.E and G and 50.26.A.1.b of this ordinance. **The IU will comply with all reporting and notice requirements in 40 CFR 403.12 (b), (c), (d), (f), (j) & (p).** For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 50.21.B, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 50.26.N.1 of this ordinance. All sampling will be done in conformance with Section 50.26.K. **The NSCIU and/or Control Authority will sample (self-monitor) periodically to confirm compliance with the categorical pretreatment standards. The Control Authority will wait at least one permit cycle to evaluate flow data collected from the CIU over the term of the permit before determining if the CIU qualifies as an NSCIU.**

D. *Periodic Compliance Reports.*

1. Except as specified in Section 50.26.D, all Significant Industrial Users must, at a frequency determined by the Control Authority submit no less than twice per year (June and December [or on dates specified by the Control Authority]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Control Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Control Authority may modify the months during which the above reports are to be submitted.
2. The City may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
 - a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - b. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 50.41.M.
 - c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - d. The pollutant monitoring waiver is based on a facility-wide evaluation and, therefore, sampling data must be representative of all wastestreams, as well as any seasonal or other variability in the Discharge. The request for a monitoring waiver must be signed in accordance with the Duly Authorized Representative definition in Section 50.1.A.1 and include the certification statement in Section 50.26.N.1 and include in the waiver request a technical evaluation of all categorical process(es) to determine that a specific pollutant is not added and include analytical results of at least one wastewater sample prior to treatment to demonstrate that the measured levels reflect any pollutants that are added to the wastewater rather than the levels after they have been reduced by treatment, since effective treatment could become less effective over time.
 - e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis. Accurate flow measurements will be necessary.

- f. Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for three (3) years after expiration of the waiver. The monitoring for a pollutant can be waived as long as the levels in the untreated wastewater do not exceed the levels in the intake water based on sampling and other technical factors. The Control Authority may also reduce its monitoring for the pollutant to once during the term of the CIU's control mechanism.
 - g. Upon approval of the monitoring waiver and revision of the User's permit by the Control Authority, the Industrial User must certify on each report with the statement in Section 50.26.N.3 below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User. If the Industrial User can demonstrate through its technical evaluation that a specific pollutant is not added, and can demonstrate through a mass balance that any increases in the wastestream concentration are due only to evaporative losses or other similar reductions in the volume of wastewater discharged, then a monitoring waiver may be approved by the Control Authority.
 - h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 50.26.D.1, or other more frequent monitoring requirements imposed by the Control Authority and notify the Control Authority. The Industrial user monitoring waiver applies to the semiannual monitoring required under 40 CFR 403.12 (e), and does not apply to monitoring required for the baseline monitoring report or the 90-day compliance report. The Control Authority has the discretion to determine that the IU must monitor for a pollutant despite the IU having demonstrated that the pollutant is not present. Where the Control Authority elects to require monitoring in such circumstances, it may determine the appropriate frequency of monitoring, including frequencies that are less than twice per year.
 - i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard. The Industrial User Control Mechanism must include all applicable categorical standards, even those standards for which monitoring has been waived.
3. The City may reduce the requirement for periodic compliance reports in Section 50.26.D.1 (40 CFR 403.12(e)(1)) to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
- a. The POTW's value for 0.01 percent of the POTW's design dry-weather hydraulic capacity of the POTW, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches.
 - b. The POTW's value for 0.01 percent of the design dry-weather organic treatment capacity of the POTW; and

- c. The POTW's value for 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 50.21.A.3 of this ordinance.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 50.85 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Control Authority, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

4. All periodic compliance reports must be signed and certified in accordance with Section 50.26.N.1 of this ordinance.
5. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
6. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in Section 50.26.K of this ordinance, the results of this monitoring shall be included in the report

E. *Reports of Changed Conditions*

1. Each User must notify the Control Authority of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.
2. The Control Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 50.41 of this ordinance.
3. The Control Authority may issue an individual wastewater discharge permit under Section 50.48 of this ordinance or modify an existing wastewater discharge permit under Section 50.44 of this ordinance in response to changed conditions or anticipated changed conditions.

F. *Reports of Potential Problems*

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Control Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
2. Within five (5) days following such discharge, the User shall, unless waived by the Control Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property;

nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

3. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
4. Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

G. *Reports from Unpermitted Users*

All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

H. *Notice of Violation/Repeat Sampling and Reporting*

If sampling performed by a User indicates a violation, the User must notify the Control Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

I. *Notice of Discharge of Hazardous Waste.*

1. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 50.26.E of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 50.26.A, 50.26.C, and 50.26.D of this ordinance

2. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Control Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
4. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

J. *Analytical Requirements.*

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Control Authority or other parties approved by EPA.

K. *Sample Collection*

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

1. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics

and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

2. Samples for oil and grease, total residual chlorine, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
3. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 50.26.A. and 50.26.C. [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs Section 50.26.D. (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

L. *Date of Receipt of Reports*

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

M. *Recordkeeping*

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 50.21.A.3. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Control Authority. **The Control Authority is required to maintain documentation of compliance with BMP requirements and monitoring activities/results for a minimum of three (3) years.**

N. *Certification Statements*

1. Certification of Permit Applications, User Reports and Initial Monitoring Waiver— The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 50.41.K; Users submitting baseline monitoring reports under Section 50.26.A.1.e; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 50.26.C; Users submitting periodic compliance reports required by Section 50.26.D.1.-4, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 50.26.D.2.d. The following certification statement must be signed by an Authorized Representative as defined in Section 50.1.A.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or

persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

2. **Annual Certification for Non-Significant Categorical Industrial User** – A facility determined to be a Non-Significant Categorical Industrial User by the Control Authority pursuant to 50.1.A and 50.41.K. must annually submit the following certification statement signed in accordance with the signatory requirements in Section 50.1.A This certification must accompany an alternative report required by the Control Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR , I certify that, to the best of my knowledge and belief that during the period from , to , [months, days, year]:

- a. The facility described as _____[facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 50.1.A.
- b. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- c. the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

3. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 50.26.D.2 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 50.26.D.1.

(1975 Code, § 19-21; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.27. - Grease regulations.

A. *Applicability and prohibitions.*

1. This section is patterned from the *Model Standards for a Grease Ordinance* - House Bill 1979-78th Legislative Session.

2. This section shall apply to all nondomestic users of the publicly-owned treatment works (POTW), as defined in section 50.1.A, whose waste discharge contains or may contain grease, oil, sand or other harmful pollutants originating from processes, including but not limited to, food preparation and serving, vehicle and equipment washing, machine shops and garages, carpet cleaning and water extraction, steam cleaning and chemical cleaning facilities, or any facility with a liquid waste holding tank.
 3. Grease traps or grease interceptors shall not be required for residential users.
 4. Facilities generating fats, oils or greases as a result of food manufacturing, processing, preparation or food service shall install, use and maintain appropriate grease traps or interceptors as required for compliance with this section. These facilities include, but are not limited to, restaurants, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes, and any other facility preparing, serving or otherwise making any foodstuff available for consumption.
 5. No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.
- B. *Definitions.* This section shall apply to all nondomestic users of the publicly-owned treatment works (POTW), as defined in section 50.1.A.
- C. *Grease traps, interceptors, separators and holding tanks.*
1. Users required to maintain pretreatment devices.
 - a. Grease traps, interceptors, separators or holding tanks shall be provided for the proper handling of wastes containing grease, oil, sand and/or other harmful pollutants that may interfere with the operation and maintenance of the POTW and shall be constructed and maintained in accordance with the provisions of this section.
 - b. All restaurants, institutions, cafeterias or other establishments preparing or serving food shall be required to install and maintain a grease trap for the efficient removal of oil and grease from the waste stream.
 1. The design and installation of such devices shall be subject to review and approval by the control authority.
 2. Designs shall include sample ports.
 - i. The control authority may require any nondomestic user to install a suitable sampling port in the private sewer, to facilitate observation sampling and measurement of the wastes and flows.
 - ii. Sampling ports shall be readily accessible to the control authority at all times.
 - c. All existing vehicle and equipment wash areas shall be equipped with interceptors for the removal of sand and other solids. Where an existing vehicle and equipment wash area is shown to discharge excessive oil and grease, the Superintendent may require installation of a separator. New vehicle and equipment wash facilities or any existing facility that has closed and proposes to reopen shall be required to provide interceptors and separators for the removal of oils, grease, sand and/or other pollutants before discharging to the sewerage

system. The design and installation of such devices shall be subject to review and approval by the control authority.

- d. It shall be the responsibility of the user/operator to furnish, operate and maintain such pretreatment devices as necessary to produce an effluent in compliance with this section or other applicable ordinances.
- e. Holding tanks shall be provided by the user/operator for automotive or other such waste oils and other waste prohibited from being discharged into the sanitary sewer. Such holding tanks shall be constructed to prevent leakage and splashing during operation and cleaning. Such tanks shall be maintained to preclude odor and other nuisances and shall not be connected to the sanitary sewer or in any other way allowed to be discharged to the sanitary sewer.

2. Existing facilities.

- a. Existing facilities required by this section or other applicable ordinance to maintain a grease trap, interceptor or separator not equipped with an adequately sized treatment unit shall, within eighteen (18) months of May 15, 2013, the effective date of this section, install an adequately sized grease trap, interceptor or separator in accordance with the specifications of this section.
- b. Existing facilities required by this section or other applicable ordinance to maintain a grease trap, interceptor or separator not equipped with the required pretreatment device for the type of business shall, within twelve (12) months of May 15, 2013, the effective date of this section, install an adequately sized grease trap, interceptor or separator in accordance with the specifications of this section.
- c. In any circumstance where, in the opinion of the control authority, the existing grease trap, separator or interceptor, or the absence of a grease trap, separator or interceptor, poses a serious threat or an ongoing problem to the sanitary sewer, is a public nuisance, or poses a threat to public health or to the environment, the control authority may require the grease trap interceptor or separator be installed or replaced on a more stringent compliance schedule.
- d. If a food establishment or any other facility requiring a grease trap, interceptor or separator shall cease operation and shall be required to come into compliance, then such establishment or facility shall be required to comply with this article before reopening.

D. *Installation and maintenance requirements.*

1. Installation.

- a. *New facilities.* Newly proposed or constructed food processing or food service facilities, or existing facilities that will be expanded or renovated to include a food service facility, where such facility did not previously exist, shall be required to design, install, operate and maintain a grease trap/interceptor in accordance with locally adopted plumbing codes or other applicable ordinances. Grease traps/interceptors shall be installed and inspected prior to occupancy.
- b. *Existing facilities.* Existing grease traps/interceptors must be operated and maintained in accordance with the manufacturer's recommendations and in accordance with this section, unless specified in writing and approved by the POTW.

- c. *Waste disposal.* All grease trap/interceptor waste shall be properly disposed of at an appropriate facility in accordance with federal, state or local regulations.
- 2. Cleaning and maintenance.
 - a. Grease traps and grease interceptors shall be maintained in an efficient operating condition at all times.
 - b. Each grease trap pumped shall be fully evacuated unless the trap volume is greater than the tank capacity on the vacuum truck, in which case the transporter shall arrange for additional transportation capacity so that the trap is fully evacuated within a twenty-four (24-)hour period, in accordance with 30 Texas Administrative Code § 312.143.
- 3. Self-cleaning.
 - a. Grease trap self-cleaning operators must receive approval from the POTW annually prior to removing grease from their own grease trap or grease traps located inside a building, provided:
 - i. The grease trap is no more than fifty (50) gallons in liquid/operating capacity;
 - ii. Proper on-site material disposal methods are implemented (e.g., absorb liquids into solid form and dispose into trash);
 - iii. The local solid waste authority allows such practices;
 - iv. Grease trap waste is placed in a leak-proof, sealable container(s) located on the premises and in an area for the transporter to pump-out; and
 - v. Detailed records on these activities are maintained.
 - b. Grease trap self-cleaning operators must submit a completed "Request for Grease Trap Self-Cleaning Authorization" request to the POTW for approval. The written request shall include, at a minimum, the following information:
 - i. Business name and street address;
 - ii. Grease trap/interceptor operator name, title and phone number;
 - iii. Description of maintenance frequency, method of disposal, method of cleaning and size (in gallons) of the grease trap/interceptor; and
 - iv. Signed statement that the operator will maintain records of waste disposal and produce them for compliance inspections.
 - c. To ensure compliance with this section, self-cleaners must adhere to all the requirements, procedures and detailed record keeping outlined in their approved application. A maintenance log shall be kept by self-cleaning operators that indicates, at a minimum, the following information:
 - i. Date the grease trap/interceptor was serviced;
 - ii. Name of the person or company servicing the grease trap/interceptor;
 - iii. Waste disposal method used;
 - iv. Gallons of grease removed and disposed of;
 - v. Waste oil added to grease trap/interceptor waste; and

- vi. Signature of the operator after each cleaning, certifying that all grease was removed, disposed of properly, grease trap/interceptor was thoroughly cleaned, and that all applicable parts are in operable condition.
 - d. Violations incurred by grease trap self-cleaners will be subject to enforcement action, including fines and/or removal from the self-cleaner program.
 - 4. Cleaning schedules.
 - a. Grease traps and grease interceptors shall be cleaned as often as necessary to ensure that sediment and floating materials do not accumulate to impair the efficiency of the grease trap/interceptor; to ensure the discharge is in compliance with local discharge limits; and to ensure no visible grease is observed in the discharge.
 - b. Grease traps and grease interceptors subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:
 - i. Twenty-five percent or more of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases; or
 - ii. The discharge exceeds BOD, COD, TSS, FOG, pH or other pollutant levels established by the POTW; or
 - iii. There is a history of non-compliance.
 - c. Any person or business who owns or operates a grease trap/interceptor may submit to the POTW a request, in writing, for an exception to the ninety- (90-) day pumping frequency of their grease trap/interceptor. The POTW may grant an extension for required cleaning frequency on a case-by-case basis when:
 - i. The grease trap/interceptor owner/operator has demonstrated the specific trap/interceptor will produce an effluent, based on defensible analytical results, in consistent compliance with established local discharge limits such as BOD, TSS, FOG or other parameters as determined by the POTW; or
 - ii. Less than twenty-five percent (25%) of the wetted height of the grease trap or grease interceptor, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils or greases.
 - d. In any event, a grease trap and/or grease interceptor shall be fully evacuated, cleaned and inspected at least once every one hundred eighty (180) days.
 - 5. Manifest requirements.
 - a. Each pump-out of a grease trap or interceptor must be accompanied by a manifest to be used for record-keeping purposes.
 - b. Persons who generate, collect and/or transport grease waste shall maintain a record of each individual collection and deposit. Such records shall be in the form of a manifest. The manifest shall include:
 - i. Name, address, telephone and commission registration number of transporter;
 - ii. Name, signature, address and phone number of the person who generated the waste and the date collected;

- iii. Type and amount(s) of waste collected or transported;
 - iv. Name(s) and signature(s) of responsible person(s) collecting, transporting and depositing the waste;
 - v. Date and place where the waste was deposited;
 - vi. Identification (permit or site registration number, location and operator) of the facility where the waste was deposited;
 - vii. Name and signature of facility on-site representative acknowledging receipt of the waste and the amount of waste received;
 - viii. The volume of the grease waste received; and
 - ix. A consecutive numerical tracking number to assist transporters, waste generators and regulating authorities in tracking the volume of grease transported.
- c. Manifests shall be divided into five parts and records shall be maintained as follows:
- i. One part of the manifest shall have the generator and transporter information completed and shall be given to the generator at the time of waste pickup.
 - ii. The remaining four parts of the manifest shall have all required information completely filled out and signed by the appropriate party before distribution of the manifest.
 - iii. One part of the manifest shall go to the receiving facility.
 - iv. One part shall go to the transporter, who shall retain a copy of all manifests showing the collection and disposition of waste.
 - v. One copy of the manifest shall be returned by the transporter to the person who generated the wastes within fifteen (15) calendar days after the waste is received at the disposal or processing facility.
 - vi. One part of the manifest shall go to the local authority.
- d. Copies of manifests returned to the waste generator shall be retained for five years and shall be readily available for review by the POTW.
6. Alternative treatment.
- a. A person commits an offense if the person introduces, causes, permits or suffers the introduction of any surfactant, solvent or emulsifier into a grease trap. Surfactants, solvents and emulsifiers are materials that allow the grease to pass from the trap into the collection system, and include, but are not limited to, enzymes, soap, diesel, kerosene, terpene and other solvents.
 - b. It is an affirmative defense to an enforcement of division (D)(6)(a) above that the use of surfactants or soaps is incidental to normal kitchen hygiene operations.
 - c. Bioremediation media may be used with the POTW's approval if the person requesting use of bioremediation media has proved to the satisfaction of the POTW that laboratory testing, appropriate for the type of grease trap to be used, has verified that:

- i. The media is a pure live bacterial product that is not inactivated by the use of domestic or commercial disinfectants and detergents, strong alkalis, acids and/or water temperatures of 160°F (71°C).
 - ii. The use of the media does not reduce the buoyancy of the grease layer in the grease trap and does not increase the potential for oil and grease to be discharged to the sanitary sewer.
 - iii. The use of the bioremediation media does not cause foaming in the sanitary sewer.
 - iv. The BOD, COD and TSS discharged to the sanitary sewer after use of the media does not exceed the BOD, COD and TSS that would be discharged if the product were not being used, and the grease trap was being properly maintained. pH levels must be between 5 and 11.
- d. All testing designed to satisfy the criteria set forth in division (D)(6)(c) shall be scientifically sound and statistically valid in the opinion of the POTW. All tests to determine oil and grease, TSS, BOD, COD, pH and other pollutant levels shall use appropriate tests that have been approved by the Environmental Protection Agency and the Texas Commission on Environmental Quality, and which are defined in 40 CFR 136 or 30 Texas Administrative Code § 319.11. Testing shall be open to inspection by the POTW and shall meet the POTW's approval.

E. *Schedule of penalties.*

1. If the POTW determines that a generator is responsible for a blockage of a collection system line, the generator shall owe a civil penalty of \$1,000.00 for the first violation, \$1,500.00 for a second violation, and \$2,000.00 for the third violation within a two-year period. Continuous violations shall result in an increase in penalty by \$500.00 and may also result in termination of services.
2. Any person violating any of the provisions of this section shall be subject to a written warning for the first violation, a \$1,000.00 civil penalty for the second violation, a \$1,500.00 civil penalty for the third violation, and a \$2,000.00 civil penalty for the fourth violation within a two-year period. Consistent violations will result in a \$500.00 increase in civil penalty and may result in termination of service.

(Ord. 2013-03, passed 4-2-2013)

Secs. 50.28—50.39. - Reserved.

ARTICLE III. – INDIVIDUAL WASTEWATER DISCHARGE PERMITS

Sec. 50.40. – Individual Wastewater Discharge Permit required.

A. *Wastewater Analysis*

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within one-hundred twenty (120) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users

to update this information and may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.

B. Individual Wastewater Discharge Permit Requirement

1. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 50.40.C of this ordinance may continue to discharge for the time period specified therein.
2. It shall be unlawful for any significant industrial discharger to discharge to the POTW any wastewater without a permit issued by the Control Authority in accordance with the provisions of this chapter. The Superintendent may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this ordinance.
3. Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 50.80 to 50.90 of this ordinance. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

C. Individual Wastewater Discharge Permitting: Existing Connections

1. All significant industrial dischargers proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial dischargers connected to or contributing to the POTW shall obtain a discharge permit within sixty (60) days after the effective date of this chapter.
2. Any User required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Control Authority for an individual wastewater discharge permit in accordance with Section 50.41 of this ordinance, and shall not cause or allow discharges to the POTW to continue after one-hundred twenty (120) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit issued by the Control Authority.

D. Individual Wastewater Discharge Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with Section 50.41 of this ordinance must be filed at least 120 days prior to the date upon which any discharge will begin or recommence.

(1975 Code, § 19-16(A) and (B); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.41. – Individual Wastewater Discharge Permit Application Contents.

All Users required to obtain an individual wastewater discharge permit must submit a permit. The Superintendent may require Users to submit all or some of the following information as part of a permit application:

A. *Identifying information*

1. The name and address of the facility, including the name of the operator and owner.
2. Contact information, description of activities, facilities, and plant production processes on the premises
3. NAICS code number according to the North American Industry Classification System.

B. *Environmental Permits.*

A list of any environmental control permits held by or for the facility.

C. *Description of Operations.*

A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

1. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
2. Number and type of employees, hours of operation, and proposed or actual hours of operation;
3. Type and amount of raw materials processed (average and maximum per day);
4. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

D. *Time and duration of discharges;*

E. *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 50.21.2 (40 CFR 403.6(e))

F. *The location for monitoring all wastes covered by the permit.* Site plans, floor plans, plumbing plans and details to show all sewers, floor drains, sewer connections and appurtenances by the size, location and elevation;

G. *Measurement of Pollutants*

1. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.
3. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 50.26.J of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.
 5. Sampling must be performed in accordance with procedures set out in Section 50.26.K of this ordinance.
- H. *Wastewater constituents and characteristics*, including any pollutants in the discharge which are limited by any city, state or federal pretreatment requirements, and a statement regarding whether or not the pretreatment requirements are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the discharger to meet applicable pretreatment requirements;
- I. *If additional pretreatment* and/or O&M will be required to meet the pretreatment requirements; the shortest time schedule by which the discharger will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment requirement. The following conditions shall apply to this schedule:
1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to meet the applicable pretreatment requirements (for example, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction and the like);
 2. No increment referred to in subsection (1) shall exceed nine (9) months, nor shall the total compliance period exceed eighteen (18) months; and
 3. Not later than 14 days following each date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Control Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the discharger to return the construction to the schedule established. In no event shall more than nine months and fourteen (14) days elapse between such progress reports to the Control Authority;
- J. *Any other information as may be deemed by the Control Authority to be necessary to evaluate the permit application*; and
- K. *Application Signatories and Certifications*
1. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 50.26.N.1.
 2. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Superintendent prior to or together with any reports to be signed by an Authorized Representative.

3. A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to 50.1.A must annually submit the signed certification statement in Section 50.26 N.2.

L. *Individual Wastewater Discharge Permit Decisions.*

The Control Authority will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Control Authority will determine whether to issue an individual wastewater discharge permit. The Control Authority may deny any application for an individual wastewater discharge permit. If the permit is issued, it shall be subject to terms and conditions provided herein. If the application is denied, the applicant shall be notified in writing within thirty (30) days of the reasons for such denial. If denial is based on the Control Authority's determination that the applicant cannot meet the pretreatment requirements specified in this chapter, the Control Authority may specify that additional pretreatment operations will be required of the applicant in compliance with section 50.41.I.

- M. *Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 50.26.D.*

(1975 Code, § 19-16(C); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.42. - INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE

A. *Individual Wastewater Discharge Permit Duration*

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Control Authority. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(1975 Code, § 19-16(D); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.43. – Individual Wastewater Discharge Permit Contents.

- A. An individual wastewater discharge shall be subject to all provisions of this chapter and all other applicable regulations, industrial waste surcharges and fees established by the city and shall include such conditions as are deemed reasonably necessary by the Control Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
- B. Individual wastewater discharge permits must contain:
1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 50.46 of this ordinance and provisions for

furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

3. Effluent limits, including Best Management practices, based on applicable pretreatment standards;
4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State and local law.
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 50.26.D.
6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
7. Requirements to control Slug Discharge, if determined by the Control Authority to be necessary.
8. Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's permit.

C. Individual wastewater discharge permits may contain, but shall not be limited to, the following:

1. Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and
8. Other conditions as deemed appropriate by the Control Authority to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

(1975 Code, § 19-16(E); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.44. – Permit Modification.

The Control Authority may modify an individual wastewater discharge permit for good cause including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state or local pretreatment standards or requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel or the receiving waters, and POTWs beneficial sludge use;
5. Violation of any terms or conditions of the individual wastewater discharge permit;
6. Misrepresentation or failure to disclose fully all relevant facts in the permit application or in any required reporting;
7. Revision of or a grant of variance from federal categorical pretreatment standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the individual wastewater discharge permit; or
9. To reflect transfer of the facility ownership and/or operation to a new owner/operator where requested in accordance with Section 50.46.

(1975 Code, § 19-16(F); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.45. – Permit Issuance Process and Appeal Procedures.

- A. *Public notification.* The Control Authority shall provide personal notice to the permittee and published notice in a newspaper of general circulation in the city of intent to issue a discharge permit at least thirty (30) days prior to issuance. The notice shall indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- B. *Permit appeals.* The Control Authority shall provide all requesting interested persons with notice of final permit decisions. Upon notice by the Control Authority, any person, including the industrial user, may petition for reconsideration of the terms of the permit within thirty (30) days of the notice.
 1. In its petition, the appealing party must indicate any permit provision objected to, the reason for the objection and the alternative condition, if any, it seeks to be placed in the permit.
 2. The effectiveness of the permit shall not be stayed pending a reconsideration by the Control Authority unless the Control Authority expressly so indicates.
 3. The Control Authority shall respond in writing to any petition for reconsideration within 30 days.
 4. In its response, the Control Authority shall indicate its decision whether to affirm, vacate or modify the terms of the permit issued.

5. The Control Authority's action upon any petition for reconsideration shall be considered final for purposes of any judicial review.

(1975 Code, § 19-16(G); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.46. – Individual Wastewater Discharge Permit Transfer.

Individual wastewater discharge permits or coverage under may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Control Authority and the Control Authority approves the individual wastewater discharge permit transfer.

The notice to the Control Authority must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.

(1975 Code, § 19-16(H); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.47. - Individual Wastewater Discharge Permit Revocation.

The Control Authority may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 50.26.E of this ordinance.
- C. Misrepresentation or failure to fully disclosure all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Control Authority timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay penalties imposed pursuant to section 50.995;
- I. Failure to pay sewer charges; or
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;

- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance.

Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a User are void upon the issuance of a new individual wastewater discharge permit to that User.

(1975 Code, § 19-16(I); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.48. – Individual Wastewater Discharge Permit Reissuance.

A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 50.41. of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual wastewater discharge permit.

(1975 Code, § 19-16(J); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.49. - Continuation of expired permits.

An expired permit will continue to be effective and enforceable until the permit is reissued if the following occur:

- A. The discharger has submitted a complete permit application at least ninety (90) days prior to the expiration date of the discharger's existing permit; or
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the discharger.

(1975 Code, § 19-16(K); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.50. - Petition for relief.

- A. Any discharger under a permit issued pursuant to this subchapter may petition the Control Authority to find the following:
 - 1. The discharger no longer meets any of the criteria to be a significant industrial discharger as defined in section 50.1.A.;
 - 2. The discharger has not met any of those criteria for the immediately preceding three years; and
 - 3. Therefore, the permitting requirements of this subchapter should no longer apply to the discharger.
- B. The petitioning discharger shall produce all information relevant to the requested findings.
- C. The Control Authority shall afford reasonable opportunity for a hearing on any relevant factual issues upon request of the petitioning discharger.
- D. If the Control Authority finds that the discharger does not meet any of the criteria to be a significant industrial discharger as defined in section 50.1.A and that the discharger has not met any of those

criteria for the immediately preceding three years, the Control Authority shall cancel any existing permit issued to the discharger, and the discharger shall be relieved of any further obligation to comply therewith.

- E. No such permit cancellation shall affect any later determination that a discharger subsequently meets the criteria for a significant industrial discharger.

(1975 Code, § 19-16(L); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.51. - Liquid Waste Hauler Permit.

- A. No person shall drain, flush or clean out any tanks or basins containing chemical liquid wastes, septic tank wastes, oil and grease trap wastes or any other type of domestic or nondomestic liquid wastes within the city unless the person is issued a permit by the Control Authority, authorizing such acts or services. The permit shall also be required of all persons disposing of such waste within the city, regardless of point of origin.
- B. No such liquid waste hauler shall discharge of wastewater or any other waste into the POTW in violation of the standards, limitations and other requirements specified in this chapter.
- C. Any disposal site within the city, and any method of disposal, must be approved by the Control Authority. Copies of trip tickets shall be maintained and made available for inspection at any reasonable time.
- D. Any liquid waste hauler who is a significant industrial discharger shall also obtain a discharge permit pursuant to sections 50.40 through 50.50.
- E. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 50.20 of this ordinance or any other requirements established by the City. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.
- F. The Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- G. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- H. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identifications, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(1975 Code, § 19-17; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Secs. 50.52 Revocation of permit.

In accordance with the procedures in sections 50.80 through 50.84 of this subchapter, the Control Authority may revoke the permit of any discharger which does the following:

- A. Fails to factually report the wastewater constituents and characteristics of its discharge;
- B. Fails to report significant changes in wastewater constituents or characteristics;
- C. Refuses to allow reasonable and timely access to the discharger's premises by representatives of the Control Authority for the purpose of inspection or monitoring;
- D. Fails to fulfill the conditions of its permit;
- E. Fails to meet pretreatment requirements;
- F. Fails to pay penalties imposed pursuant to section 50.995 of this chapter;
- G. Fails to pay bills for sewer services; or
- H. Fails to meet compliance schedules.

Sec. 50.53 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Control Authority shall enter into an inter-municipal agreement with the contributing municipality.
- B. Prior to entering into an agreement required by paragraph A, above, the Control Authority shall request the following information from the contributing municipality:
 - 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - 3. Such other information as the Control Authority may deem necessary.
- C. An inter-municipal agreement, as required by paragraph A, above, shall contain the following conditions:
 - 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 50.21.A.3. of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or Local Limits;

2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
3. A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Control Authority; and which of these activities will be conducted jointly by the contributing municipality and the Control Authority;
4. A requirement for the contributing municipality to provide the Control Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Control Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Control Authority; and
8. A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

Secs.50.54—50.64. - Reserved.

ARTICLE IV. - BILLING; CHARGES

Sec. 50.65. - Billing.

Industrial waste surcharges provided for in this chapter shall be included as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with the existing practices. Surcharges will be paid at the same time that the water, sewer and sanitation charges of the persons become due. The Control Authority shall specify in each bill the determination of the amount due for all surcharges. Payment for water, sewer and sanitation services shall not be accepted without payment also of sewer service charges and surcharges.

(1975 Code, § 19-33; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.66. - Failure to pay bills.

If a discharger's payment of its monthly bills for water and sewer services, including any industrial waste surcharges, is more than sixty (60) days overdue, the Control Authority may disconnect all connections to the water and sanitary sewer mains to the city. The same penalties and charges now or hereafter provided for by the ordinances of the city for failure to pay the bill for water service when due shall be applicable in a like manner in case of failure to pay the established surcharge for industrial waste discharged to the sanitary sewer mains as established in section 50.85.

(1975 Code, § 19-34; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.67. - Monitoring and pretreatment charges.

The Control Authority may make such charges, known as monitoring and pretreatment charges, as are reasonable for services rendered in administering the programs outlined in this chapter. Such charges shall be equitable as between users of the POTW system. The Control Authority shall provide, upon request, documentation and justification for all calculations in determining the charges. The charges may include, but are not limited to, the following:

- A. Permitting industrial facilities;
- B. Inspection;
- C. Sample analysis;
- D. Monitoring; and
- E. Enforcement.

(1975 Code, § 19-35(D); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.68. - Industrial waste surcharge.

Persons discharging wastes or wastewaters which exhibit none of the characteristics of wastes prohibited in section 50.21.A., other than excessive BOD or suspended solids, but having an average concentration during a 24-hour period of suspended solids or BOD content in excess of normal domestic sewage, as defined in section 50.1.A. shall be required to pretreat the industrial wastes to meet the requirements of normal domestic sewage; however, such wastes may be accepted for treatment if all the following requirements are met:

- A. The wastes will not cause damage to the collection system; and
- B. The wastes shall not cause interference to the treatment process.
- C. The donor of wastes enters into a contractual agreement with the city providing for a surcharge over and above published water and sewer rates. The basis for surcharge on industrial waste shall be established by separate ordinance for waste load measurements exceeding normal domestic sewage limits set forth in the definition in section 50.21.A., such rate to continue until changed by regulation or an amendment of this chapter. The above described surcharge shall be calculated by the following:

BOD Surcharge, \$/day = (Rate/lb)(million gallons per day)(BOD mg/L minus 225 mg/L)(8.34 lb/gal).

TSS Surcharge, \$/day = (Rate/lb)(million gallons per day)(TSS mg/L minus 225 mg/L)(8.34 lb/gal).

- D. Monitoring for surcharge determination(s) may be conducted by the city on a random basis and shall consist of time or flow-weighted 24 composite samples. Monitoring frequency and application of monitoring results shall be as determined by the city or, where applicable, as specified in industrial user permits.

(1975 Code, § 19-24; Am. Ord. 1990-18, passed 12-4-90; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Secs. 50.69—50.79. - Reserved.

ARTICLE V. - ADMINISTRATIVE ENFORCEMENT REMEDIES

Sec. 50.80. - Administration

Except as otherwise provided herein, the Control Authority shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Control Authority may be delegated by the Control Authority to a duly authorized City employee.

(1975 Code, § 19-25(A); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.81. - Notification of violation.

Whenever the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual discharge permit, or order issued hereunder, or any other Pretreatment Standard or requirement, the Control Authority may serve upon that User a written notice of violation. Within thirty (30) days of the date of such notice, an explanation of the violation and a plan for satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement actions, without first issuing a Notice of Violation.

(1975 Code, § 19-25(B); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.82. - Show cause hearing and consent orders.

A. Show cause hearing: The Control Authority may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Control Authority and show cause why the proposed enforcement action should not be taken.

Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 50.1.A. and required by Section 50.41.K. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

B. Consent order: The Control Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 50.83 and 50.84 of this ordinance and shall be judicially enforceable.

(1975 Code, § 19-25(C); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.83. - Action following hearing.

After the Control Authority has reviewed the evidence, it may issue an order to the discharger responsible for any violation found to have been committed, directing that, following a specified time period, the sewer service is to be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued, including revocation or suspension of any discharge permit.

A. Compliance Orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

B. Cease and Desist Orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Control Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

C. Administrative Fines

1. When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may fine such User in an amount not to exceed **\$1,000 per day**. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
2. Unpaid charges, fines, and penalties shall, after ninety (90) calendar days, be assessed an additional penalty **of ten percent (10%)** of the unpaid balance, and interest shall accrue thereafter at a rate of **ten percent (10%)** per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

3. Users desiring to dispute such fines must file a written request for the Control Authority to reconsider the fine along with full payment of the fine amount within **thirty (30)** days of being notified of the fine. Where a request has merit, the Control Authority may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. the Control Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(1975 Code, § 19-25(D); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.84. - Right to appeal.

Following the entry of the order by the Control Authority with respect to the conduct of a discharger, the discharger may file an appeal in an appropriate court of competent jurisdiction challenging the Control Authority's order.

(1975 Code, § 19-25(E); Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.85. - Publication of industrial users in significant noncompliance.

The city shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the industrial users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall be applicable to all Significant Industrial Users (or any Industrial User that violates paragraph (C), (D), or (H) of this section) and shall mean the following:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 50.1.A.;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirements including Instantaneous limits, as defined by Section 50.1.A. multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 50.1.A. (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the city determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of city personnel or the general public);
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the city's exercise of its emergency authority to halt or prevent such a discharge;

- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, , reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the city determines will adversely affect the operation or implementation of the local pretreatment program.

(1975 Code, § 19-23; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.86. - Emergency suspension of service and/or discharge permits.

- A. The Control Authority may immediately suspend the User's discharge and/or permit, after informal notice to the User, when such suspension is necessary, in the opinion of the Control Authority, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES permit. Also, the Control Authority may suspend wastewater treatment service and/or a wastewater discharge permit whenever acids and chemicals damaging the sewer lines or treatment processes are released to the sewer causing rapid deterioration of such structures or interfering with proper treatment of sewage.
- B. Any User notified of a suspension of the wastewater treatment service and/or its wastewater discharge permit shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control Authority shall take such steps as deemed necessary, including immediate disconnection of the discharger's sewer and/or water service connection, to prevent or minimize damage to the POTW system or endangerment to any individuals or the environment. The Control Authority may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings in Section 50.47 of this Ordinance are initiated against the User.
- C. In the case of emergency disconnection of service, the Control Authority shall make reasonable attempts to notify the discharger or user of the premises where such offending discharge is generated before disconnecting the water or sewer service line. The party whose service has been disconnected shall have an opportunity for a hearing on the issue of the offending discharge and the disconnection as soon as possible after the disconnection has taken place.
- D. The Control Authority shall reinstate the wastewater discharge permit and/or the wastewater treatment and/or water service upon proof of the elimination of the offending discharge. A detailed written statement by the discharger describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Control Authority within fifteen (15) days of the date of the occurrence. The city water and/or wastewater service shall be reconnected only at the discharger's expense.

(1975 Code, § 19-26; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.87. - Legal action.

If any person discharges wastewater or other wastes into the city's POTW contrary to the provisions of this chapter, federal or state pretreatment requirements, or any order of the city, the City Attorney may commence an action for appropriate legal and/or equitable relief in any court of competent jurisdiction.

(1975 Code, § 19-27; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.88. - Protection from damage.

No unauthorized person shall maliciously or willfully break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct.

(1975 Code, § 19-28; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Cross reference— Penalty, see Sec. 50.995.

Sec. 50.89. - Recovery of costs incurred by control authority.

Any discharger violating any of the provisions of this chapter or causing damage to or impairing the city's wastewater disposal system shall be liable to the city for any expense, loss or damage caused by such violation or discharge. The city shall bill the discharger for the cost incurred by the city for any cleaning, repair or replacement work caused by the violation or discharge.

A. Pretreatment Charges and Fees

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications;
2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
3. Fees for reviewing and responding to accidental discharge procedures and construction;
4. Fees for filing appeals;
5. Fees to recover administrative and legal costs (not included in Section 50.89.A. associated with the enforcement activity taken by the Control Authority to address IU noncompliance; and
6. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

(1975 Code, § 19-29; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.90. - Acts of God defense.

The Act of God defense constitutes a statutory affirmative defense (V.T.C.A. Water Code § 7.251) in an action brought in municipal or state court. If a person can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.

- A. *Defense.* An industrial user who wishes to establish the Act of God affirmative defense shall demonstrate, through relevant evidence that:
1. An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance occurred, and the sole cause of the event was an act of God, war, strike, or other catastrophe; and
 2. The industrial user has submitted the following information to the POTW (Public Owned Treatment Works) and the city within twenty-four (24) hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance (if this information is provided orally, a written submission must be provided within five (5) days):
 - a. A description of the event, and the nature and cause of the event;
 - b. The time period of the event, including exact dates and time or, if still continuing, the anticipated time the event is expected to continue; and
 - c. Steps being taken or planned to reduce, eliminate and prevent recurrence of the event.
- B. *Burden of proof.* If any enforcement proceeding, the industrial user seeking to establish the Act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe.

(Ord. 2004-06, passed 2-3-04)

Sec. 50.91. - Variances.

A discharger may apply to the city for a variance from any discharge limitation specified in section 50.21.B. The city may grant the variance if the discharge limitation does not prevent and is not designed to prevent the following: pass through; interference; a violation of the discharger's categorical pretreatment standards; any adverse damage to the health and safety of personnel maintaining and operating the POTW; or any exceedance of the criteria for water quality developed by EPA pursuant to section 304 of the Clean Water Act, 33 USC 1314.

(1975 Code, § 19-31; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)

Sec. 50.92 - Prohibited Discharge Standards

User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 50.21.A.1. of this ordinance or the specific prohibitions in Sections 50.21.A.2.a. through 50.21.A.2.r. of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

Secs. 50.93-990 Reserved

Sec. 50.994 Injunctive Relief

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may petition the Municipal Court of City of Stephenville through The City of Stephenville's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Control Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 50.995 Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of \$1,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
 - 1. If any person intentionally, knowingly or recklessly violates any of the provisions of this chapter or of this code, he/she shall be guilty of a misdemeanor and, upon conviction in the municipal court, shall be punished by a fine not exceeding \$1,000.00 for each offense. Each day on which such a violation shall occur or continue shall be deemed a separate offense.
 - 2. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter,

shall, for each offense, be guilty of a misdemeanor and, upon conviction in the municipal court, shall be punished by a fine of not more than \$1,000.00.

- B. The Control Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Sec. 50.996 Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than five (5) years, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of at least \$1,000, or be subject to imprisonment for not more than five (5) years, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than [insert maximum fine allowable under State law] per violation, per day, or imprisonment for not more than five (5) years, or both.
- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than five (5) years, or both.

Sec. 50.997 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Control Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the

Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

Sec. 50.998—Supplemental Enforcement Action

- A. *Penalties for Late Reports* - A penalty of \$10 (ten dollars) shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due [higher penalties may also be assessed where reports are more than 30-45 days late].

Actions taken by the Control Authority to collect late reporting penalties shall not limit the Control Authority's authority to initiate other enforcement actions that may include penalties for late reporting violations.

- B. *Performance Bonds* - The Control Authority may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Control Authority to be necessary to achieve consistent compliance.
- C. *Liability Insurance* - The Control Authority may decline to issue or reissue an individual wastewater discharge to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- D. *Payment of Outstanding Fees and Penalties* - The Control Authority may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.
- E. *Water Supply Severance* - Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.
- F. *Public Nuisances* - A violation of any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Control Authority. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 94 governing

such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

- G. *Informant Rewards* - The Control Authority may pay up to one thousand dollars (\$1,000) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty or an administrative fine levied against the User, the Control Authority may disperse up to five percent (5%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed one thousand dollars (\$1,000).
- H. *Contractor Listing* - Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Control Authority.
- I. *Severability* - If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Sec. 50.999. – EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

(1975 Code, § 19-32; Am. Ord. 1996-13, passed 5-7-1996; Am. Ord. 1998-11, passed 5-5-1998)