

ORDINANCE NO. 2024-108

**AN ORDINANCE OF THE CITY OF DETROIT, TEXAS, PROHIBITING THE INDIRECT DISCHARGE INTO THE SANITARY WASTEWATER SYSTEM AND SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE PUBLICLY OWNED TREATMENT WORKS FOR THE CITY OF RED RIVER AND ENABLES THE CITY OF DETROIT TO COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CRIMINAL PENALTIES WITH A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) PER DAY FOR EACH DAY OR PART OF A DAY THAT A VIOLATION EXISTS OR CONTINUES; PROVIDING CIVIL PENALTIES IN ACCORDANCE WITH STATE LAW AND PROVIDING OTHER ENFORCEMENT MECHANISMS; AUTHORIZING THE COLLECTION OF RELATED FEES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City must adopt uniform requirements for users of publicly owned treatment works and the adoption of this Ordinance enables the City of Detroit to comply with all applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code § 1251 *et seq.*), and the General Pretreatment Regulations (Title 40, CFR, Part 403); and

**WHEREAS**, this Ordinance sets forth requirements for users of the publicly owned treatment works for the County of Red River, and the City of Detroit has determined it necessary to adopt the regulations set forth herein to comply with state and federal law and the ordinances of the City of Detroit; and

**WHEREAS**, Texas Local Government Code § 54.001 authorizes the City to impose a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, not exceed \$2,000; and

**WHEREAS**, the City Council determined it is in the best interest of human health, the environment, and general welfare of the public to amend the City Code of Ordinances to adopt uniform requirements contained herein applicable to all users of the publicly owned treatment works and to provide for the setting of fees for the equitable distribution of the costs of the program established in this Ordinance.

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

**SECTION 1.**

## INCORPORATION OF PREMISES

That the foregoing recitals are findings of the Detroit City Council and are incorporated into this Ordinance as if written word for word.

### **SECTION 2. ADOPTION**

The Code of Ordinances of the City of Detroit is hereby amended to adopt "Indirect Discharge to the Sanitary Wastewater System" which shall contain the provisions set forth entirely within **Exhibit "A"**, "Indirect Discharge to the Sanitary Wastewater System", a copy of which is attached hereto and incorporated herein. Exhibit "A" shall remain on file in the office of the City Secretary of the City of Detroit and available for public inspection upon request.

### **SECTION 3. PENALTY**

**3.01** In addition to and cumulative of the penalties set forth in **Exhibit "A"** to this Ordinance, the following shall apply:

**Criminal Penalty.** Any person, firm or corporation who intentionally, recklessly, or knowingly violates any provision of this Section or of Chapter V of the Code of Ordinances of the City, as amended hereby, that governs the public health and sanitation, or fails to comply therewith or with any requirements thereof, or a permit or certificate issued thereunder, shall upon conviction be guilty of a misdemeanor punishable by a daily fine of an amount not-to-exceed two thousand dollars (\$2,000) per day, as provided by Section 54.001(b) of the Texas Local Government Code, as amended.

**Civil Penalty.** Any person or entity who intentionally, knowingly or recklessly violates any provisions of this ordinance that relates to point source effluent limitations, or discharge of a pollutant, other than from a non-point source, into a sewer system, including sanitary or storm sewer system owned by the City and/or for which the City utilizes as its system, shall be guilty of and subject to a daily civil penalty not to exceed the sum of five thousand dollars (\$5,000) per day, pursuant to Chapter 54 of the Texas Local Government Code. As amended,

**Separate Offense.** Each such person or entity shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed or continued, and upon conviction or adjudication of any such violations such person shall be punished within the limits provided herein.

### **SECTION 4. CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances of the City of Detroit and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance or where expressly repealed hereby. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

**SECTION 5.**  
**SEVERABILITY**

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 6.**  
**SAVINGS**

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by another ordinance, resolution or other authorization of the City, the provisions of this Ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

**SECTION 7.**  
**PUBLICATION/EFFECTIVE DATE**

The City Council hereby finds and determines that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. This ordinance shall take effect immediately from and after its passage and publication as required by law.

**DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
DETROIT, TEXAS on this 8 day of October, 2024.**

**APPROVED:**  
  
Kenny Snodgrass, Mayor

**ATTEST:**  
  
Tami Nix, City Secretary



## **INDIRECT DISCHARGE INTO THE SANITARY WASTEWATER SYSTEM**

### **DIVISION 1. GENERALLY**

#### **Sec. 2-100. Purpose and policy.**

This article sets forth uniform requirements for users of the publicly owned treatment works for the City of Denton and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 United States Code section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations, Part 403). The objectives of this article are:

- (a) To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works;
- (c) To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works; and
- (f) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly owned treatment works is subject.

This article shall apply to all users of the publicly owned treatment works, and shall, among other things, provide for the regulation of sewer construction in areas within the jurisdiction of the city, the approval of plans for sewer construction, the quantity and quality of wastewater discharged, and the degree of wastewater pretreatment required. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### **Sec. 2-101. Administration.**

Except as otherwise provided herein or provided in the pretreatment program procedures, enforcement response plan, and enforcement response guide, the city manager, or designee, shall administer, implement, and enforce the provisions of this article. Any powers granted to or duties imposed upon city manager may be delegated by the city manager to a duly authorized city employee.

#### **Sec. 2-102. Abbreviations.**

The following abbreviations, when used in this article, shall have the designated meanings:

BOD - Biochemical oxygen demand.

BMP - Best management practice.

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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.  
mg/l - milligrams per liter.  
NPDES - National Pollutant Discharge Elimination System.  
NSCIU - Non-significant categorical industrial user.  
POTW - Publicly owned treatment works.  
RCRA - Resource Conservation and Recovery Act.  
SIU - Significant industrial user.  
SNC - Significant noncompliance.  
TSS - Total suspended solids.  
U.S.C. - United States Code.

### **Sec. 2-103. Definitions.**

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated:

*Abnormal strength wastewater.* Wastewater having a TSS content, BOD content, and/or total phosphorus content in excess of that allowable in normal wastewater, but which is otherwise acceptable into the POTW under the terms of this article.

*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 regional administrator of the EPA, or the director of a state agency delegated to act on the EPA's behalf with an approved pretreatment program (e.g, the Director of the Texas Commission on Environmental Quality (TCEQ)).

*Authorized or duly authorized representative of the user.*

- (1) If the user is a corporation:
  - (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 operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign

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documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate a duly-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.

*Biochemical oxygen demand or BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/l).

*Best management practices or BMPs.* A schedule or schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in section 26-155(a) and (b) (40 CFR 403.5(a)(1) and (b)). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

*Building.* Any structure used or intended for supporting or sheltering any use or occupancy.

*Building drain.* That part of the piping of a building drainage system which receives the discharge of all soil, waste and other drainage from inside the structure and conveys the drainage to the building service line outside the foundation wall of such building.

*Categorical pretreatment standard or categorical standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405—471.

*Categorical industrial user.* An industrial user subject to a categorical pretreatment standard or categorical standard.

*City.* The City of Denton, Texas.

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

*City manager.* Chief executive officer of the city and the head of the administrative branch of city government (City of Denton Charter, section 5.03).

*Committee* means the environmental appeals committee.

*Composite sample.* A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample; composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

*Control authority.* The City of Denton, Texas, acting by and through its city manager, or their designee.

*Control manhole.* An opening giving access to a service line at some point before the service line discharges to the wastewater system which must be approved by the city as to type, size, and location.

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*Daily maximum.* The arithmetic average of all effluent samples for a pollutant collected during a calendar day or any twenty-four-hour period that reasonably represents the calendar day for purposes of sampling.

*Daily maximum limit.* The maximum allowable discharge limit of a pollutant during a calendar day or any twenty-four-hour period that reasonably represents the calendar day for purposes of sampling. 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.

*Domestic user or domestic discharge.* A source of the introduction of pollutants into a POTW from any source not regulated under Section 307(b), (c), or (d) of the Act.

*Dry closet.* An indoor room or an outdoor privy used as a toilet, but lacking water for conveyance of waste.

*Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

*Existing source.* Any source of discharge that is not a "new source."

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

*Indirect discharge or discharge.* The introduction of pollutants into the POTW from any nondomestic source.

*Interference.* A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

*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.

*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 40 CFR 403.5(a)(1) and (b).

*May* means that the possibility or likelihood of response exists; discretionary action.

*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.

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

*National Pollutant Discharge Elimination System (NPDES).* The permit program of the Environmental Protection Agency, and/or the permit program of the state agency delegated to act on EPA's behalf with an approved pretreatment program (e.g. TPDES or Texas Pollutant Discharge Elimination System).

*New source.*

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- (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 that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
    - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
    - b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
    - 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 subsection (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 paragraph has commenced if the owner or operator has:
    - a. Begun, or caused to begin, as part of a continuous onsite construction program.
      - (i) Any placement, 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 that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Pass through.* A discharge which exits the POTW into waters of the United States 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 city's NPDES permit, including an increase in the magnitude or duration of a violation.

*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.* A measure of the acidity or alkalinity of a solution, expressed in standard units.

*Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW.

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This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

*Pretreatment standards, National Pretreatment Standards, or standards.* Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

*Privy.* An outhouse or similar type small building used as a toilet where wastes are either buried on site or collected and disposed of elsewhere.

*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 26-155 of this article.

*Publicly owned treatment works or POTW.* A treatment works, 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.

*Septic tank waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Service line.* That part of the horizontal piping of the building drainage system beginning at the outside foundation wall and terminating at its connection with the wastewater system.

*Sewage.* Human excrement and gray water (household showers, dishwashing operations, etc.).

*Shall* means the obligation or necessity to respond; mandatory action.

*Significant industrial user (SIU).* Except as provided in paragraphs (3) and (4) of this definition, 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 one hundred (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 the city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

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- b. The industrial user annually submits the certification statement required in section 26-193(b) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
  - c. The industrial user never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a user meeting the criteria in subsection (2) of this definition 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.

*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 26-155 of this article. 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.

*Stormwater.* Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

*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.

*User or industrial user.* A source of non-domestic indirect discharge that discharges pollutants to the City of Denton POTW.

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

*Wastewater treatment plant or treatment plant.* That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

## ***DIVISION 2. SEWER USE REQUIREMENTS***

### **Sec. 2-104. Prohibited discharge standards.**

- (a) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW or into a natural outlet, any pollutant or wastewater which causes pass through or interference or has an adverse effect on the environment or may otherwise endanger life, health, or property or constitute a public nuisance. 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.
- (b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup-flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21.
  - (2) Wastewater having a pH less than 5.0 or greater than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment.
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, blockage, or damage to the POTW.

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- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.) 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 the POTW.
  - (5) Wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees Celsius), 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 one hundred four (104) degrees Fahrenheit (forty (40) degrees Celsius).
  - (6) Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
  - (7) 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.
  - (8) Trucked or hauled pollutants, except at discharge points designated by the city manager, or their designee, in accordance with section 26-164 of this article.
  - (9) 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 or a hazard to life, or to prevent entry into the sewers for maintenance or repair.
  - (10) 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.
  - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
  - (12) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, de-ionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the city manager, or their designee.
  - (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
  - (14) Medical wastes, except as specifically authorized by the city manager, or their designee.
  - (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.
  - (16) Detergents, surface-active agents, or other substances which might cause excessive foaming in the POTW.
  - (17) Pesticides or herbicides in concentrations which are not amenable to treatment. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- (c) *Discharge of waters not containing wastewater.*
- (1) It shall be unlawful for any person to discharge unpolluted waters into the wastewater system. Except with the approval of the city manager, or their designee, or as otherwise provided by this article, no stormwater connection from any building or yard nor any drain from any catch basin, lake, swamp, or pond nor any outlet for surface water, stormwater, or groundwater of any kind shall be connected to the wastewater system.
  - (2) Within any area served by a separate sanitary sewer and a storm sewer, no stormwater shall be allowed to enter the sanitary sewer from waste or vent pipes of any building. Within any such area no downspout, roof leaders, gutters, other pipes or drains such as channels which may at any time carry

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stormwater, surface drainage derived from hydraulic pressure or from well points or lake water shall be connected with any sanitary sewer.

- (d) *Discharge to a natural outlet.* It shall be unlawful for any person to discharge polluted water to any storm sewer or natural outlet within the area served by the city, except where suitable treatment has been provided in accordance with the provisions of this article and except where a Federal National Pollutant Discharge Elimination Systems (NPDES) permit has been duly issued and is currently valid for such discharge. A valid copy of such a permit and any modifications thereof must be filed with the city manager, or their designee.

### **Sec. 2-105. National Categorical Pretreatment Standards.**

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405—471.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the city manager, or their designee, may impose equivalent concentration or mass limits in accordance with 40 CFR Part 403.6(c)(1).
- (b) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the city manager, or their designee, 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.
- (c) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the city manager, or their designee, shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (d) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section, in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- (e) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-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.
- (f) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the city manager, or their designee, 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 city manager, or their designee, 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.

### **Sec. 2-106. Reserved.**

### **Sec. 2-107. Local limits.**

- (a) The city manager is authorized to establish local limits pursuant to 40 CFR 403.5(c).
- (b) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limits:

POLLUTANT	DAILY MAXIMUM DISCHARGE LIMITS (mg/l)
Aluminum	137.45

Arsenic	0.12
Cadmium	0.08
Chromium	2.19
Chromium (VI)	0.66
Copper	0.84
Cyanide	0.36
Lead	0.51
Mercury	0.0006
Molybdenum	1.18
Nickel	1.10
Selenium	0.09
Silver	0.13
Zinc	0.96

- (1) Any wastewater containing fats, wax, grease or oils, whether emulsified or not, in excess of two hundred (200) mg/l measured as total oil and grease, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit (32°F)/zero (0) degrees Celsius (0°C) and one hundred fifty degrees (150) Fahrenheit (150°F)/sixty-five (65) degrees Celsius (65°C) and which might cause obstruction of flow in the POTW resulting in interference.
- (2) Other metals not listed in section 26-158(b) which will, in the opinion of the city manager, or their designee, damage the wastewater system or interfere with the treatment process.
- (3) Toxic organics found in quantifiable concentration greater than 0.01 mg/l (10 ppb) shall not total more than 2.13 mg/l for any discharge. Any organic compound considered toxic by the city manager, or their designee, and reasonably expected to be found in the industrial user's discharge may be included in the industrial user's discharge may be included in the calculations of total toxic organics if detected in any industry's discharge in quantifiable concentration greater than 0.01 mg/l.
- (4) Quantities of flow, concentrations or both which constitute a slug.

The pollutant limits in subsections (1) through (3) of this section will be applied to users through inclusion in a wastewater discharge permit when the city manager, or their designee, determines that the pollutant(s) is reasonably expected to be present in the user's indirect discharge and has the potential to cause pass through or interference.

- (c) Waters contaminated by petroleum fuel or petroleum substances are subject to the following daily maximum limits (TPDES General Permit No. TXG 830000); under provisions of Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code.

POLLUTANTS	DAILY MAXIMUM DISCHARGE LIMITS (mg/l)
Total Petroleum Hydrocarbons	15
Total Lead	0.10
Benzene	0.005
Total BTEX	0.10
Polynuclear Aromatic Hydrocarbons (PAH)	0.01
MTBE	0.24

NOTES:

1. TPH must be analyzed using Texas Method 1005.
2. BTEX shall be measured as the sum of benzene, toluene, ethylbenzene, and total xylenes (EPA Method No. 8260 B).

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3. PAH shall be measured as the sum of acenaphthene, acenaphthylene, anthracene, benzo(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene, benzo(a)pyrene, chrysene, dibenzo(a,h)anthracene, fluoranthene, fluorine, indeno(1.2.3-cd)pyrene, naphthalene, phenanthrene, and pyrene.
  4. MTBE is methyl tert-butyl ether.

The limits in subsections (b) and (c) of this section apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The city manager, or their designee, may impose mass limitations in addition to the concentration based-limitations above.

- (d) The city manager, or their designee, may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of section 26-155.

### **Sec. 2-108. City's right of revision.**

The city 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 article.

### **Sec. 2-109. 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 city manager, or their designee, may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## ***DIVISION 3. PRETREATMENT OF WASTEWATER***

### **Sec. 2-110. Pretreatment facilities.**

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in division 2 of this article within the time limitations specified by EPA, the state, or the city manager, whichever is the most 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 city manager, or their designee, for review, and shall be acceptable to the city manager, or their designee, 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 article.

### **Sec. 2-111. Additional pretreatment measures.**

- (a) Whenever deemed necessary, the city manager, or their designee, 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 article.
- (b) The city manager, or their designee, may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
- (c) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

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**Sec. 2-112. Accidental discharge/slug discharge control plans.**

The city manager, or their designee, shall evaluate, within one year of being designated as a SIU, whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The city manager, or their designee, 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 city manager, or their designee, 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 city manager, or their designee, of any accidental or slug discharge, as required by section 26-185 of this article; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

**Sec. 2-113. Hauled wastewater.**

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the city manager, or their designee, and at such times as are established by the city manager, or their designee. Such waste shall not violate section 26-155 of this article. Furthermore, all waste haulers must comply with the requirements in chapter 26, article XI of the Code of Ordinances.
- (b) The city manager, or their designee, may require haulers of industrial and/or commercial waste to obtain individual wastewater discharge permits. The city manager, or their designee, may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The city manager, or their designee, also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- (c) Industrial waste haulers may discharge loads only at locations designated by the city manager, or their designee. No load may be discharged without prior consent of the city manager, or their designee. The city manager, or their designee, may collect samples of each hauled load to ensure compliance with applicable standards and may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) 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 identification, 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.

***DIVISION 4. INDIVIDUAL WASTEWATER DISCHARGE PERMITS*****Sec. 2-114. Wastewater analysis.**

When requested by city manager, or their designee, a user must submit information on the nature and characteristics of its wastewater by the date stipulated in the request. The city manager, or their designee, is authorized to prepare a form for this purpose and may periodically require users to update this information.

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**Sec. 2-115. Individual wastewater discharge permit requirement.**

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the city manager, or their designee, except that a significant industrial user that has filed a timely application pursuant to section 26-167 of this article may continue to discharge for the time period specified therein.
- (b) The city manager, or their designee, may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this article.
- (c) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in divisions 10 and 11 of this article. 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.

**Sec. 2-116. Individual wastewater discharge permitting: Existing connections.**

Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future, shall, apply for an individual wastewater discharge permit in accordance with section 26-169 of this article, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days, except in accordance with an individual wastewater discharge permit issued by the city manager, or their designee.

**Sec. 2-117. 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 26-169 of this article, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

**Sec. 2-118. Individual wastewater discharge permit application contents.**

All users required to obtain an individual wastewater discharge permit must submit a permit application. The city manager, or their designee, may require users to submit all or some of the following information as part of a permit application:

- (a) *Identifying information.* The name and address of the facility, including the name of the operator and owner; contact information, description of activities, facilities, and plant production processes on the premises.
- (b) *Environmental permits.* A list of any environmental control permits held by or for the facility.
- (c) *Description of operations.*
  - (1) 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.
  - (2) 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.
  - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation.

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- (4) Type and amount of raw materials processed (average and maximum per day).
  - (5) 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) *The location for monitoring all wastes covered by the permit.*
  - (f) *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 26-156(c) [40 CFR 403.6(e)].
  - (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 city manager, or their designee, of regulated pollutants in the discharge from each regulated process.
    - (3) 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 26-189 of this article. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the city manager, or their designee, or the applicable standards to determine compliance with the standard.
    - (5) Sampling must be performed in accordance with procedures set out in section 26-190 of this article.
  - (h) 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 26-183(b) [40 CFR 403.12(e)(2)].
  - (i) Any other information as may be deemed necessary by the city manager, or their designee, to evaluate the permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

### **Sec. 2-119. Application signatories and certifications.**

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 26-193(a). 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 city manager, or their designee, prior to or together with any reports to be signed by an authorized representative. A facility determined to be a non-significant categorical industrial user by the city manager, or their designee, pursuant to section 26-154 must annually submit the signed certification statement in section 26-193(b).

### **Sec. 2-120. Individual wastewater discharge permit decisions.**

- (a) The city manager, or their designee, will evaluate the data furnished by the user and may require additional information. Within a reasonable time frame from the date of receipt of a complete permit application, the

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city manager, or their designee, will determine whether to issue an individual wastewater discharge permit. The city manager, or their designee, may deny any application for an individual wastewater discharge permit.

- (b) As a prerequisite to receiving an industrial commercial wastewater discharge permit, the city manager, or their designee, may, when necessary to monitor wastewater discharged into the wastewater system, require a significant industrial user to install a suitable control manhole, together with such meters, equipment and appurtenances as deemed necessary by the city manager, or their designee, in order to adequately sample and measure such wastewater. All required control manholes shall be located so as to permit unrestricted access by the city manager, or their designee.

## ***DIVISION 5. INDIVIDUAL WASTEWATER DISCHARGE PERMIT ISSUANCE***

### **Sec. 2-121. 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 city manager, or their designee. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

### **Sec. 2-122. Individual wastewater discharge permit contents.**

An individual wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the city manager, or their designee, 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.

- (a) Individual wastewater discharge permit 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 26-176 of this article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  - (3) Effluent limits, including BMPs, based on applicable pretreatment standards;
  - (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or BMP) 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 26-183(b);
  - (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 city manager, or their designee, to be necessary;
  - (8) Any grant of the monitoring waiver by the city manager, or their designee, section 26-183(b) must be included as a condition in the user's permit.
- (b) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

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- (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 nonroutine 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 city manager, or their designee, to ensure compliance with this article, and state and federal laws, rules, and regulations.

**Sec. 2-123. Reserved.**

**Sec. 2-124. Permit modification.**

- (a) The city manager, or their designee, 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 city's POTW, city personnel, or the receiving waters;
  - (5) Violation of any terms or conditions of the individual wastewater discharge permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (7) Revision of or a grant of variance from 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 a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 26-176;
  - (10) The user shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change.

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### **Sec. 2-125. Individual wastewater discharge permit transfer.**

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the city manager, or their designee, and the city manager, or their designee, approves the individual wastewater discharge permit transfer. The notice to the city manager, or their designee, must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator have 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.

### **Sec. 2-126. Individual wastewater discharge permit revocation.**

The city manager, or their designee, may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the city manager, or their designee, of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the city manager, or their designee, of changed conditions pursuant to section 26-184 of this article;
- (c) Misrepresentation or failure to fully disclose 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 city manager, or their designee, timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (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 article.

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.

### **Sec. 2-127. Individual wastewater discharge permit reissuance.**

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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 26-169 of this article, a minimum of sixty (60) days prior to the expiration of the user's existing individual wastewater discharge permit.

**Sec. 2-128. Regulation of waste received from other jurisdictions.**

- (a) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the city manager, or their designee, shall enter into an interlocal agreement with the contributing municipality.
- (b) Prior to entering into an agreement required by paragraph (a), above, the city manager, or their designee, 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 city manager, or their designee, may deem necessary.
- (c) An interlocal 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 article and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in section 26-158 of this article. 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 issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the city manager, or their designee, and which of these activities will be conducted jointly by the contributing municipality and the city manager, or their designee;
  - (4) A requirement for the contributing municipality to provide the city manager, or their designee, 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 city manager, or their designee, 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 city manager, or their designee; and
  - (8) A provision specifying remedies available for breach of the terms of the interlocal agreement.

***DIVISION 6. REPORTING REQUIREMENTS***

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## Sec. 2-129. Baseline monitoring reports.

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative 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 city manager, or their designee, a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the city manager, or their designee, a report which contains the information listed in paragraph (b), 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.
- (b) Users described above shall submit the information set forth below:
- (1) All information required in section 26-169(a), section 26-169(b), section 26-169(c)(1) and section 26-169(f).
    - a. Measurement of pollutants.
      - (i) The user shall provide the information required in section 26-169(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) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 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 26-189.
      - (v) The city manager, or their designee, 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.
  - (2) Compliance certification. A statement, reviewed by the user's authorized representative as defined in section 26-154 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.
  - (3) 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 26-181 of this article.
  - (4) Signature and report certification. All baseline monitoring reports must be certified in accordance with section 26-193(a) of this article and signed by an authorized representative as defined in section 26-154.

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### **Sec. 2-130. Compliance schedule progress reports.**

The following conditions shall apply to the compliance schedule required by section 26-180(b)(3) of this article:

- (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 city manager, or their designee, 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 city manager, or their designee.

### **Sec. 2-131. 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 city manager, or their designee, a report containing the information described in section 26-169(f) and (g) and section 26-180(b)(1)a. of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in section 26-156, 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 26-193(a) of this article. All sampling will be done in conformance with section 26-190.

### **Sec. 2-132. Periodic compliance reports.**

- (a) All significant industrial users must, at a frequency determined by the city manager, or their designee, submit no less than twice per year, reports indicating the nature and 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 city manager, or their designee, or the pretreatment standard necessary to determine the compliance status of the user.
- (b) The city may authorize an industrial user subject to pretreatment standards to forego sampling of a pollutant regulated by a categorical pretreatment standard or local limit 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 [see 40 CFR 403.12(e)(2)]. This authorization is subject to the following conditions:

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- (1) 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.
  - (2) 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 26-169(h).
  - (3) 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.
  - (4) The request for a monitoring waiver must be signed in accordance with section 26-154 and include the certification statement in section 26-193(a) [40 CFR 403.6(a)(2)(ii)].
  - (5) 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.
  - (6) Any grant of the monitoring waiver by the city manager, or their designee, 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 city manager, or their designee, for three (3) years after expiration of the waiver.
  - (7) Upon approval of the monitoring waiver and revision of the user's permit by the city manager, or their designee, the industrial user must certify on each report with the statement in section 26-193(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the industrial user.
  - (8) 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 26-183(a), or other more frequent monitoring requirements imposed by the city manager, or their designee, and notify the city manager, or their designee.
  - (9) This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.
- (c) All periodic compliance reports must be signed and certified in accordance with section 26-170 of this article.
  - (d) 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.
  - (e) 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 city manager, or their designee, using the procedures prescribed in section 26-190 of this article, the results of this monitoring shall be included in the report.

### **Sec. 2-133. Reports of changed conditions.**

Each user must notify the city manager, or their designee, of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

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- (a) The city manager, or their designee, 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 26-169 of this article.
  - (b) The city manager, or their designee, may issue an individual wastewater discharge permit under section 26-178 of this article or modify an existing wastewater discharge permit under section 26-175 of this article in response to changed conditions or anticipated changed conditions.

#### **Sec. 2-134. Reports of potential problems.**

- (a) 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 city manager, or their designee, 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.
- (b) Within five (5) days following such discharge, the user shall, unless waived by the city manager, or their designee, 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 article.
- (c) 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.
- (d) Significant industrial users are required to notify the city manager, or their designee, immediately of any changes at its facility affecting the potential for a slug discharge.

#### **Sec. 2-135. Reports from unpermitted users.**

All users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the city manager, or their designee, may require.

#### **Sec. 2-136. Notice of violation/repeat sampling and reporting.**

If sampling performed by a user indicates a violation, the user must notify the city manager, or their designee, 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 city manager, or their designee, within thirty (30) days after becoming aware of the violation. Re-sampling 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.

#### **Sec. 2-137. Notification of the discharge of hazardous waste.**

- (a) 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

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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 26-184 of this article. 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 section 26-180, section 26-182 and section 26-183 of this article.

- (b) 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.
- (c) 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 city manager, or their designee, the EPA regional waste management waste division director, and the state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) 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.
- (e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this article, a permit issued thereunder, or any applicable federal or state law.

### **Sec. 2-138. 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 city manager, or their designee, or other parties approved by EPA.

### **Sec. 2-139. Sample collection.**

- (a) 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. Except as indicated in subsections (b) and (c) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the city manager, or their designee. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the daily discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total

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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.

- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in section 26-180 and section 26-182 [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 city manager, or their designee, may authorize a lower minimum. For the reports required by paragraphs section 26-183 [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.
- (d) All sampling required to be reported must include a chain-of-custody form which documents the date, exact place, method, time of sampling, and the name of the person(s) taking the samples.

#### **Sec. 2-140. 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.

#### **Sec. 2-141. Recordkeeping.**

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, 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 26-158(d). Records shall include a chain-of-custody form which documents the date, exact place, method, 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 city manager, or their designee.

#### **Sec. 2-142. Certification statements.**

- (a) *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 26-170; users submitting baseline monitoring reports under section 26-180(e); users submitting reports on compliance with the categorical pretreatment standard deadlines under section 26-182; users submitting periodic compliance reports required by section 26-183(a) through (c); and users submitting an initial request to forego sampling of a pollutant on the basis of section 26-183(b)(4). The following certification statement must be signed by an authorized representative as defined in section 26-154:

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

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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.

- (b) *Annual certification for non-significant categorical industrial users.* A facility determined to be a non-significant categorical industrial user by the city manager, or their designee, pursuant to section 26-154 and section 26-170 must annually submit the following certification statement signed in accordance with the signatory requirements in section 26-154. This certification must accompany an alternative report required by the city manager, or their designee.

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]:

- (1) The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant categorical industrial user as described in section 26-154;
- (2) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (3) The facility never discharged more than one hundred (100) gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

\_\_\_\_\_  
\_\_\_\_\_

- (c) *Certification of pollutants not present.* Users that have an approved monitoring waiver based on section 26-183(b) 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 26-183(a).

## ***DIVISION 7. COMPLIANCE MONITORING***

### **Sec. 2-143. Right of entry: Inspection and sampling.**

The city manager, or their designee, shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any individual wastewater discharge permit or order issued hereunder. Users shall allow the city manager, or their designee, 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.

- (a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city manager, or their designee, shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The city manager, or their designee, shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

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- (c) The city manager, or their designee, 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 at a frequency required by the city manager, or their designee, to ensure their accuracy.
  - (d) 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 city manager, or their designee, and shall not be replaced. The costs of clearing such access shall be borne by the user.
  - (e) Unreasonable delays in allowing the city manager, or their designee, access to the user's premises shall be a violation of this article.
  - (f) It shall be a violation of this article to tamper with any equipment required by this section.
  - (g) In accordance with 40 CFR Part 403, the city shall inspect and monitor each significant industrial user a minimum of once per year and will maintain records as required herein.

#### **Sec. 2-144. Inspection warrants.**

If the city manager, or their designee, 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 article, 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 article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the city manager, or their designee, may seek issuance of an inspection warrant from the Municipal Court of the City of Denton, Texas.

### ***DIVISION 8. CONFIDENTIAL INFORMATION***

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the city manager, or their designee, 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 city manager, or their designee, 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.

### ***DIVISION 9. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE***

The city manager, or their designee, shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the 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 other industrial user that violates paragraphs (c), (d) or (h) of this section) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter taken during a six-month

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period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in division 2;

- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by division 2, 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 division 2 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the city manager, or their designee, determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the city manager's, or their designee'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 an individual 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 manager, or their designee, determines will adversely affect the operation or implementation of the local pretreatment program.

### *DIVISION 10. PROCEDURES FOR ABATEMENT OF VIOLATIONS*

#### **Sec. 2-145. Administrative enforcement remedies.**

- (a) *Notification of violation.* When the city manager, or their designee, finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or any order issued hereunder, or any other pretreatment standard or requirement, the city manager, or their designee, may serve upon that user a written notice of violation. Within a specified number of days from the user's receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the city manager, or their designee. 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 city manager, or their designee, to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.
- (b) *Administrative orders.*

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- (1) *Compliance orders.* When the city manager, or their designee, finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city manager, or their designee, 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 disconnected 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.
- (2) *Cease and desist orders.* When the city manager, or their designee, finds that a user has violated or continues to violate, any provision of this chapter, a 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 city manager, or their designee, may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- a. Immediately comply with all requirements; and
  - b. 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.
- (c) *Service of notice or order.* Any notice or order issued under this article shall be in writing and served in person or by registered or certified mail on the record user or users of the wastewater system or other persons determined to be responsible for such violation. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (d) *Appeals.* Any person may appeal an order of the city manager, or their designee, by filing a written notice of appeal with the city manager, or their designee, on forms provided by the utilities administration office. Such notice of appeal shall be filed within ten (10) days of service of the order.
- (e) *Termination of discharge.* In the addition to the provisions in provisions in section 26-177 (revocation) of this article, any user who violates the following conditions is subject to discharge termination:
- (1) Violation of individual wastewater discharge permit conditions;
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
  - (5) Violation of the pretreatment standards in division 2 of this article.
- Exercise of this option by the city manager, or their designee, shall not be a bar to, or a prerequisite for, taking any other action against the user.
- (f) *Emergency suspension of service.* The city manager, or their designee, may, without prior notice, suspend water service, sanitary sewer service and/or storm sewer access to a user or to a person discharging to the sanitary sewer or storm sewer when such suspension is necessary in the opinion of the city manager, or their designee, to stop an actual or threatened discharge which presents or may present imminent substantial danger to the environment or to the health or welfare of persons; presents or may present imminent

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substantial danger to the POTW, storm sewer or waters of the state; or will cause pass through or interference of the POTW.

- (1) *Notice of suspension.* As soon as practicable after the suspension of service, the city manager, or their designee, shall notify the user or the person discharging to the wastewater or storm sewer of the suspension, and order such person to cease the discharge immediately.
  - (2) *Reinstating service.* The city manager, or their designee, shall reinstate suspended services to the wastewater user or to the person discharging to the storm sewer upon proof by such person that the non-complying discharge has been eliminated; upon payment by such person of its outstanding water, sewer and stormwater utility charges; upon payment by such person of all costs incurred by the city in responding to the discharge or threatened discharge; and upon payment by such person of all costs incurred by the city in reconnecting services.
  - (3) *Written statement.* Within five (5) days of the day of suspension of services, the wastewater user or the person shall submit to the city manager, or their designee, a detailed written statement describing the cause of the discharge and the measures taken to prevent any future occurrence.
- (g) *Right to hearing.* Upon notification or issuance of an administrative order, proposed termination of discharge, or notice of suspension, a user will be offered an opportunity to a hearing and determination under section 26-196(h) of this article, why the proposed action should not be taken. The hearing shall be conducted in accordance with section 26-196(h).
- (h) *Hearing and determination.*
- (1) An environmental appeals committee is hereby established and authorized to hear and decide appeals from any order issued by the city manager, or their designee, pursuant to this article. The committee shall be composed of three (3) members appointed by the city manager. No individual appointed to the committee shall be employed in the chain of command of the city manager, or their designee.
  - (2) The committee may call and hold hearings, administer oaths, receive evidence at the hearing, and make findings of fact with respect to administering its powers in this chapter.
  - (3) Upon the hearing, the committee shall determine if there is substantial evidence to support the city manager, or their designee, determination and order. The decision of the committee shall be in writing and contain findings of fact. If the committee determines that there is substantial evidence to support the determination and order of the city manager, or their designee, the committee, shall, in addition to its decision issue an Order:
    - a. Requiring discontinuance of such violation or condition;
    - b. Requiring compliance with any requirement to correct or prevent any condition or violation; or
    - c. Suspending or revoking any permit issued under this article.
  - (4) In any decision and order issued by the committee, the order shall specify the time in which the compliance with the order must be taken. A copy of the decision and order shall be delivered to the appellant or person to whom the order is directed in person or sent to him by registered or certified mail.
  - (5) Should the appellant fail to comply with the order of the committee within the time specified therein, if any, the city manager, or their designee, in addition to any other remedy provided for in this article, may terminate sewer service to the appellant.
- (i) *Other steps.* If a person fails to comply with a notice or order issued under this section, the city manager, or their designee, shall take such steps as deemed necessary to prevent or minimize damage to the storm sewer, POTW or waters of the state, or to minimize danger to persons. Such steps may include immediate severance of a person's sanitary sewer connection.
- (j) *Reinstatement of suspended or revoked permit.*

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- (1) The city manager, or their designee, shall reinstate a wastewater discharge permit upon satisfactory proof to the city manager, or their designee, of corrective action of the permittee of the conditions or discharge for which the permit was suspended.
  - (2) A user whose wastewater discharge permit has been revoked must, apply for a new permit and comply with all provisions and conditions required as though a permit had not been issued for such user.

**Sec. 2-146. Judicial enforcement remedies.**

(a) *Injunctive relief.* When the city manager, or their designee, finds that a user has violated, or continues to violate, any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the city manager, or their designee, may petition the court of proper jurisdiction and venue in Denton County, Texas through the city attorney's 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 article on activities of the user. City manager, or their designee, may also seek such other action in a court of proper jurisdiction and venue, 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, the City of Denton, Texas taking any other action against a user.

(b) *Civil penalties.*

- (1) The city attorney is authorized to commence an action for appropriate legal or equitable relief in a court of competent jurisdiction. Such relief may include:
  - a. An injunction to prevent a violation of this chapter;
  - b. Recovery for damages to the POTW or storm sewer resulting from a violation of this chapter;
  - c. Recovery for expenses incurred by the city in responding to a violation of this chapter;
  - d. A daily civil fine of up to the maximum provided by V.T.C.A., Local Government Code § 54.017 for a violation of sections 26-151 through 26-208 hereof; and
  - e. Any and all other damages, costs and remedies to which the city may be entitled.
- (2) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other actions against a user, as such a civil action brought against the user is non-exclusive.

**Sec. 2-147. Remedies non-exclusive.**

The remedies provided for in this article are not exclusive. The city manager, or their designee, 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 city manager, or their designee, may take other action against any user when the circumstances warrant. Further, the city manager, or their designee, is empowered to take more than one enforcement action against any noncompliant user.

***DIVISION 11. SUPPLEMENTAL ENFORCEMENT ACTIONS***

**Sec. 2-148. Water or sewer service severance.**

Wherever a user has violated or continues to violate any provision of this article, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, service to the user may be severed. Service will recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply.

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**Sec. 2-149. Public nuisances.**

A violation of any provision of this article, 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 city manager, or their designee. A public nuisance is also created by all sewage, human excreta, wastewater, or other potential instrument or medium in the transmission of disease to or between any person(s). Any person(s) or user(s) creating a public nuisance shall be subject to the provisions of this chapter governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

***DIVISION 12. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS***

**Sec. 2-150. Act of God.**

If a person can establish that an event that would otherwise be a violation of a statute within the commission's jurisdiction or a rule adopted or an order or a permit issued under such a statute was caused solely by an Act of God, war, strike, riot or other catastrophe, the event is not a violation of that statute, rule, order or permit.

**Sec. 2-151. Bypass.**

(a) For the purposes of this section:

- (1) *Bypass* means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A 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 paragraphs (c) and (d) of this section.

(c) Bypass notifications.

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the city manager, or their designee, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the city manager, or their designee, 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 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 city manager, or their designee, may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass.

- (1) Bypass is prohibited, and the city manager, or their designee, may take an enforcement action against a user for a bypass, unless:
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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- b. 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 preventive maintenance; and
  - c. The user submitted notices as required under paragraph (c) of this section.
- (2) The city manager, or their designee, may approve an anticipated bypass, after considering its adverse effects, if the city manager, or their designee, determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

### ***DIVISION 13. FEES, CHARGES, AND RECOVERY OF COSTS INCURRED***

- (a) In addition to civil and criminal liability, the permittee violating any of the provisions of a discharge permit issued pursuant to this article, or causing damage to or otherwise inhibiting the POTW, shall be liable to the city for any expense, loss, or damage caused by such violation or discharge. The city shall bill the permittee for the costs incurred by the city for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a separate violation.
- (b) If abnormal strength wastewater is acceptable for discharge into the wastewater system as determined by the city manager, or their designee, a wastewater surcharge may be added to the base charge to cover the additional cost of treating abnormal strength wastewater. Such surcharge rates shall be established and be in accordance with ordinances adopted and as from time-to-time amended by the city council.
- (c) 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 associated with the enforcement activity taken by the city manager, or their designee, to address user 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 article and are separate from all other fees, fines, and penalties chargeable by the city.

### ***DIVISION 14. MISCELLANEOUS PROVISIONS***

#### **Sec. 2-152. Wastewater system work permit required.**

- (a) It shall be unlawful for any user of the wastewater system to construct, reconstruct, modify, enlarge, or alter any equipment, device, machinery, apparatus, or facility or system or component thereof which is used or is intended to be used to treat, process, measure or convey any wastewater which is or will be discharged into the wastewater system without first obtaining a wastewater system work permit from the city manager, or their designee.

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- (b) Requirements for permit. A wastewater system work permit shall be issued when all plans, drawings and specifications are submitted in such detail as the city manager, or their designee, may require and the city manager, or their designee, has determined that the work to be done will result in adequate treatment, processing, measuring and conveyance of the wastewater discharged into the wastewater system in accordance with the provision of this article.
  - (c) Certificate of final inspection upon completion.
    - (1) Upon completion of the work to be done under the wastewater system work permit, the city manager, or their designee, shall inspect the work and, if done in accordance with the permit, the city manager, or their designee, shall issue a certificate of final inspection to the permit holder.
    - (2) If the completed work does not comply with the plans and specifications submitted for which the permit was issued, the city manager, or their designee, shall require such correction as necessary before a certificate of inspection is issued.
    - (3) No person receiving a wastewater system work permit shall utilize or make use of any equipment, device, machinery, apparatus or facility covered by the permit until a certificate of final inspection is issued in accordance with this article.
    - (4) Right to inspect. No person shall refuse the city manager, or their designee, the right to inspect any work done or required to be done under this article.

#### **Sec. 2-153. Sanitary facilities required.**

- (a) Any owner or occupant of every building where such building is within one hundred (100) feet of any city sanitary sewer and is utilized as a dwelling or residential unit shall construct or cause to be constructed a suitable water closet upon such property and shall connect or cause the water closet to be connected with the sanitary sewer in accordance with all ordinances of the city regulating such construction and shall, within thirty (30) days after written notice to do so from the city manager, or their designee, abate and cease to use any septic system, dry closet or privy upon such premises.
- (b) Any owner or occupant of every building where such building is within three hundred (300) feet of a city sanitary sewer and is utilized as a business or commercial establishment discharging wastewater exceeding the limits established by this article shall construct or cause to be constructed a suitable water closet upon such property and shall connect or cause the water closet to be connected with the sanitary sewer in accordance with all ordinances of the city regulating such construction and shall, within thirty (30) days after written notice to do so from the city manager, or their designee, abate and cease to use any septic system, dry closet or privy upon such premises.
- (c) The owner or occupant of any such property shall keep and maintain such water closet and all connections in good condition and free from any obstructions.

#### **Sec. 2-154. Dry closets prohibited.**

It shall be unlawful for any person to build, use, or maintain any privy or dry closet on any lot or land within the corporate limits of the city, except for portable sanitary privies utilized temporarily.

#### **Sec. 2-155. Construction of sanitary sewers and connections.**

The construction of sanitary sewers and connections thereto shall be as provided in the ordinances of the city.

#### **Sec. 2-156. Owner responsible for maintenance of sanitary sewer lines.**

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The city shall not be responsible for the maintenance of any building drains or service lines, and such maintenance shall be the responsibility and duty of the owner of the premises serviced by any such service line.

**Sec. 2-157. Compliance with building regulations required.**

Sanitary sewer service shall not be furnished to any premises where the plumbing thereof has not been installed in accordance with the building regulations or any other provisions as provided in the ordinances of the city.

**Sec. 2-158. - 169 Reserved.**