

EXHIBIT A

The City of Pflugerville, Texas Code of Ordinances, Title V (titled “*Public Works*”), Chapter 53 (titled “*Industrial Wastes*”), Sections 53.040 through 53.061, are hereby deleted as shown by ~~strike through~~ and new Sections 53.040 through Sections 53.052 are added as shown by underline:

§ 53.040 — DEFINITIONS.

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

APPROVING AUTHORITY. ~~The Mayor or his duly authorized representative.~~

B.O.D. (Biochemical Oxygen Demand). ~~The quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory conditions for five days at a temperature of 20° C.~~

BUILDING SEWER. ~~The extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).~~

CITY. ~~The City of Pflugerville, Texas, or any authorized person acting in its behalf.~~

C.O.D. (Chemical Oxygen Demand). ~~Measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in mg/l as the amount of oxygen consumed from a chemical oxidant in a specific test, but not differentiating between stable and unstable organic matter and thus not necessarily correlating with biochemical oxygen demand.~~

CONTROL MANHOLE. ~~A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.~~

CONTROL POINT. ~~A point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.~~

GARBAGE. ~~Animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce.~~

INDUSTRIAL WASTE. ~~Waste resulting from any process of industry, manufacturing, trade, or business from the development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal wastewater.~~

INDUSTRIAL WASTE CHARGE. ~~The charge made on those persons who discharge industrial wastes into the city’s sewerage system.~~

MILLIGRAMS PER LITER (mg/l). ~~Means the same as parts per million and is a weight to-volume ratio; the milligram per liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.~~

NATURAL OUTLET. ~~Any outlet into a watercourse, ditch, lake, or other body of surface water or groundwater.~~

NORMAL DOMESTIC WASTEWATER. Wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of total suspended solids is not more than 250 mg/l and BOD is not more than 250 mg/l.

OVERLOAD. The imposition of organic or hydraulic loading on a treatment facility in excess of its engineered design capacity.

PERSON. Includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership association, and any other legal entity.

pH. The logarithm (Base 10) of the reciprocal of the hydrogen ion concentration.

PUBLIC SEWER. Pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

SANITARY SEWER. A public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

SLUG. Any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

STANDARD METHODS. The examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

STORM SEWER. A public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

STORM WATER. Rainfall or any other forms of precipitation.

SUPERINTENDENT. The Water and Wastewater Superintendent of the city or any duly authorized deputy, agent, or representative appointed by the City Council.

SUSPENDED SOLIDS. Solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

TO DISCHARGE. Includes to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

TRAP. A device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances.

UNPOLLUTED WASTEWATER. Water containing:

- (1) — No free or emulsified grease or oil;
- (2) — No acids or alkalis;
- (3) — No phenols or other substances producing taste or odor in receiving water;

- (4) — ~~No toxic or poisonous substances in suspension, colloidal state, or solution;~~
- (5) — ~~No noxious or otherwise obnoxious or odorous gases;~~
- (6) — ~~Not more than an insignificant amount in mg/l each of suspended solids and BOD, as determined by the Texas Water Quality Board; and~~
- (7) — ~~Color not exceeding 50 units as measured by the Platinum-Cobalt method of determination as specified in Standard Methods.~~

~~WASTE. Rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.~~

~~WASTEWATER. A combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any ground, surface, and storm water that may be present.~~

~~WASTEWATER FACILITIES. Includes all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes.~~

~~WASTEWATER TREATMENT PLANT. Any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers.~~

~~WASTEWATER SERVICE CHARGE. The charge on all users of the public sewer system whose wastes do not exceed in strength the concentration values established as representative of normal wastewater.~~

~~WATERCOURSE. A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80)~~

§ 53.041 — PROHIBITED DISCHARGES.

~~(A) — No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:~~

- ~~(1) — Injure or interfere with wastewater treatment processes or facilities;~~
- ~~(2) — Constitute a hazard to humans or animals; or~~
- ~~(3) — Create a hazard in receiving waters of the wastewater treatment plant effluent.~~

~~(B) — All discharges shall conform to requirements of this subchapter.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999~~

§ 53.042 — CHEMICAL DISCHARGES.

~~(A) — No discharge to public sewers may contain:~~

- ~~(1) — Cyanide greater than 1.0 mg/l;~~
- ~~(2) — Fluoride other than that contained in the public water supply;~~
- ~~(3) — Chlorides in concentrations greater than 300 mg/l;~~

~~(4) — Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or~~

~~(5) — Substances causing an excessive chemical oxygen demand (C.O.D.).~~

~~(B) — No waste or wastewater discharged to public waters may contain:~~

~~(1) — Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;~~

~~(2) — Fats, wax, grease or oils, whether emulsified or not, in excess of (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.);~~

~~(3) — Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the approving authority for such materials; or~~

~~(4) — Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of § 53.041(A).~~

~~(C) — No waste, wastewater, or other substance may be discharged into public sewers which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel at the wastewater facilities.~~

~~(D) — All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste and odor producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.~~

~~(Ord. 113 2 1 21 80, passed 1 21 80) Penalty, see § 53.999~~

~~§ 53.043 — HEAVY METALS AND TOXIC MATERIALS.~~

~~(A) — No discharges may contain concentrations of heavy metals greater than amounts specified in division (B) of this section.~~

~~(B) — The maximum allowable concentrations of heavy metals stated in terms of milligrams per liter (mg/l), determined on the basis of individual sampling in accordance with “Standard Methods” are:~~

~~(1) Arsenic 0.05 mg/l;~~

~~- - -~~

~~(2) Barium 5.0 mg/l;~~

~~- - -~~

~~(3) Boron 1.0 mg/l;~~

-	-	-
(4)	Cadmium	0.02 mg/l;
-	-	-
(5)	Chromium (Total)	5.0 mg/l;
-	-	-
(6)	Copper	1.0 mg/l;
-	-	-
(7)	Lead	0.1 mg/l;
-	-	-
(8)	Manganese	1.0 mg/l;
-	-	-
(9)	Mercury	0.005 mg/l;
-	-	-
(10)	Nickel	1.0 mg/l;
-	-	-
(11)	Selenium	0.02 mg/l;
-	-	-
(12)	Silver	0.1 mg/l;
-	-	-
(13)	Zinc	5.0 mg/l;

~~(C) — No other heavy metals or toxic materials may be discharged into public sewers without a permit from the approving authority specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.~~

~~(D) — Prohibited heavy metals and toxic materials include but are not limited to:~~

- ~~(1) — Antimony,~~
- ~~(2) — Beryllium,~~
- ~~(3) — Bismuth,~~
- ~~(4) — Cobalt,~~
- ~~(5) — Molybdenum,~~
- ~~(6) — Uranyl ion,~~
- ~~(7) — Rhenium,~~
- ~~(8) — Strontium,~~
- ~~(9) — Tellurium,~~
- ~~(10) — Herbicides,~~
- ~~(11) — Fungicides, and~~
- ~~(12) — Pesticides.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999~~

~~**§ 53.044 — GARBAGE.**~~

~~(A) — No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited.~~

~~(B) — The approving authority is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999~~

~~**§ 53.045 — STORM WATER AND OTHER UNPOLLUTED DRAINAGE.**~~

~~(A) — No person may discharge to public sanitary sewers:~~

- ~~(1) — Unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage;~~
- ~~(2) — Unpolluted cooling water;~~
- ~~(3) — Unpolluted industrial process waters; or~~
- ~~(4) — Other unpolluted drainage.~~

~~(B) — In compliance with the Texas Water Quality Act, Tex. Water Code, §§ 26.001 et seq., and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in division (A) of this section may be discharged.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999~~

~~**§ 53.046 — TEMPERATURE.**~~

No person may discharge liquid or vapor having a temperature higher than 150° F. (65° C.) or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of 10° F. or more per hour, or a combined total increase of plant influent temperature to 110° F.

(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999

§ 53.047 — RADIOACTIVE WASTES.

(A) — No person may discharge radioactive wastes or isotopes into public sewers without the permission of the approving authority.

(B) — The approving authority may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999

§ 53.048 — IMPAIRMENT OF FACILITIES.

(A) — No person may discharge into public sewers any substance capable of causing:

(1) — Obstruction to the flow in sewers;

(2) — Interference with the operation of treatment processes of facilities; or

(3) — Excessive loading of treatment facilities.

(B) — Discharges prohibited by division (A) above include, but are not limited to materials which exert or cause concentrations of:

(1) — Inert suspended solids greater than 250 mg/l including but not limited to:

(a) — Fuller's earth

(b) — Lime slurries; and

(c) — Lime residues;

(2) — Dissolved solids greater than 1,600 mg/l including but not limited to:

(a) — Sodium chloride; and

(b) — Sodium sulfate;

(3) — Excessive discoloration including but not limited to:

(a) — Dye wastes; and

(b) — Vegetable tanning solutions; or

(4) — BOD, COD, or chlorine demand in excess of normal plant capacity.

(C) — No person may discharge into public sewers any substance that may:

(1) — Deposit grease or oil in the sewer lines in such a manner as to clog the sewers;

(2) — Overload skimming and grease handling equipment;

(3) — Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the nonamenability of the substance to bacterial action; or

~~(4) — Deleteriously affect the treatment process due to excessive quantities.~~

~~(D) — No person may discharge any substance into public sewers which:~~

~~(1) — Is not amenable to treatment or reduction by the processes and facilities employed; or~~

~~(2) — Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.~~

~~(E) — The approving authority shall regulate the flow and concentration of slugs when they may:~~

~~(1) — Impair the treatment process;~~

~~(2) — Cause damage to collection facilities;~~

~~(3) — Incur treatment costs exceeding those for normal wastewater; or~~

~~(4) — Render the waste unfit for stream disposal or industrial use.~~

~~(F) — No person may discharge into public sewers solid or viscous substances which may violate division (A) of this section if present in sufficient quantity or size including but not limited to:~~

~~(1) — Ashes;~~

~~(2) — Cinders;~~

~~(3) — Sand;~~

~~(4) — Mud;~~

~~(5) — Straw;~~

~~(6) — Shavings;~~

~~(7) — Metal;~~

~~(8) — Glass;~~

~~(9) — Rags;~~

~~(10) — Feathers;~~

~~(11) — Tar;~~

~~(12) — Plastics;~~

~~(13) — Wood;~~

~~(14) — Unground garbage;~~

~~(15) — Whole blood;~~

~~(16) — Paunch manure;~~

~~(17) — Hair and fleshings;~~

~~(18) — Entrails;~~

~~(19) — Paper products, either whole or ground by garbage grinders;~~

~~(20) — Slops;~~

~~(21) — Chemical residues;~~

(22) — Paint residues; or

(23) — Bulk solids.

(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999

§ 53.049 — COMPLIANCE WITH EXISTING AUTHORITY.

(A) — Unless exception is granted by the approving authority, the public sanitary sewer system shall be used by all persons discharging:

(1) — Wastewater;

(2) — Industrial waste;

(3) — Polluted liquids;

(B) — Unless authorized by the Texas Water Quality Board, no person may deposit or discharge any waste included in division (A) of this section on public or private property into or adjacent to any:

(1) — Natural outlet;

(2) — Watercourse;

(3) — Storm sewer;

(4) — Other area within the jurisdiction of the city.

(C) — The approving authority shall verify prior to discharge that wastes authorized to be discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999

§ 53.050 — APPROVING AUTHORITY REQUIREMENTS.

(A) — If discharges or proposed discharges to public sewers may deleteriously affect wastewater facilities, processes, equipment, or receiving waters, create a hazard to life or health, or create a public nuisance, the approving authority shall require:

(1) — Pretreatment to an acceptable condition for discharge to the public sewers;

(2) — Control over the quantities and rates of discharge; and

(3) — Payment to cover the cost of handling and treating the wastes.

(B) — The approving authority is entitled to determine whether a discharge is included under division (A) of this section.

(C) — The approving authority shall reject wastes when:

(1) — It determines that a discharge or proposed discharge is included under division (A) of this section; and

(2) — The discharger does not meet the requirements of division (A) of this section.

(Ord. 113-2-1-21-80, passed 1-21-80)

§ 53.051 — APPROVING AUTHORITY REVIEW AND APPROVAL.

~~(A) — If pretreatment or control is required, the approving authority shall review and approve design and installation of equipment and processes.~~

~~(B) — The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.~~

~~(C) — Any person responsible for discharges requiring pretreatment, flow equalizing, or other facilities shall provide and maintain the facilities in effective operating condition at his own expense.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80)~~

~~§ 53.052 — REQUIREMENTS FOR TRAPS.~~

~~(A) — Discharges requiring a trap include:~~

~~(1) — Grease or waste containing grease in excessive amounts;~~

~~(2) — Oil;~~

~~(3) — Sand;~~

~~(4) — Flammable wastes; and~~

~~(5) — Other harmful ingredients.~~

~~(B) — Any person responsible for discharges requiring a trap shall at his own expense and as required by the approving authority:~~

~~(1) — Provide equipment and facilities of a type and capacity approved by the approving authority;~~

~~(2) — Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection; and~~

~~(3) — Maintain the trap in effective operating condition.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80) Penalty, see § 53.999~~

~~§ 53.053 — REQUIREMENTS FOR BUILDING SEWERS.~~

~~Any person responsible for discharges through a building sewer carrying industrial wastes shall, at his own expense and as required by the approving authority:~~

~~(A) — Install an accessible and safely located control manhole;~~

~~(B) — Install meters and other appurtenances to facilitate observation sampling and measurement of the waste; and~~

~~(C) — Maintain the equipment and facilities.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80)~~

~~§ 53.054 — SAMPLING AND TESTING.~~

~~(A) — Sampling shall be conducted according to customarily accepted methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. (NOTE: The particular analyses involved will determine whether a 24-~~

hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH.)

(B) — Examination and analyses of the characteristics of waters and wastes required by this subchapter shall be:

(1) — Conducted in accordance with the latest edition of “Standard Methods”; and

(2) — Determined from suitable samples taken at the control manhole provided or other control point authorized by the approving authority.

(C) — BOD and suspended solids shall be determined from composite sampling, except to detect unauthorized discharges.

(D) — The city may select an independent firm or laboratory to determine flow, BOD, and suspended solids.

(E) — The city is entitled to select the time of sampling at its sole discretion so long as at least annual samples are taken.

(Ord. 113-2-1-21-80, passed 1-21-80)

§ 53.055 — PAYMENT AND AGREEMENT REQUIRED.

(A) — Persons making discharges of industrial waste shall pay a charge to cover the cost of collection and treatment.

(B) — When discharges of industrial waste are approved by the approving authority, the city or its authorized representative shall enter into an agreement or arrangement providing:

(1) — Terms of acceptance by the city; and

(2) — Payment by the person making the discharge.

(Ord. 113-2-1-21-80, passed 1-21-80)

§ 53.056 — INDUSTRIAL COST RECOVERY SYSTEM.

Industrial cost recovery shall be as outlined in the current wastewater user charge ordinance. (See §§ 53.095 through 53.104).

(Ord. 113-2-1-21-80, passed 1-21-80)

§ 53.057 — EXISTING DISCHARGERS.

(A) — A person discharging industrial wastes into public sewers prior to the effective date of Ord. 113-2-1-21-80 may continue without penalty so long as he:

(1) — Does not increase the quantity or quality of discharge, without permission of the approving authority;

(2) — Has discharged the industrial waste at least 12 months prior to the effective date of Ord. 113-2-1-21-80; and

~~(3) — Applies for and is granted a permit no later than 120 days after the effective date of Ord. 113 2 1 21 80.~~

~~(B) — The city may grant a permit to discharge to persons meeting all requirements of division (A) above, provided that the person:~~

~~(1) — Submits an application within 90 days after the effective date of Ord. 113 2 1 21 80 on forms supplied by the approving authority;~~

~~(2) — Secures approval by the approving authority of plans and specifications for pretreatment facilities when required; and~~

~~(3) — Has complied with all requirements for agreements or arrangements including, but not limited to, provisions for~~

~~(a) — Payment of charges;~~

~~(b) — Installation and operation of pretreatment facilities; and~~

~~(c) — Sampling and analysis to determine quantity and strength; and~~

~~(4) — Provides a sampling point subject to the provisions of this subchapter and approval of the approving authority.~~

~~(C) — A person applying for a new discharge shall:~~

~~(1) — Meet all conditions of division (A) of this section; and~~

~~(2) — Secure a permit prior to discharging any waste.~~

~~(Ord. 113 2 1 21 80, passed 1 21 80)~~

§ 53.058 — RIGHT OF ENTRY.

~~(A) — The Superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing this subchapter.~~

~~(B) — Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.~~

~~(C) — Except when caused by negligence or failure of the company to maintain safe conditions, the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the sampling operation.~~

~~(D) — The Superintendent and other duly authorized employees of the city bearing proper credentials and identification are entitled to enter all private properties through which the city holds a negotiated easement for the purposes of:~~

~~(1) — Inspection, observation, measurement, sampling, or repair;~~

~~(2) — Maintenance of any portion of the sewerage system lying within the easements; and~~

~~(3) — Conducting any other authorized activity. All activities shall be conducted in full accordance with the terms of the negotiated easement pertaining to the private property involved.~~

~~(E) — No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the public sewers.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80)~~

~~§ 53.059 — AUTHORITY TO DISCONNECT SERVICE.~~

~~(A) — The city may terminate water and wastewater disposal service and disconnect an industrial customer from the system when:~~

~~(1) — Acids or chemicals damaging to sewer lines or treatment process are released to the sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;~~

~~(2) — A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to a watercourse, and it is found that the customer is delivering wastewater to the city's system that cannot be sufficiently treated or requires treatment that is not provided by the city as normal domestic treatment; or~~

~~(3) — The industrial customer:~~

~~(a) — Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;~~

~~(b) — Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment system;~~

~~(c) — Fails to pay monthly bills for water and sanitary sewer services when due; or~~

~~(d) — Repeats a discharge of prohibited wastes to public sewers.~~

~~(B) — If service is discontinued pursuant to division (A)(2) of this section, the city shall:~~

~~(1) — Disconnect the customer;~~

~~(2) — Supply the customer with the governmental agency's report and provide the customer with all pertinent information; and~~

~~(3) — Continue disconnection until such time as the industrial customer provides additional pretreatment or other facilities designed to remove the objectionable characteristics from his industrial wastes.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80)~~

~~§ 53.060 — NOTICE OF VIOLATION.~~

~~(A) — The city shall serve persons discharging in violation of this subchapter with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory compliance.~~

~~(B) — No person may continue discharging in violation of this subchapter beyond the time limit provided in the notice.~~

~~(Ord. 113-2-1-21-80, passed 1-21-80)~~

§ 53.061 — FURTHER SANCTIONS.

In addition to sanctions provided for by this subchapter, the city is entitled to exercise sanctions provided for by the other ordinances of the city for failure to pay the bill for water and sanitary sewer service when due.

(Ord. 113-2-1-21-80, passed 1-21-80)

§ 53.040 GENERAL PROVISIONS

(A) Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Pflugerville and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (2) 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;
- (3) 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;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (6) 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 ordinance shall apply to all Users of the Publicly Owned Treatment Works. 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.

(B) Administration

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

(C) Abbreviations

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

BOD – Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report

CBOD – Carbonaceous Biochemical Oxygen Demand

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

(D) **Definitions**

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

- (1) 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.
- (2) Approval Authority: The City of Pflugerville, Texas.
- (3) Authorized or Duly Authorized Representative of the User:
 - (a) If the User is a corporation:
 - (i) 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
 - (ii) 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 documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (d) 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.
- (4) 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 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

- (5) Best Management Practices or BMPs: The Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §53.041. 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.
- (6) Bypass: The intentional diversion of wastestreams from any portion of an IU's pretreatment facility.
- (7) Building Sewer: The extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).
- (8) Carbonaceous Biochemical Oxygen Demand or CBOD: The quantity of oxygen in the absence of nitrogen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l)
- (9) Categorical Industrial User (CIU): An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.
- (10) 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.
- (11) City: The City of Pflugerville, Texas.
- (12) City Manager: The Representative of the City who is charged with certain duties and responsibilities by this ordinance, including signatory responsibility. The term also means a Duly Authorized Representative of the City Manager.
- (13) Chemical Oxygen Demand or COD: A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (14) Composite sample: A sample formed either by continuous sampling or by mixing discrete samples. If discrete sampling is employed, at least 12 aliquots should be composited. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected at constant time intervals providing a sample irrespective of stream flow; or as a flow

proportional composite sample: collected either as a constant sample volume at time intervals proportional to flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. For wastewater discharges consisting of a single batch discharge in a 24-hour period, a grab sample of the batch discharge may be used to represent the 24-hour composite quality of the wastewater, as long as the batch is mixed prior to sample collection. For wastewater discharges consisting of two or more batch discharges in a 24-hour period, the 24-hour composite quality of the wastewater may be determined via compositing of one grab sample collected from the discharge of each batch, as long as each batch is mixed prior to sample collection.

- (15) Control Authority: The City of Pflugerville, Texas.
- (16) Control Manhole: A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.
- (17) Control Point: A point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.
- (18) Discharger: Any person who discharges or introduces anything other than normal domestic sewage into the POTW. The term includes owners and/or occupants of the premises connected to and discharging waste or wastewater into the POTW.
- (19) Daily Maximum: The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (20) Daily Maximum Limit: The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.
- (21) End of Pipe: The point where the wastewater is discharged to the POTW. TBLLs are assessed at the end of pipe, which is after any pretreatment unit. Sampling locations are designated in individual industrial wastewater discharge permits.
- (22) End of Process: A sample point at the end of an industrial process that is subject to federal categorical pretreatment standards. Categorical limits are

assessed at the end of process sampling location as designated by individual industrial wastewater discharge permits.

- (23) 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.
- (24) Existing Source: Any source of discharge that is not a "New Source."
- (25) Garbage: Animal and vegetable wastes and residue from preparation, cooking, and dispensing of food; and from the handling, processing, storage and sale of food products and produce.
- (26) 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.
- (27) Grease (also includes fats, oils, and grease): Fatty acids, soaps, fats, waxes, petroleum products, oil, and any other material which is extractable by hexane or freon solvent from an acidified sample, and which is not volatilized during evaporation of the solvent. Fats, oils, and grease (FOG): Organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in 40 CFR Part 136, as may be amended from time to time. All are sometimes referred to herein as "grease" or "greases."
- (28) Grease Trap (or grease interceptor, oil separator): A device designed to use differences in specific gravities to separate and retain light density liquids, waterborne fats, oils, and greases prior to the wastewater entering the sanitary sewer collection system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the interceptor and entering the sanitary sewer collection system. Oil Separator: A watertight receptacle designed and constructed to intercept and prevent the passage of petroleum-based oil, grease wastes and solids into the sanitary sewer system to which the receptacle is directly or indirectly connected.
- (29) Hauled Wastewater: Wastewater introduced into the POTW that has been transported by truck, rail, or any other transport, as distinguished from wastewater that flows only from the original generating customer directly into the POTW. Hauled wastewater typically includes septic tank waste.

- (30) Hazardous Waste: the waste containing pollutants listed in 40 CFR 261.31, 261.32, or 261.33.
- (31) Hold Time: The time starting from when a sample is taken until it is analyzed. For composite samples the hold time starts when the last aliquot is sampled.
- (32) Indirect Discharge or Discharge: The introduction of pollutants into the POTW from any nondomestic source.
- (33) Industrial Discharge or Industrial Wastewater or Industrial Waste or Process Wastewater: Waterborne solids, liquids, or gaseous waste resulting from and discharged, permitted to flow, or escaping from any industrial, manufacturing, or food-processing operation or process, or from the development of any natural resource, or any mixture of these with water or domestic sewage. (The term is generally synonymous with "non-domestic waste").
- (34) 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.
- (35) 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.
- (36) Local Limit: Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions.
- (37) 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.
- (38) Milligram Per Liter or mg/l: Means the same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.
- (39) Monthly Average: The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

- (40) 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.
- (41) NELAP: The National Environmental Laboratory Accreditation Program developed and adopted by the National Environmental Laboratory Accreditation Conference, which was established by state and federal officials in 1995 as an accreditation standards-setting organization for environmental laboratories.
- (42) New Source:
- (a) 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:
 - (i) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - (iii) 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.
 - (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.
 - (c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 - (i) Begun, or caused to begin, as part of a continuous onsite construction program - any placement, assembly, or installation of facilities or equipment; or 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
 - (ii) 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.

- (43) 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.
- (44) Normal Wastewater or Normal Domestic Wastewater: Wastewater excluding industrial wastewater discharged by a person into sanitary sewers and in which the average concentration of Total Suspended Solids (TSS) is not more than 250 mg/l; 5-day Biochemical Oxygen Demand (BOD) is not more than 250 mg/l; Chemical Oxygen Demand (COD) is not more than 450 mg/L; Total Kjeldahl Nitrogen is not more than 50 mg/l and Total Phosphorus is not more than 8 mg/l.
- (45) 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 City's TPDES permit, including an increase in the magnitude or duration of a violation.
- (46) Permit or Discharge Permit: A wastewater discharge permit issued to a SIU, or CIU to allow a discharge into the POTW.
- (47) 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.
- (48) pH: A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (49) 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).
- (50) 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. 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.

- (51) Pretreatment Coordinator: The person designated by the City to supervise industrial discharge of non-domestic wastes to the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the City.
- (52) Pretreatment Requirements: Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (53) Pretreatment Standards or Standards: Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.
- (54) Prohibited Discharge Standards or Prohibited Discharges means absolute prohibitions against the discharge of certain substances; these prohibitions appear in §53.041 of this ordinance.
- (55) Publicly Owned Treatment Works or POTW: Any 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.
- (56) Sanitary Sewer: A public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed.
- (57) Standard Methods: The examination and analytical procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
- (58) Septic Tank Waste: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (59) Sewage: Human excrement and gray water (household showers, dishwashing operations, etc.).

(60) Shall and May: The term “shall” describes mandatory actions, and the term “may” describe permissive (i.e., discretionary) actions.

(61) Significant Industrial User (SIU) means:

- (a) An Industrial User subject to categorical Pretreatment Standards; or
- (b) An Industrial User that:
 - (i) 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);
 - (ii) 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
 - (iii) 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.

(62) Significant Noncompliance: A compliance status assigned to industrial users that meet s any of the following:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits.
- (b) Technical Review Criteria violations defined as those in which thirty three percent (33%) 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 multiplied by the applicable TRC (TRC= 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 (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW 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 human health, welfare, or to the environment or has resulted in the POTW’s exercise of its emergency authority to halt or prevent such a discharge.
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

- (f) Failure to provide within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
 - (g) Failure to accurately report non-compliance; or any other violation or group of violations, which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.
- (63) Slug Load or Slug Discharge: Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in §53.041 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (64) Storm Water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (65) Surcharge or Industrial Wastewater Surcharge: A charge in addition to the sewer charge that is applied to those wastestreams whose pollutant concentrations are in excess of normal domestic sewage, including but not limited to BOD, TSS, Ammonia-Nitrogen and Total Phosphorus.
- (66) Texas Commission or Environmental Quality or TCEQ: Approval Authority for the State of Texas.
- (67) Texas Pollutant Discharge Elimination system (TPDES) Permit: A permit issued by TCEQ to the Control Authority or the City, pursuant to Section 402 of the Act (33 USC 1342) and Chapter 26 of the Texas Water Code that regulates discharges of wastes into water in the state.
- (68) 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.
- (69) User or Industrial User: A source of indirect discharge.
- (70) Wastewater Liquid: A combination of 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.

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

(72) Watercourse: A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

§ 53.041 GENERAL SEWER USE REQUIREMENTS

(A) Prohibited Discharge Standards

(1) General Prohibitions

No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

(2) Specific Prohibitions

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade;
- (b) Wastewater having a pH less than 5.5 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;
- (c) Solid or viscous substances at temperatures between 32° and 150° F. (0° and 65° C.) in amounts which will cause obstruction of the flow in the POTW resulting in Interference;
- (d) 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;
- (e) Wastewater having a temperature greater than 150 degrees F (50 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at

the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by the Pretreatment Coordinator in accordance with §53.042 (D) of this ordinance;
- (i) 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;
- (j) 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 TPDES permit;
- (k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State regulations;
- (l) Storm Water and Other Unpolluted Drainage:
 - (i) No person may discharge storm water to public sanitary sewers;
 - (ii) Unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage;
 - (iii) Unpolluted cooling water or non-contact cooling water;
 - (iv) Unpolluted industrial process waters; or
 - (v) Other unpolluted drainage.
 - (vi) In compliance with the Texas Water Quality Act, Tex. Water Code, §§ 26.001 et seq., and other statutes, the approving authority may designate storm sewers and other watercourses into which unpolluted drainage described in division (A) of this section may be discharged.
- (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (n) Medical Wastes, except as specifically authorized by the Pretreatment Coordinator in an individual wastewater discharge permit;

- (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (p) Detergents, surface active agents, or other substances which that might cause excessive foaming in the POTW;
- (q) Fats, oils, or greases (FOG) of animal or vegetable origin in concentrations greater than 200 mg/l and petroleum-based oils and greases in concentrations greater than 100 mg/L;
- (r) Organic toxics pollutants introduced intentionally or accidentally into the POTW including solvents, paints, thinners, degreasers, sealants, etc.;
- (s) 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.
- (t) Any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.
- (u) All waste, wastewater, or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the approving authority. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters;
- (v) Chlorides in concentrations greater than 250 mg/l; Total Dissolved Solids (TDS) greater than 1,000 mg/l; and Sulfates greater than 330 mg/l.
- (w) Garbage: No person may discharge garbage into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimension are prohibited. The City is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater.

(B) National Categorical Pretreatment Standards

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

- (1) Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with this Section.
- (2) When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- (3) When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the City shall impose an alternate limit by applying the Combined Waste Stream Formula in accordance with 40 CFR §403.6(e).
- (4) When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an IU may request that the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the sole discretion of the City. To be eligible for equivalent mass limits, the IU must meet the requirement set forth in 40 CFR §403.6 (c) (5).
- (5) An IU subject to equivalent mass limits must meet the requirements of 40 CFR §403.6 (5) (ii) (A) through (D).
- (6) When developing equivalent mass limits, the City will follow the procedures outlined in 40 CFR §403.6 (c) (5) through (9).

(C) State Pretreatment Standards

- (1) Users must comply with Title 30 Texas Administrative Code (TAC) 315.1 General Pretreatment Regulations for Existing and New Sources of Pollution.

(D) Local Limits

- (1) The following pollutant limits are established to protect against pass through and interference. No person shall discharge or cause or permit to be discharged, wastewater containing in excess of the following discharge limits.

Pollutant	Discharge Limit (mg/L)
Arsenic	1.78
Barium	5.00
Cadmium	0.10
Chromium	5.00
Copper	1.00
Cyanide	0.65
Lead	2.94
Manganese	1.00
Mercury	0.02
Molybdenum	9.69
Nickel	7.58
Selenium	0.15
Silver	0.77
Zinc	5.38

- (2) The above limits 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 Pretreatment Coordinator may impose mass limitations in addition to the concentration-based limitations above.
- (3) These limits represent a maximum daily discharge for constituents in the form of compounds or elements, in solution or suspension. These limits are based upon a method of allocating pollutant loadings which has been approved by the EPA and incorporated into the city's approved pretreatment program. No discharge into the city's sewer system may contain concentrations greater than these limits. These limits apply at a point where the industrial user's waste enters the city sewer. Unless otherwise specified by the City, compliance with these limits will be assessed by the collection and analysis of a 24-hour composite sample of the wastewater discharge.
- (4) These limits were developed for the POTW in accordance with paragraph 403.5(c) and shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.

(E) City's Right of Revision

- (1) 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 ordinance.
- (2) If national Pretreatment Standards, categorical or otherwise, more stringent than the discharge limits prescribed in this ordinance are promulgated by the EPA for certain industries, the more stringent national Pretreatment Standards will apply to the affected industrial user. A violation of the more stringent national Pretreatment Standards will also be considered a violation of this Ordinance.
- (3) If more stringent Pretreatment Standards, Texas surface water quality standards, or TPDES permit conditions are promulgated, the City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent Standards or requirements on discharges to the POTW.
- (4) Authority to regulate. The City may establish regulations, not in conflict with this Ordinance or other laws, to control the disposal and discharge of industrial waste into the wastewater system and to insure compliance with the city's pretreatment enforcement program with all applicable pretreatment regulations promulgated by the EPA. The regulations established shall, where applicable, be made part of any discharge permit issued to an industrial user by the Pretreatment Coordinator.

(F) 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 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.

§ 53.042 PRETREATMENT OF WASTEWATER

(A) Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section §53.041 of this

ordinance within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to Pretreatment Coordinator for review and shall be acceptable to the Pretreatment Coordinator before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

(B) Additional Pretreatment Measures

- (1) Whenever deemed necessary, the Pretreatment Coordinator may require Users to restrict their discharge, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- (2) The Pretreatment Coordinator 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.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Pretreatment Coordinator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. The type and capacity; location; frequency of inspection, cleaning and repair shall be in accordance with City's Fats, Oils and Grease Management Ordinance in Section §53.074(B).
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(C) Accidental Discharge/Slug Discharge Control Plans

The Pretreatment Coordinator 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 shall keep records of the activities associated with slug control evaluation. The Pretreatment Coordinator 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. An

accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Pretreatment Coordinator of any accidental or Slug Discharge, as required by Section §53.045 (G) of this ordinance; and
- (4) 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.

(D) Hauled Wastewater

- (1) Septic tank waste may be introduced into the POTW only at locations designated by the Pretreatment Coordinator, and at such times as are established by the Pretreatment Coordinator. Such waste shall not violate Section §53.041 of this ordinance or any other requirements established by the City. The Pretreatment Coordinator may require septic tank waste haulers to obtain individual wastewater discharge permits.
- (2) The Pretreatment Coordinator may require haulers of industrial waste to obtain individual wastewater discharge permits. The Pretreatment Coordinator may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Pretreatment Coordinator also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.
- (3) Industrial waste haulers may discharge loads only at locations designated by Pretreatment Coordinator. No load may be discharged without prior consent of Pretreatment Coordinator. Pretreatment Coordinator may collect samples of each hauled load to ensure compliance with applicable Standards. Pretreatment Coordinator may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- (4) 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.
- (5) Previously Issued Permits for Haulers: All permits issued by the City to septic tank waste haulers pursuant to the predecessor of this Ordinance shall remain valid until their expiration or until their revocation pursuant to the ordinance under which they were issued.

§ 53.043 WASTEWATER DISCHARGE PERMITS

(A) Wastewater Analysis

When requested by the Pretreatment Coordinator, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The City has promulgated a Permit Application form for this purpose and may periodically require Users to update this information.

(B) Wastewater Discharge Permit Requirement

- (1) No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Pretreatment Coordinator, except that a SIU that has filed a timely application pursuant to Section §53.043 (C) of this ordinance may continue to discharge for the time period specified therein.
- (2) The Pretreatment Coordinator may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections §53.049 and §53.050. of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

(C) Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Pretreatment Coordinator for a wastewater discharge permit in accordance with Section §53.043 (E) of this ordinance, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Pretreatment Coordinator.

(D) Wastewater Discharge Permitting: New Connections

Any User required to obtain a 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 wastewater discharge permit, in accordance with Section §53.043 (E) of this ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(E) Wastewater Discharge Permit Application Contents

- (1) All Users required to obtain a wastewater discharge permit must submit a permit application. The Pretreatment Coordinator may require Users to submit all or some of the following information as part of the Permit Application form:
 - (a) Identifying Information:
 - (i) The name and address of the facility, including the name of the operator and owner.
 - (ii) 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:
 - (i) 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;

- (ii) 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;
 - (iii) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (iv) Type and amount of raw materials processed (average and maximum per day);
 - (v) 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 cover 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 §53.041 (B)(3).
 - (g) Measurement of pollutants:
 - (i) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator, of regulated pollutants in the discharge from each regulated process.
 - (iii) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (iv) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section §53.045 (J) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard.
 - (v) Sampling must be performed in accordance with procedures set out in Section §53.045 (K) of this ordinance.
 - (h) Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the permit application.
- (2) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. If the Pretreatment Coordinator determines

the revised Permit Application form to be incomplete or inaccurate, the Pretreatment Coordinator may require Users to hire an environmental consultant/engineer to assist with completing the Permit Application form and the elements listed in Section §53.043 (E).

(F) Application Signatories and Certifications

- (1) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section §53.040 (D)(3).
- (2) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Pretreatment Coordinator prior to or together with any reports to be signed by an Authorized Representative.

(G) Wastewater Discharge Permit Decisions

- (1) The Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Pretreatment Coordinator will determine whether to issue the wastewater discharge permit.
- (2) If the User has filed a timely and complete application, and the Pretreatment Coordinator has not issued a renewed permit or notified the User of its decision to deny the application, then the User's permit shall continue in effect after expiration, until a permit decision is rendered by the Pretreatment Coordinator.
- (3) The Pretreatment Coordinator may deny or condition an application for new or renewal of wastewater discharge permits if contributions of pollutants, or changes in the nature of pollutants to the POTW from the IU do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its TPDES permit.

§ 53.044 WASTEWATER DISCHARGE PERMIT ISSUANCE

(A) Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge

permit may be issued for a period less than five (5) years, at the discretion of the Pretreatment Coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(B) Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Pretreatment Coordinator 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.

- (1) Wastewater discharge permits will contain:
 - (a) A statement that indicates wastewater discharge permit issuance date, effective date and the duration, which in no event shall exceed five (5) years;
 - (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section §53.044 (D) of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (c) Effluent limits based on applicable pretreatment standards including Best Management Practices (BMPs);
 - (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements including BMPs. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
 - (e) 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; and
 - (f) Requirements to control Slug Discharge, if determined by the Pretreatment Coordinator to be necessary. The Pretreatment Coordinator shall evaluate within one year of being designated as a Significant Industrial User (SIU), whether each such SIU needs a plan or other action to control slug discharges.

- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (b) Requirements for the installation of BMPs, pretreatment technology, pollution control, or construction of appropriate containment devices,

designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- (c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges. The review of such plans and operating procedures and the issuance of the waste discharge permit will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this ordinance;
- (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (g) A statement that compliance with the wastewater discharge permit does not relieve the User of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit;
- (h) Compliance schedules;
- (i) Other conditions as deemed appropriate by the Pretreatment Coordinator to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations;
- (j) An agreement by the User that such user shall be responsible for maintenance of the facilities in operating condition at the User's sole expense; that the User shall pay all charges and surcharges applicable to pretreatment or the treatment of waste by the city; and that the User will comply with all the reporting requirements of the city.

(C) Wastewater Discharge Permit Modifications

- (1) The Pretreatment Coordinator may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - (a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
 - (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
 - (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (d) Information indicating that the permitted discharge poses a threat to POTW, POTW personnel, or the receiving waters;
 - (e) Violation of any terms or conditions of the wastewater discharge permit;

- (f) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (h) To correct typographical or other errors in the wastewater discharge permit;
 - (i) To reflect a transfer of the facility ownership or operation to a new owner or operator; or
 - (j) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (2) The existing User shall be informed of any proposed changes in the current permit at least thirty (30) days prior to the effective date of the requirement of any such change.

(D) Wastewater Discharge Permit Transfer

- (1) Wastewater discharge permits may be transferred to a new owner or operator only if the User gives at least sixty (60) days advance notice to the Pretreatment Coordinator and the Pretreatment Coordinator approves the wastewater discharge permit transfer. The notice to the Pretreatment Coordinator must include a written certification by the new owner or operator which:
- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur; and
 - (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- (2) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(E) Wastewater Discharge Permit Revocation

- (1) The Pretreatment Coordinator may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (a) Failure to notify Pretreatment Coordinator of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide prior notification to Pretreatment Coordinator of changed conditions pursuant to Section §53.045 (F) of this ordinance;
 - (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 Pretreatment Coordinator 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 or this ordinance.
- (2) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.

(F) Wastewater Discharge Permit Reissuance

- (1) A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section §53.041 (E) of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.

(G) Regulation of Waste Received from Other Jurisdictions

- (1) If another municipality, or User located within another municipality or political subdivision, contributes wastewater to the POTW, the City shall enter into an inter-municipal agreement with the contributing municipality.
- (2) Prior to entering into an agreement, the Pretreatment Coordinator shall request the following information from the contributing municipality:
- (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (b) An inventory of all users located within the contributing municipality that are discharging to the POTW;
 - (c) Such other information as the Pretreatment Coordinator may deem necessary; and
 - (d) An inter-municipal agreement, as required by paragraph 1, above, shall contain the following conditions:

- (i) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section §53.041 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Pflugerville's ordinance or local limits;
- (ii) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (iii) A provision specifying which pretreatment implementation activities, including 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 Pretreatment Coordinator; and which of these activities will be conducted jointly by the contributing municipality and Pretreatment Coordinator;
- (iv) A requirement for the contributing municipality to provide the Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (v) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (vi) Requirements for monitoring the contributing municipality's discharge;
- (vii) A provision ensuring the Pretreatment Coordinator 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 Pretreatment Coordinator; and
- (viii) A provision specifying remedies available for breach of the terms of the inter-municipal agreement.

§ 53.045 REPORTING REQUIREMENTS

(A) Preliminary Investigation Reports

- (1) Any IU, CIU or SIU of the POTW shall be required within 30 days of request from the City to answer and reply to an industrial user survey questionnaire form as promulgated by the Pretreatment Coordinator. The purposes of the requirement for the form shall be to determine the quality of the sewer effluent being discharged from any such user into the POTW; for determination of compliance with the provisions of this ordinance; or for a determination of whether pretreatment approval should be requested from the City.

- (2) Should any User fail to reply in a satisfactory fashion to the questionnaire, such failure to respond shall be considered a violation of the provisions of this ordinance and subject any such person to the enforcement provisions of this ordinance. The request to answer such questionnaire shall be evidenced by the deposit of such questionnaire to the User at its billing address as shown on the records of the public utility or electronically to the Pretreatment Coordinator at the email address noted in the questionnaire.
- (3) In addition to the enforcement provisions as provided for in this division, the City, upon failure of any User to satisfactorily answer the questionnaire as provided in this section, may cause the waste being discharged from such user to be tested and the costs therefore shall then be payable by the User to the city. Should such User fail to pay such costs upon 30 days' notice from the city, this shall be considered as a failure to pay a city utility bill and utility service may be cut off by the city upon the failure to make such payment.

(B) Baseline Monitoring Reports

- (1) 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 IUs currently discharging to or scheduled to discharge to the POTW shall submit to the Pretreatment Coordinator a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that will become CIUs subsequent to the promulgation of an applicable categorical standard, shall submit to the Pretreatment Coordinator a report which contains the information listed in paragraph (2), below.
- (2) Users described above shall submit the information set forth below.
 - (a) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (b) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (c) Description of Operations. A brief description of the nature, average rate of production, 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.
 - (d) Flow Measurement. Information showing the measured or estimated average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams. If combined wastestream formula applies, provide sufficient information to allow

combined wastestream formula to be determined set out in 40 CFR 403.6(e). New sources must estimate flows.

- (e) Measurement of Pollutants.
 - (i) The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Pretreatment Coordinator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. Sampling results submitted shall include the chain-of-custody forms.
 - (iii) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section §53.045 (K) of this ordinance. The frequency of monitoring for the reports of this section shall be prescribed in the applicable pretreatment standard. New sources must estimate concentrations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator or the applicable Standards to determine compliance with the Standard.
 - (iv) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (v) 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 Pretreatment Coordinator.
 - (vi) Sampling must be performed in accordance with procedures set out in Section §53.045 (J) (Analytical methods Requirements) and §53.045 (K) (sample collection) of this ordinance.
 - (vii) 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.
 - (viii) The Pretreatment Coordinator 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.

- (3) Certification. A statement, reviewed by the User's authorized representative 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.
- (4) 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 §53.045 (C) of this ordinance.
- (5) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section §53.045 (N) of this ordinance.

(C) Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section §53.045 (B)(4) of this ordinance:

- (1) 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);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The User shall submit a progress report to Pretreatment Coordinator 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
- (4) In no event shall more than nine (9) months elapse between such progress reports to Pretreatment Coordinator.

(D) Reports on Compliance with Categorical Pretreatment Standard Deadline

- (1) 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 Pretreatment Coordinator a report containing the information described in Section §53.043 (E) (1)(f) and (g) and (7) and Section §53.045 (B)(2) of this ordinance.
- (2) 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 Pretreatment Coordinator or submit the Pretreatment Standard necessary to determine the compliance status of the User.
- (3) For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section §53.041 (B), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.
- (4) All compliance reports must be signed and certified in accordance with Section §53.045 (N) of this ordinance. All sampling and analysis shall be done in conformance with Section §53.045 (L) and Section §53.045 (K), respectively.

(E) Periodic Compliance Reports

- (1) All SIU must, at a frequency determined by Pretreatment Coordinator submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.
- (2) In addition, this report shall include a record of measured or estimated average and maximum daily flows and data obtained through appropriate sampling and analysis performed during the reporting period. At the discretion of the

Pretreatment Coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Pretreatment Coordinator may agree to alter the months during which reports under this subsection are to be submitted.

- (3) At the Pretreatment Coordinator's discretion, sampling and analysis may be performed by the City in lieu of the User.
- (4) All Periodic Compliance Reports must be signed and certified in accordance with Section §53.045 (N) of this ordinance.
- (5) If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the wastewater discharge permit, the sample collection shall be in conformance to Section §53.045 (K) (Sample Collection) and analysis shall be in conformance to §53.045 (J) (Analytical Requirements). The User shall include results of this monitoring in the report. Sampling results submitted shall include the chain-of-custody forms.
- (6) 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.

(F) Reports of Changed Conditions

Each User must notify Pretreatment Coordinator of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- (1) Pretreatment Coordinator 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 §53.043 (E) of this ordinance.
- (2) Pretreatment Coordinator may reissue a wastewater discharge permit under Section §53.044 (F) of this ordinance or modify an existing wastewater discharge permit under Section §53.044 (C) of this ordinance in response to changed conditions or anticipated changed conditions.

(G) Reports of Potential Problems

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Pretreatment Coordinator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
- (2) Within five (5) days following such discharge, the User shall, unless waived by Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- (3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (4) SIUs are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a Slug Discharge.

(H) Reports from Unpermitted Users

- (1) All Users not required to obtain a wastewater discharge permit shall provide within thirty (30) days, the completed industrial user survey questionnaire to the Pretreatment Coordinator, if requested.
- (2) Should any User fail to reply in a satisfactory fashion to the questionnaire, such failure to respond shall be considered a violation of the provisions of this division and subject any such person to the enforcement provisions of this division.
- (3) _____ In addition to the enforcement provisions noted in Section §53.049 and §53.050, the Pretreatment Coordinator, upon failure of any User to satisfactorily answer the questionnaire, may cause the waste being discharged from such User to be tested and the costs therefore shall then be payable by the

User to the city. Should such User fail to pay such costs upon 30 days' notice from the city, this shall be considered as a failure to pay a city utility bill and utility service may be cut off by the city upon the failure to make such payment.

(I) Notice of Violation/Repeat Sampling and Reporting

- (1) If sampling performed by a User indicates a violation, the User must notify Pretreatment Coordinator 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 Pretreatment Coordinator within thirty (30) days after becoming aware of the violation.
- (2) Resampling by the IU is not required if:
 - (a) The City performs sampling at the User's facility at least once a month; or
 - (b) 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
 - (c) The City has performed the sampling and analysis in lieu of the IU.

(J) Analytical Requirements

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

(K) Sample Collection

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

- (1) Except as indicated in Section (2) and (3) below, the User must collect wastewater samples using 24-hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is

authorized by Pretreatment Coordinator. Where time proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and compliance reports required in Sections §53.045 (B), (D), and (E), 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, Pretreatment Coordinator may authorize a lower minimum. For the reports required by paragraphs Section §53.045 (E), the IU is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements. Sampling results submitted shall include the chain-of-custody forms.

(L) Date of Receipts 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, or sent electronically, the date of receipt of the report shall govern.

(M) Record Keeping

Users and the POTW subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the

samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records including documentation associated with Best Management Practices 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.

(N) Certification Statements

Certification of Permit Applications, and User Reports – The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section §53.043 (F); Users submitting baseline monitoring reports under Section §53.045 (B); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section §53.045 (D); and Users submitting periodic compliance reports required by Section §53.045 (E). The following certification statement must be signed by an Authorized Representative as defined in Section §53.040 (D)(3):

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

§ 53.046 COMPLIANCE MONITORING

(A) Monitoring Facilities

- (1) The City shall require monitoring facilities, to be provided and operated at the IU's own expense, to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (2) There shall be ample room in or near a sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility and

sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

- (3) Whether constructed on public or private property, the sampling and monitoring facilities required by this section shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

(B) Right of Entry: Inspection and Sampling

Pretreatment Coordinator shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow Pretreatment Coordinator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, Pretreatment Coordinator shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) Pretreatment Coordinator 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.
- (3) Pretreatment Coordinator may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of Pretreatment Coordinator and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (5) Delays greater than one hour in allowing Pretreatment Coordinator access to the User's premises shall be a violation of this ordinance.
- (6) In accordance with 40 CFR 403.8(f) (2) (v), the City shall inspect and monitor each permitted significant industrial user a minimum of once per year. If the

City elects to perform compliance monitoring for the industry, then the City will monitor the industry a minimum of once every 6 months.

(C) Search Warrants

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

§ 53.047 CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from 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 Pretreatment Coordinator, 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 TPDES 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.

§ 53.048 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The City 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 (3), (4) or (8) of this Section) and shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the

same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section §53.041;

- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section §53.041 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section §53.041 (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Pretreatment Coordinator 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;
- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Pretreatment Coordinator's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) 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;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

§ 53.049 **ADMINISTRATIVE ENFORCEMENT REMEDIES**

(A) **Notification of Violation**

- (1) When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Pretreatment Coordinator may serve upon that User a written Notice of Violation. Such notice and order shall state:
 - (a) The nature of the violation and the provisions of this ordinance which have been violated;
 - (b) The corrective action which must be taken and the amount of time allowed to correct the violation.
- (2) Within thirty (30) days of the receipt of this 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 Pretreatment Coordinator. Submission of this 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 Pretreatment Coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(B) **Consent Orders**

The City may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section §53.049 (D) of this ordinance and shall be judicially enforceable.

(C) **Show Cause Hearing**

The City may order a User which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before Pretreatment Coordinator and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served electronically or by

registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

(D) Administrative Orders

(1) Compliance Orders

When Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User. The Pretreatment Coordinator may grant a variance in compliance dates to a user when, in the Pretreatment Coordinator's opinion, such action is necessary to achieve pretreatment or corrective measures. In no case shall the Pretreatment Coordinator grant a variance in compliance dates to an industry affected by national categorical pretreatment standards beyond the compliance dates established by the EPA.

(2) Cease and Desist Orders

When Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, 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 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. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(E) Administrative Fines

- (1) When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the City may fine such User in an amount not to exceed Two-Thousand Dollars (\$2,000) on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- (2) Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter within thirty (30) business days. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (3) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User

(F) Emergency Suspensions

The City may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, Pretreatment Coordinator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of Pretreatment Coordinator that the period of endangerment has passed, unless

the termination proceedings in Section §53.049 (F) of this ordinance are initiated against the User.

- (2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to Pretreatment Coordinator prior to the date of any show cause or termination hearing under Sections §53.049 (C) or (F) of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

(G) Termination of Discharge

In addition to the provisions in Section §53.044 (E) of this ordinance, any User who violates the following conditions is subject to discharge termination:

- (1) Violation of 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) Failure to pay the City for the cost incurred by the City in testing of wastes discharged from User for the Preliminary Investigation Reports per Section §53.045 (A) (3), when the User did not satisfactorily answer the industrial user survey questionnaire.
- (5) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (6) Violation of the Pretreatment Standards in Section §53.041 of this ordinance.
- (7) Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section §53.049 (C) of this ordinance why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the User.

§ 53.050 JUDICIAL ENFORCEMENT REMEDIES

(A) Injunctive Relief

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

(B) Civil Penalties

- (1) A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of Two-Thousand Dollars (\$2,000) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- (3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(C) Criminal Prosecution

- (1) A User who willfully or negligently violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other

Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than Two-Thousand Dollars (\$2,000) per violation, per day, or imprisonment as decided by the appropriate District Court, or both.

- (2) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a maximum penalty of Two-Thousand Dollars (\$2,000) per violation, per day, or be subject to imprisonment as decided by the appropriate District Court, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- (3) A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than Two-Thousand Dollars (\$2,000) per violation, per day, or imprisonment as decided by the appropriate District Court, or both.
- (4) Criminal Responsibility: A person is criminally responsible for a violation of this Ordinance if the person negligently, knowingly, or willfully commits or assists in the commission of a violation, or causes or permits another person to commit a violation.

(D) Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The City 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 may take other action against any User when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant User.

§ 53.051 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

(A) Act of God Defense

- (1) Act of God defense: The Act of God defense constitutes a statutory affirmative defense [Texas Water Code Section §7.251] in an action brought in municipal

or State court. If a User can establish that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of the ordinance or permit.

- (2) A User who wishes to establish the Act of God affirmative defense shall demonstrate, through relevant evidence that:
 - (a) An event that would otherwise be a violation of a pretreatment ordinance or a permit issued under the ordinance occurred, and the sole cause of the event was an act of God, war, strike, riot or other catastrophe; and
 - (b) The User IU has submitted the following information to the City within 24 hours of becoming aware of the event that would otherwise be a violation of a pretreatment ordinance or permit issued under the ordinance (if information is provided orally, a written submission must be provided within five days):
 - (i) A description of the event, and the nature and cause of the event;
 - (ii) The time period of the event, including exact dates and times or, if still continuing, the anticipated time the event is expected to continue; and
 - (iii) Steps being taken or planned to reduce, eliminate and prevent recurrence of the event.
- (3) Burden of proof: In an enforcement, the User seeking to establish the Act of God affirmative defense shall have the burden of proving by a preponderance of the evidence that an event that would otherwise be a violation of a pretreatment ordinance, or a permit issued under the ordinance, was caused solely by an act of God, war, strike, riot or other catastrophe.

(B) Bypass

- (1) For the purposes of this Section,
 - (a) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (b) 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.
- (2) 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 (3) and (4) of this Section.

(3) Bypass Notifications

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

(4) Bypass

- (a) Bypass is prohibited, and Pretreatment Coordinator may take an enforcement action against a User for a bypass, unless
 - (i) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (ii) 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
 - (iii) The User submitted notices as required under paragraph (C) of this section.
- (5) Pretreatment Coordinator may approve an anticipated bypass, after considering its adverse effects, if Pretreatment Coordinator determines that it will meet the three conditions listed in paragraph (4)(a) of this Section.

§ 53.052 **MISCELLANEOUS PROVISIONS**

(A) **Pretreatment Charges and Fees**

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

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals;
- (5) Fees to recover administrative and legal costs associated with the enforcement activity taken by the Pretreatment Coordinator to address IU noncompliance; and
- (6) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

(B) **Surcharge for High Strength Wastewater**

- (1) A User discharging wastewater to the POTW with BOD, TSS, Ammonia-Nitrogen, and Phosphorus of concentrations higher than normal domestic wastewater as defined in Section §53.040 (D)(43) shall pay a monthly surcharge in addition to the usual monthly sewer charge.
- (2) The City shall calculate the surcharge under this section using cost factors based on the capital and operating cost of wastewater facilities necessary to treat the high strength wastewater and equitable distribution of the cost of operation, maintenance, and improvement to the POTW.
- (3) Wastewater discharges to the POTW from IUs that meet the following criteria for high-strength wastewater will be assessed surcharge fees:
 - (a) 5-day Biochemical Oxygen Demand (BOD) concentrations greater than 250 mg/l

- (b) Chemical Oxygen Demand (COD) concentrations greater than 450 mg/l.
- (c) Total Suspended Solids (TSS) concentrations greater than 250 mg/l
- (d) Total Kjeldahl Nitrogen (TKN) concentrations greater than 50 mg/l
- (e) Total Phosphorus (TP) concentrations greater than 8 mg/l

- (4) The surcharge will be assessed according to the following formula each month using the most current pollutant concentration data and the current months' wastewater flow at the end of pipe:

If COD concentration greater than 450 mg/l, surcharge will be calculated:

$$S = V * 8.34 * (A*[COD-450] + C*[TSS-250] + D*[TKN-50] + E*[TP-8])$$

If COD concentration is less than 450 mg/l, surcharge will be calculated:

$$S = V * 8.34 * (B*[BOD-250] + B*[TSS-250] + C*[TKN-50] + D*[TP-8])$$

S – Total monthly surcharge fee in dollars (\$)

V – Monthly wastewater flow in million gallons (MG)

A – Unit cost of treatment per pound of COD (\$0.15/lb COD)

B – Unit cost of treatment per pound of BOD (\$0.27/lb BOD)

C – Unit cost of treatment per pound of TSS (\$0.19/lb TSS)

D – Unit cost of treatment per pound of TKN (\$0.65/lb TKN)

E – Unit cost of treatment per pound of TP (\$1.95/lb TP)

COD – Average concentration of COD in discharge (mg/l)

BOD – Average concentration of 5-day BOD in discharge (mg/l)

TSS – Average concentration of TSS in discharge (mg/l)

TKN – Average concentration of TKN in discharge (mg/l)

TP – Average concentration of TP in discharge (mg/l)

- (5) The City may periodically reevaluate the unit cost of treatment for the pollutants and adjust the surcharge rate accordingly to reflect changes in POTW operation and maintenance and other applicable costs.
- (6) Payment of any surcharge under this section does not constitute a waiver of any of the prohibited discharge standards in Section §53.041, nor does it relieve the User from the obligation to meet all pretreatment requirements in this ordinance.