

ARTICLE XVI. INDUSTRIAL WASTEWATER DISCHARGES

Section 13-355. Purpose and policy.

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

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

This article shall apply to all users of the publicly owned treatment works. The article authorizes the issuance of 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.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-356. Abbreviations.

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

TABLE INSET:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
mg/L	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
TCEQ	-	Texas Commission on Environmental Quality
TPDES	-	Texas Pollution Discharge Elimination System
TRA	-	Trinity River Authority
TSS	-	Total Suspended Solids
TTO	-	Total Toxic Organics
U.S.C.	-	United States Code

(Ord. No. 6807, § 1, 3-11-03)

Section 13-357. Definitions.

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

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

Approval authority: The regional administrator of EPA, or the director of a state agency delegated to act on EPA's behalf with an approved pretreatment program (e.g. TPDES).

Authorized representative of the user:

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

- (b) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Grand Prairie.

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

Building sewer: The extension from the building drain to the public sanitary sewer or other place of disposal (also called house lateral and house connection).

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. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

City: The City of Grand Prairie or any authorized person acting in its behalf.

COD (chemical oxygen demand): Measure of the oxygen consuming capacity of inorganic and organic matter present in the water or wastewater expressed in milligrams per liter mg/L as the amount of oxygen consumed from a chemical oxidant in a specific test.

Composite sample: A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected 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.

Control authority: Trinity River Authority of Texas as holder of the TPDES permit.

Environmental Protection Agency or EPA: The U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of said agency.

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

Garbage: 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.

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

Indirect discharge or discharge: The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

Industrial user: Any business firm or other commercial entity which discharges waste into the sanitary sewer facilities of the city.

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

Interference: A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, operations, or its sludge processes, use or disposal; and therefore, is a cause of a violation of the control authority's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); 40 CFR 503 sludge regulations; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act and 30 TAC 312; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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.

National pollutant discharge elimination system (NPDES): The permit program of the Environmental Protection Agency, and/or the permit program of the state agency delegated to act on EPA's behalf with an approved pretreatment program (e.g. TPDES).

New source: (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that are necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncontact cooling water: Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Normal wastewater: Wastewater which the average concentration of suspended solids and five-day BOD does not exceed 250 mg/L each.

Owner or occupant: The person, firm, or public or private corporation, owning or using the lot, parcel of land, building or premises.

Pass through: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the control authority's NPDES permit, including an increase in the magnitude or duration of a violation.

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

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

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

Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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

Pretreatment standards or standards: Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or prohibited discharges: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 13-273 of this article.

Publicly owned treatment works or POTW: A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the city and/or the control authority. 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.

Regulatory authority: The city manager or duly authorized representative of the city manager.

Sampling point: A point of access to a course of discharge.

Septage waste: Waste as defined in the city's liquid waste ordinance.

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

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

Shall is mandatory; *may* is permissive.

Significant industrial user:

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

Slug load or *slug:* Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or a non customary batch discharge.

Standard Industrial Classification (SIC) Code: A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

Storm water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Suspended solids: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

Total toxic organics: The sum of the masses or concentration of the toxic organic compounds listed in 40 CFR 122 Appendix D, Table II, excluding pesticides, found in industrial users' discharges at a concentration greater than 0.01 mg/L. Only those parameters reasonably suspected to be present, to be determined by the regulatory authority, if any, shall be analyzed for with non-categorical industries. With categorical industries, TTOs will be sampled for as stipulated in the particular category or those

parameters reasonably suspected to be present, to be determined by the regulatory authority, where not stipulated.

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

User or industrial user: A source of indirect discharge.

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

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

(Ord. No. 6807, § 1, 3-11-03)

Sec. 13-358. Prohibited discharge standards.

(a) *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 federal, state, or local pretreatment standards or requirements.

(b) *Specific prohibitions.* No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21. At no time, shall two (2) successive readings on any explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.

(2) Wastewater having corrosive properties capable of causing damage or injury to structures, equipment and/or personnel of the POTW, as per the specific prohibition in the applicable local limits in section 13-361 discharged unless the POTW is specifically designed to accommodate such discharges.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, blockage, or damage to the POTW.

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

- (5) Wastewater having a temperature greater than 150°F (65°C) or which will inhibit biological activity in the treatment plant resulting in interference, and in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that may cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by regulatory authority and the control authority in accordance with section 13-368 of this article;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the applicable NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, and subsurface drainage, unless specifically authorized by the regulatory authority;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the regulatory authority and/or the control authority in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin and/or the constituents of total oil and grease in concentrations greater than that specified in the applicable local limits in section 13-361.
- (18) A discharge of water, normal domestic wastewater, or industrial waste that which in quantity of flow exceeds, for a duration of longer than fifteen (15) minutes, more than

four (4) times the average twenty-four (24) hour flow during normal operations of the industry;

(19) Insecticides, fungicides, and herbicides in concentrations that are not amenable to treatment;

(20) Polychlorinated biphenyls;

(21) Garbage that is not properly shredded to such an extent that all particles will be carried freely under the flow conditions normally prevailing in wastewater mains, with no particle having greater than one-half (1/2) inch cross-sectional dimension;

(22) Wastewater or industrial waste generated or produced outside the city, unless approval in writing from the regulatory authority has been given to the person discharging the waste; or

(23) Without the approval of the regulatory authority, a substance or pollutant other than industrial waste, normal domestic wastewater, septic tank waste or chemical toilet waste that is of a toxic or hazardous nature, regardless of whether or not it is amenable to treatment, including, but not limited to bulk or packaged chemical products.

(24) Enzymes, biological agents, emulsifiers, and any other additives or products which are designed to aid in the break down of organic material, oils, greases, waxes, triglycerides, fatty acids, and other like material.

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.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-359. National categorical pretreatment standards.

The categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

(a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the regulatory authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the regulatory authority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

(c) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-360. Reserved.

Section 13-361. Local limits.

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 maximum allowable discharge limits in the following system(s):

0.2 mg/L arsenic
0.1 mg/L cadmium
2.9 mg/L chromium
2.3 mg/L copper
0.5 mg/L cyanide
0.9 mg/L lead
0.0004 mg/L mercury
0.8 mg/L molybdenum
4.6 mg/L nickel
200.0 mg/L oil and grease
0.1 mg/L selenium
0.8 mg/L silver
8.0 mg/L zinc
2.13 mg/L TTO
5.5 to 11.0 standard units of pH

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 regulatory authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

(Ord. No. 6807, § 1, 3-11-03)

Sec. 13-362. Right of revision.

The regulatory authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(Ord. No. 6807, § 1, 3-11-03)

Sec. 13-363. 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 regulatory authority 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.
(Ord. No. 6807, § 1, 3-11-03)

Section 13-364. Extra Jurisdictional Users.

(a) All users of the sanitary sewer system located outside of the corporate limits, who discharges wastewater into the POTW, shall provide the Regulatory Authority with access to all parts of the facility, access for monitoring, all reports, data and other materials necessary for the Regulatory Authority and POTW to maintain compliance with state and federal rules and regulations.

(b) Any significant industrial user or monitored user located beyond the corporate limits of the City, who discharges wastewater into the POTW, shall submit a wastewater discharge permit application as described within this Chapter and obtain a permit. The Significant Industrial Users located beyond the City limits shall submit such application to the Regulatory Authority sixty (60) days prior to any proposed discharge into the POTW.

(Ord No. 6807, § 1, 5-5-09)

Section 13-365. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 13-358 of this article within the time limitations specified by EPA, the state, the control authority, or the regulatory authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the regulatory authority for review, and shall be acceptable to the regulatory authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this article.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-366. Additional measures.

(a) Whenever deemed necessary, the regulatory authority may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and require other such conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.

(b) Any person responsible for discharges through a building sewer carrying industrial wastes shall, at such person's expense and as required by the regulatory authority:

- (1) Install an accessible and safely located manhole or sampling point;
- (2) Install and utilize meters and other appurtenances to facilitate observation, sampling and measurement of waste; and
- (3) Maintain the equipment and facilities.

(c) The regulatory authority 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. A wastewater discharge permit may be issued solely for flow equalization.

(d) Interceptors shall be provided when, in the opinion of the regulatory authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, sand, flammable wastes, and other harmful substances. All interception units shall be of type and capacity approved by the regulatory authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The use of interceptor additives is prohibited without prior approval of the regulatory authority. The user of such additives shall be responsible for any cost associated with monitoring activities performed by the regulatory authority to determine the effectiveness of such additives. Under no circumstances shall the use of additives be utilized as a substitute for normal, regular interceptor cleaning and maintenance.

(e) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter, or other control device as deemed necessary by the regulatory authority.

(f) Discharges from commercial vehicle wash operations shall be trapped and placed in the sanitary sewer in accordance with the city plumbing code, the requirements of the city's planning and development department, and this article.

(g) Discharges from aircraft washing operations shall be trapped and effluent placed in the sanitary sewer in accordance with the city plumbing code, the requirements of the city's planning and development department, and this article.

(h) Filter back wash or drainings from swimming pools and fountains shall drain to the sanitary sewer.

(i) Animal pens for kennels, animal hospitals, packing houses, poultry processing plants and dairies shall be connected to the sanitary sewer in accordance with plumbing code. (Ord. No. 6807, § 1, 3-11-03)

Section 13-367. Slug control plans.

At least once every two (2) years, the regulatory authority shall evaluate whether each permitted significant industrial user needs a slug control plan. The regulatory authority

may require any user to develop, submit for approval, and implement such a plan. A slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the regulatory authority and the control authority of any slug discharge, as required by section 13-388 of this article; and
- (d) Procedures to prevent adverse impact from any 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.
- (e) Where necessary, facilities to prevent accidental discharge of prohibited materials to the sanitary sewer or the environment shall be provided and maintained at the user's cost and expense.
(Ord. No. 6807, § 1, 3-11-03)

Section 13-368. Hauled wastewater.

- (a) Septage waste may be introduced into the POTW only at locations designated by the regulatory authority and at such times as are established by the regulatory authority. Such waste shall not violate sections 13-358 through 13-363 of this article or any other requirements established by the city. The regulatory authority may require septage waste haulers to obtain wastewater discharge permits.
- (b) Septage waste haulers must comply with the city's liquid waste hauling ordinance.
(Ord. No. 6807, § 1, 3-11-03)

Section 13-369. Wastewater analysis.

When requested by the regulatory authority, a user must submit information on the nature and characteristics of its wastewater the deadline stipulated. The regulatory authority is authorized to prepare a form for this purpose and may periodically require users to update this information.
(Ord. No. 6807, § 1, 3-11-03)

Section 13-370. Wastewater discharge permit requirement.

- (a) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the regulatory authority, except that a

significant industrial user that has filed a timely application pursuant to section 13-301 of this article may continue to discharge for the time period specified therein.

(b) The regulatory authority may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.

(c) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in sections 13-399 through 13-412 of this article. 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.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-371. Wastewater discharge permitting: existing connections.

Any unpermitted 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 forty-five (45) days after said date, apply to the regulatory authority for a wastewater discharge permit in accordance with section 13-373 of this article, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this article except in accordance with a wastewater discharge permit issued by the regulatory authority. If, in the regulatory authority's judgment, the passing of the article does not significantly affect those industrial users currently permitted, then existing permits may be modified without requiring re-application by the industrial users.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-372. 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 13-373 of this article, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-373. Wastewater discharge permit application contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The regulatory authority may require all users to submit as part of an application the following information:

(a) All information required by subsection 13-383(b) of this article;

- (b) Description of activities, facilities, and plant processes on the premises, including 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;
- (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (d) Each product produced by type, amount, process or processes, and rate of production;
- (e) Type and amount of raw materials processed (average and maximum per day);
- (f) 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;
- (g) Time and duration of discharges; and
- (h) Any other information as may be deemed necessary by the regulatory authority to evaluate the wastewater discharge permit application.

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

(Ord. No. 6807, § 1, 3-11-03)

Section 13-374. Application signatories and certification.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"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."

(Ord. No. 6807, § 1, 3-11-03)

Section 13-375. Wastewater discharge permit decisions.

The regulatory authority will evaluate the data furnished by the user and may require additional information. Upon receipt of a complete wastewater discharge permit application, the regulatory authority will determine whether or not to issue a wastewater discharge permit. The regulatory authority may deny any application for a wastewater discharge permit.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-376. 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 regulatory authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-377. Wastewater discharge permit contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the regulatory authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit duration, which in no case shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with section 13-380 of this ordinance and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements may include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law; and
- (5) 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.

(b) Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
 - (8) Other conditions as deemed appropriate by the regulatory authority to ensure compliance with this article, and state and federal laws, rules, and regulations.
- (Ord. No. 6807, § 1, 3-11-03)

Section 13-378. Reserved.

Section 13-379. Wastewater discharge permit modification.

The regulatory authority 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; or
 - (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (Ord. No. 6807, § 1, 3-11-03)

Section 13-380. Wastewater discharge permit transfer.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the regulatory authority and the regulatory authority approves the wastewater discharge permit transfer. The notice to the regulatory authority must include a written certification by the new owner or operator which:

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

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

(Ord. No. 6807, § 1, 3-11-03)

Section 13-381. Wastewater discharge permit revocation.

The regulatory authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (a) Failure to notify the regulatory authority of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the regulatory authority of changed conditions pursuant to section 13-387 of this article;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the regulatory authority timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sanitary sewer charges or monitoring fees;
- (j) Failure to meet compliance schedules;

(k) Failure to complete a wastewater survey or the wastewater discharge permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be void upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-382. Wastewater discharge permit reissuance.

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 13-373 of this article a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-383. Baseline monitoring reports.

(a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the regulatory authority a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that will become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the regulatory authority a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

(1) *Identifying information:* The name and address of the facility, including the name(s) of the operator and owner.

(2) *Environmental permits:* A list of any environmental control permits held by or for the facility.

(3) *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.

(4) *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, as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measurement of pollutants:*

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the regulatory authority, 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. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 13-392 of this article.

(iii) Sampling must be performed in accordance with procedures set out in section 13-393 of this article.

(6) *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.

(7) *Compliance schedule:* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 13-384 of this article.

(8) *Signature and certification:* All baseline monitoring reports must be signed and certified in accordance with section 13-374 of this article.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-384. Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by subsection 13-383(b)(7) of this article:

(a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months;

(c) The user shall submit a progress report to the regulatory authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the regulatory authority.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-385. Compliance reports.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the regulatory authority a report containing the information described in subsection 13-383(b)(4)--(6) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 13-374 of this article.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-386. Periodic compliance reports.

(a) All significant industrial users shall, at a frequency determined by the regulatory authority but in no case less than once every six (6) months, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. At the city's discretion, sampling and analysis may be performed by the city in lieu of industrial self-monitoring. All periodic compliance reports must be signed and certified in accordance with section 13-374 of this article.

(b) 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.

(c) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the regulatory authority, using the procedures prescribed in section 13-392 and section 13-393 of this article, the results of this monitoring shall be included in the report.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-387. Reports of changed conditions.

Each user must notify the regulatory authority of any planned 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 changes are made.

(a) The regulatory authority may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 13-373 of this article.

(b) The regulatory authority may issue a wastewater discharge permit under section 13-375 of this article or modify an existing wastewater discharge permit under section 13-379 of this article in response to changed conditions or anticipated changed conditions.

(c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20) percent or greater, and the discharge of any previously unreported pollutants that are determined to be of concern.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-388. Reports of potential problems.

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the city and the control authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(b) Within five (5) days following such discharge, the user shall, unless waived by the regulatory authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to persons or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.

(c) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in section 13-388(a). Employers shall ensure that all employees who may cause such a discharge to occur, are advised of the emergency notification procedure.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-389. Reports from unpermitted users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the regulatory authority as the regulatory authority may require.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-390. Notice of violation/repeat sampling and reporting.

If sampling performed by a user indicates a violation, the user must notify the regulatory authority within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the regulatory authority within thirty (30) days after becoming aware of the violation. The user may not be required to resample if the regulatory authority monitors at the user's facility at least once a month, or if the regulatory authority samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-391. Notification of the discharge of hazardous waste.

(a) Any user who commences the discharge of hazardous waste shall notify the regulatory authority, the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 13-387 of this article. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 13-383, 13-385, and 13-386 of this article.

(b) Dischargers are exempt from the requirements of paragraph (a) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the regulatory authority, the POTW, the EPA regional waste management waste division director, and state hazardous waste authorities

of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable federal or state law.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-392. 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, 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, sampling and analyses must be performed in accordance with procedures approved by the EPA.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-393. Sample collection.

(a) Except as indicated in section (b), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the regulatory authority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-394. Timing.

Written reports will be deemed to have been submitted on the date they are stamped received by the regulatory authority.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-395. Record keeping.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such

requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the regulatory authority.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-396. Right of entry: inspection and sampling.

The regulatory authority, control authority, TCEQ, or EPA, or their designated representative shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow inspecting or sampling personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the city, TCEQ, or EPA will be permitted to enter without delay for the purposes of performing specific responsibilities.

(b) The regulatory authority 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. All sampling and analysis performed by the regulatory authority to monitor compliance shall be at the expense of the industrial user.

(c) The regulatory authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated, at a minimum, annually to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the regulatory authority and shall not be replaced. The costs of clearing such access shall be born by the user.

(e) Unreasonable delays in allowing the inspecting or sampling personnel access to the user's premises shall be a violation of this article.

(f) The regulatory authority 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 purpose 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.

(g) In accordance with 40 CFR 403, the city shall inspect and monitor each permitted industrial user a minimum of once per year. If the city elects to perform monitoring for the industry, then the city will monitor the industry semi-annually.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-397. Search warrants.

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

(Ord. No. 6807, § 1, 3-11-03)

Section 13-398. 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 city, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable federal or state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-399. Publication of users in significant noncompliance.

The regulatory authority shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the

previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(b) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other discharge violation that the regulatory authority believes 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 pollutants that have caused imminent endangerment to the public or to the environment or have resulted in the regulatory authority's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s) which the regulatory authority determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-400. Notification of violation.

When the regulatory authority finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the regulatory authority may serve upon that user a written notice of violation. Within the timeframe specified in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, including specific required actions, shall be submitted by the user to the

regulatory authority. 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. The failure to submit this written response within the specified time shall be considered a separate violation. Nothing in this section shall limit the authority of the regulatory authority to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-401. Reserved.

Section 13-402. Show cause hearing.

The regulatory authority may order a user which has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the regulatory authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) 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.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-403. Compliance orders.

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

(Ord. No. 6807, § 1, 3-11-03)

Section 13-404. Cease and desist orders.

When the regulatory authority finds that a user has violated or continues to violate any provision of this article, 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 regulatory authority 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.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-405. Reserved.

Section 13-406. Emergency suspensions.

The regulatory authority may immediately suspend a user's discharge or water service 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 safety of persons. The regulatory authority 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.

(a) 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, the regulatory authority may take such steps as deemed necessary, including immediate severance of the sewer connection or discontinuance of water service, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The regulatory authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the regulatory authority that the period of endangerment has passed, unless the termination proceedings in section 13-407 of this article are initiated against the user.

(b) 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 the regulatory authority prior to the date of any show cause or termination hearing under sections 13-402 or 13-407 of this article.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. Exercise of this option by the regulatory authority shall not be a bar to or a prerequisite for, taking any other action against the user.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-407. Termination of discharge.

In addition to the provisions in section 13-381 of this article, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater discharge permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in sections 13-358 through 13-363 of this article.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 13-398 of this article why the proposed action should not be taken. Exercise of this option by the regulatory authority shall not be a bar to or a prerequisite for, taking any other action against the user.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-408. Injunctive relief.

When the regulatory authority finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement, the regulatory authority may petition the appropriate district court through the city attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this article on activities of the user. The regulatory authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for, taking any other action against a user.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-409. Civil penalties.

(a) A user who has violated or continues to violate any provision of this article, a wastewater discharge permit, order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a civil penalty of not more than the maximum allowable under state law 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.

(b) The regulatory authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(c) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(d) Filing a suit for civil penalties shall not be a bar against or a prerequisite for, taking any other action against a user.
(Ord. No. 6807, § 1, 3-11-03)

Sec. 13-410. Criminal prosecution.

(a) Any person, firm, or corporation who violates any provision of this article is guilty of a misdemeanor and upon conviction is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the City of Grand Prairie, or any amendment thereto or renumbering thereof, for violations of public health for each act of violation and for each day of violation.

(b) A user who 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 the same penalties described in subsection 13-410(a) of this article. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A user who 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 article, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be subject to the same penalties described in subsection 13-410(a) of this article.

(d) Criminal responsibility. A culpable mental state is not required to prove an offense under this article. A person is criminally responsible for a violation of this article if:

(1) The person commits or assists in the commission of a violation or causes or permits another person to commit a violation; or

(2) The person owns or manages the property or facilities determined to be the cause of the illegal discharge under sections 13-358, 13-359, 13-361, 13-368, or 13-370.

(e) The city may pursue all civil and criminal remedies to which it is entitled under authority of statutes and ordinances against a person negligently, willfully or maliciously causing loss by tampering with or destroying sanitary sewers or treatment facilities.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-411. Reserved.

Section 13-412. Remedies nonexclusive.

The remedies provided for in this article are not exclusive. The regulatory authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the regulatory authority may take other action against any user when the circumstances warrant. Further, the regulatory authority is empowered to take more than one enforcement action against any noncompliant user.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-413. Applicability of more stringent regulations.

(a) If national pretreatment standards, categorical or otherwise, more stringent than the discharge limits prescribed in this article 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 article.

(b) An industrial user within the city who discharges industrial waste ultimately received and treated by another governmental entity pursuant to a wholesale wastewater contract or a reciprocal agreement with the city is subject to the following additional rules:

(1) If the governmental entity has more stringent discharge limits than those prescribed by this article or by a discharge permit issued hereunder, because the EPA requires the more stringent discharge limits as part of the governmental entity's wastewater pretreatment program, the more stringent discharge limits shall prevail.

(2) The regulatory authority is authorized to issue a discharge permit to an industrial user affected by subsection (1), to insure notice of and compliance with the more stringent discharge limits. If the industrial user already has a discharge permit, the regulatory authority may amend the permit to apply and enforce the more stringent discharge limits. An industrial user shall submit to the regulatory authority an expected compliance date and an installation schedule if the more stringent discharge limits necessitate technological or mechanical adjustments to discharge facilities or plant processes.

(3) If the regulatory authority chooses not to issue or amend a permit under subsection (2), the regulatory authority shall notify the affected industrial user in writing of the more stringent discharge limits and their effective date. Regardless of whether or not a permit is issued or amended, an industrial user shall be given a reasonable opportunity to comply with the more stringent discharge limits.

(4) The more stringent discharge limits cease to apply upon termination of the city's wholesale wastewater contract or reciprocal agreement with the governmental entity or upon modification or elimination of the limits by the government entity or the EPA. The

regulatory authority shall take the appropriate action to notify the affected industrial user of an occurrence under this subsection (4).

(c) Variances in compliance dates. The regulatory authority may grant a variance in compliance dates to an industry when, in the regulatory authority's opinion, such action is necessary to achieve pretreatment or corrective measures. In no case shall the regulatory authority grant a variance in compliance dates to an industry affected by national categorical pretreatment standards beyond the compliance dates established by the EPA.

(d) Authority to regulate. The regulatory authority may establish regulations, not in conflict with this article 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 EPA. The regulations established shall, where applicable, be made part of any discharge permit issued to an industrial user by the regulatory authority.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-414. Upset provision.

(a) *In an action brought in federal court only:*

(1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.

(3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the user can identify the cause(s) of the upset;

(ii) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(iii) The user has submitted the following information to the regulatory authority within twenty-four (24) hours of becoming aware of the upset, if this information is provided orally, a written submission must be provided within five (5) days:

(A) A description of the indirect discharge and cause of noncompliance;

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) *Act of God provision.* In an action brought in municipal or state court only:

(1) An event that would otherwise be a violation that is caused solely by an act of God, war, strike, riot, or other catastrophe is not a violation.

(2) In any enforcement proceeding, the user seeking to establish the occurrence of an act of God, war, strike, riot, or other catastrophe shall have the burden of proof.

(3) In the event of a. and b. above has been demonstrated the user shall control production of all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-415. Bypass.

(a) For the purposes of this section:

(1) "*Bypass*" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "*Severe property damage*" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

(c) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the regulatory authority, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the regulatory authority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The regulatory authority may waive the written

report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) (1) Bypass is prohibited and the regulatory authority 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.

(2) The regulatory authority may approve an anticipated bypass, after considering its adverse effects, if the regulatory authority determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

(Ord. No. 6807, § 1, 3-11-03)

Section 13-416. 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:

(a) Yearly administrative fees for inspecting and permitting shall be three hundred dollars (\$300.00) for significant industrial users.

(b) Monitoring fees for sampling and analysis shall cover the cost to the city and shall include, but not be limited to the cost of labor, equipment, supplies, laboratory charges, and federal reporting requirements.

(c) Fees for filing appeals.

(d) Fees incurred from an upset, bypass, or unauthorized discharge.

(e) Fees for treating abnormal strength wastes.

(f) Other fees as the city deems 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.

(Ord. No. 6807, § 1, 3-11-03)

Sections 13-417--13-435. Reserved.