Ordinance 2016.10
Village of Salado
County of Bell
July 7, 2016

ORDINANCE NO. 2016.10

INDUSTRIAL & HAZARDOUS WASTE

AN ORDINANCE OF THE VILLAGE OF SALADO ("CITY"), TEXAS, IMPLEMENTING INDUSTRIAL WASTE PROVISIONS ON DISCHARGERS IN THE CITY LIMITS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; PROVISIONS, INCLUDING: DEFINITIONS; PURPOSE; SCOPE; PROHIBITIONS; CHEMICAL DISCHARGES; HAZARDOUS METALS; MAXIMUM PARTICLE SIZE; STORMWATER AND UNPOLLUTED DRAINAGE; TEMPERATURE; RADIOACTIVE WASTE; IMPAIRMENT OF FACILITIES; COMPLIANCE; CITY REQUIREMENTS; REVIEW AND APPROVAL; TRAPS; BUILDING SEWERS; SAMPLING; USER SURCHARGE; POWER TO ENTER; DISCONNECT; NOTICE; CONTINUED PROHIBITED DISCHARGES; AND ENFORCEMENT, INCLUDING CRIMINAL FINES NOT TO EXCEED $2,000.00 AND CIVIL PENALTIES NOT TO EXCEED $2,000.00 PER VIOLATION; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING

WHEREAS, the Board of Aldermen of the Village of Salado ("BOA") seeks to regulate industrial and hazardous waste discharged in the city limits; and

WHEREAS, the BOA finds that improper discharge of industrial and hazardous waste poses a threat to public health and safety; and

WHEREAS, pursuant to Texas Local Government Code Chapter 217, the BOA finds that improper discharges of industrial and hazardous wastes pose a real and imminent danger to lives and property, and thus constitutes a public nuisance requiring regulatory action; and

WHEREAS, pursuant to Texas Local Government Code Chapter 552, the Village has the authority to regulate a sewer utility system located inside or outside the municipal boundaries in a manner that protects the interests of the municipality; and

WHEREAS, pursuant to Texas Water Code Chapter 26, the City has authority to implement a water pollution control and abatement program to regulate and monitor disposal of wastes and wastewater to the City's system; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the BOA finds that regulations on industrial and hazardous waste discharges in the City Limits is reasonable, necessary, and proper for the good government of the Village of Salado.

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Village of Salado, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

2. ENACTMENT

The Village of Salado ("City or Village") hereby enacts this Ordinance in order to implement regulations on industrial and hazardous waste discharges in the City Limits as specified herein.

3. PROVISIONS

A. Definitions

For the purposes of this Ordinance, the following terms, words, and the derivations thereof shall have the meanings given herein. All terms not defined herein shall be defined as in the City's Code of Ordinances, or if not in the Code, as defined by ordinary and common usage.

1. *Abnormal industrial wastewater.* Any wastewater discharged into public sewers and in which the average concentration of total suspended solids (TSS) is greater than 180 mg/l and/or the biochemical oxygen demand (B.O.D.) is greater than 180 mg/l.

2. *Administrator.* The City Administrator of the Village of Salado or his/her duly authorized representative.

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

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

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

6. *Composite Wastewater Sample.* A combination of individual samples of water or wastewater taken at selected intervals, generally hourly for some specified period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at time of sampling.

7. *Control manhole.* A manhole giving access to a building sewer at some point before the building sewer discharge mixes with other discharges in the public sewer.

8. *Control point.* A point of access to a course of discharge before the discharge mixes with other discharges in the public sewer.

9. *Daily Maximum Limit.* The maximum concentration (or loading) of a pollutant allowed to be discharged during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitation expressed in units of mass, it is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, it is calculated as the average measurement of the pollutant over the day. All unit measurements must be consistent with the units for pollutants in the City's regulatory discharge permit.

10. *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.

11. *Grab Sample.* An individual sample that is collected from a waste stream on a one-time basis in less than 15 minutes.

12. *Hazardous Wastes.* Any solid waste or substance listed as hazardous or possesses one or more hazardous characteristics as defined in federal waste regulations, including but not limited to Title 40 Code of Federal Regulations (CFR) Part 261 and 40 CFR Table 302.4, as amended.

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

14. *Industrial user.* A Person that discharges Industrial Waste to the City's public sewer.

15. *Industrial waste operator.* The wastewater operator of the City or his/her duly authorized deputy, agent or representative.

16. *Interference.* A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the treatment facility, its treatment processes or operations or its sludge processes, use or disposal.

17. *Milligrams per liter (mg/l).* The same as parts per million and is a weight-to-volume ratio; the milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

18. *Natural outlet.* Any outlet, not man-made, into a watercourse, ditch, lake, or other body of surface water or groundwater.

19. *Normal domestic wastewater.* Wastewater excluding industrial wastewater discharged by a person into public sewers and in which the average concentration of total suspended solids is not more than 180 mg/l and B.O.D. is not more than 180 mg/l.

20. *pH.* The reciprocal of the logarithm (base 10) of the hydrogen ion concentration expressed in grams per liter.

21. *Person.* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity; or their legal representatives, agents, or assigns.

22. *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 discharged equipment, rock, sand, dirt, municipal agricultural and industrial waste, certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, and odor), and certain wastewater that exceeds pretreatment conditions of this Ordinance.

23. *Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties prior to (or in lieu of) introducing such pollutants to the Public Sewer. This reduction or alteration may be obtained by physical, chemical, or biological processes; by process changes; or by other means except dilution, so long as the pretreatment process does not harm public health and safety or cause damage to the Public Sewer.

24. *Public Sewer.* A system of pipes or conduits, subject to control by the City, that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, ground water, and other unpolluted wastes are not intentionally passed. *Septic Tank Waste.* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

25. *Slug.* Any discharge of water, wastewater, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15

minutes more than five times the average 24-hour concentration or flows during normal operation.

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

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

28. *Storm water.* Rainfall or any other forms of precipitation.

29. *Surcharge.* The additional sewerage service charge, for sampling, testing, transporting and treating abnormal industrial waste, levied against any person for discharging abnormal industrial waste into a public sewer. This charge shall be in addition to the usual monthly charge for public sewer service.

30. *Total Suspended Solids (TSS).* Solids measured in mg/l that either float on the surface of, or are in suspension in, water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

31. *To discharge.* To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

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

33. *Unpolluted wastewater.* Water containing:

a) No free or emulsified grease or oil;
b) No acids or alkalis;
c) No phenols or other substances producing taste or odor in receiving water;
d) No toxic or poisonous substances in suspension, colloidal state, or solution;
e) No noxious or otherwise obnoxious or odorous gases;
f) Not more than ten mg/l each of suspended solids and B.O.S.; and
g) Color not exceeding 50 units as measured by the platinum-cobalt method of determination as specified in standard methods.

34. *Waste.* Rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic, agricultural, or industrial activities.

35. *Waste Hauler.* Any person who transports industrial waste or wastewater, chemically treated human waste, septic tank waste and/or trap waste.

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

37. *Wastewater facilities.* All facilities, including any Wastewater Treatment Plant, used for collection, pumping, treating, and disposing of wastewater and industrial wastes.

38. *Wastewater service charge.* The charge on all users of the public sewer whose wastes do not exceed in strength the concentration values established as representatives of normal wastewater.

39. *Wastewater treatment plant.* Any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial wastes, and sludges from the public sewers.

40. *Watercourse.* A natural or man-made channel in which a flow of water occurs, either continuously or intermittently.

41. *Waters in the State.* Groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the State of Texas or inside the jurisdiction of the State of Texas.

B. Purpose

This Ordinance is being enacted to: 1) protect humans and animals from industrial and hazardous discharges; 2) prevent damage and/or extensive maintenance to the City's wastewater treatment facilities; and 3) implement City rules that prohibit certain wastes and require pre-treatment of certain wastes.

C. Scope

This Ordinance applies to all discharges to the City's public sewer and wastewater facilities inside and outside of the municipal boundaries, unless the facility discharging into the public sewers is permitted under the laws of the State of Texas and by the Texas Commission on Environmental Quality.

D. Administration

Except as otherwise provided herein, the City Administrator shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Administrator may be delegated by the Administrator to other City personnel.

E. Pretreatment Standards

1. Federal Categorical Pretreatment Standards:

The National categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N,

Parts 401-471, as amended, are hereby incorporated by reference as if fully set out herein. In the event any conflicts are identified between this Ordinance and the Federal Categorical Pretreatment Standards, the most stringent requirements shall control.

2. **State Pretreatment Standards**
   State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal Categorical Pretreatment Standards or those requirements and limitations in this Ordinance.

F. General Prohibitions

No person may discharge to the public sewer any pollutant or waste which may cause pass through or interference with the City's wastewater facilities. This prohibition applies to all users of the public sewer whether or not they are subject to categorical pretreatment standards or any other local, state, or federal pretreatment standards. Specifically, no person may discharge to the public sewer any pollutant or waste, including, but not limited to bacteria, enzymes, or chemical emulsifiers, which by itself or by interaction with other wastes may:

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

G. Specific Prohibitions

1. No discharge to public sewers may contain:
   a) Cyanide greater than one mg/l;
   b) Fluoride other than that contained in the public water supply;
   c) Chlorides in concentrations greater than 250 mg/l;
   d) Gasoline, benzene, naphtha, fuel, oil, or other flammable or explosive liquid, solid or gas; or
   e) Substances causing a chemical oxygen demand (C.O.D.) more than 250 mg/l, or TSS more than 180 mg/l.

2. No waste or wastewater discharged to public sewers may contain:
   a) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
   b) Fats, grease, oils (FOG), or wax whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit (0 and 65;deg;centigrade);
   c) Objectionable or toxic substances, exerting an excessive chlorine requirement, to such degree that any such material receiving in the composite wastewater at the wastewater treatment plant exceeds the limits established by the City for such materials;
   d) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate any state or federal limits or that are, either singly or by interaction with other wastes, sufficient to create a public nuisance or a hazard to life, or to prevent entry into sewers for maintenance or repair;

e) Any pollutant which may create a fire or explosive hazard in the public sewer or the City's wastewater facilities;
f) Any pollutant, including oxygen demanding pollutants (BOD, etc.) or any significant organic pollutants released in a discharge to the public sewer at a flow rate and/or pollutant concentration which will cause Interference with the public sewer or the City's wastewater facilities;
g) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the public sewer resulting in Interference
h) Any pollutant or quantity of pollutants that by deposit of the pollutant into the public sewer will cause the City to exceed its permitted wastewater discharge permit limits or state or federal law; or
i) Detergents, surface-active agents, or other substances which may cause excessive foaming in the public sewer or wastewater facilities.

3. No waste, wastewater, or other substances may be discharged into public sewers which has a pH lower than six or higher than nine, or any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel at the wastewater facilities.

4. All waste, wastewater, or other substances containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the City. After treatment of the composite wastewater, concentration limits may not exceed the requirements established by state, federal, or other agencies with jurisdiction over discharges to receiving waters.

H. Hazardous Metals and Toxic Materials

1. No discharges may contain concentrations of hazardous metals other than amounts specified in the chart below. The maximum allowable concentrations of hazardous metals, in terms of milligrams per liter (mg/l), for discharge to public sewers and waters of the state, and determined on the basis of individual sampling in accordance with "standard methods" are:

Metal	Daily Maximum Concentration Limit for any Single Composite Sample (mg/l)
Arsenic	0.05
Barium	4.0
Beryllium	1.00
Cadmium	0.2
Chromium	5.0
Copper	2.0
Lead	0.1
Manganese	1.0
Mercury	0.005
Nickel	1.0
Selenium	0.2
Silver	0.2
Zinc	5.0

If necessary to protect the public sewer, the City may issue a permit, order, or rule that assigns the local limits or the total toxic organics limit as:

a) instantaneous maximum allowable limits;
b) daily average limits;
c) daily maximum limits;
d) monthly average limits; or
e) limits of other sampling duration or averaging period.

2. No other hazardous metals or toxic materials may be discharged into public sewers without a permit from the City specifying conditions of pretreatment, concentrations, volumes, and other applicable provisions.

3. Prohibited hazardous materials include, but are not limited to:

a) Antimony
b) Bismuth
c) Cobalt
d) Molybdenum
e) Uranium ion
f) Rhenium
g) Strontium
h) Tellurium
i) Herbicides
j) Fungicides
k) Pesticides
l) Chemical Emulsifiers
m) Petroleum-based oil, non-biodegradable cutting oil, and products of mineral oil origin

I. Maximum Particle Size

1. No person may discharge garbage, waste, or other solids into public sewers unless it is shredded to a degree that all particles can be carried freely under the flow conditions prevailing in public sewers. Particles greater than one-quarter inch in any dimension are prohibited.

2. The City is entitled to review and approve the installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric or greater) installed for the purpose of meeting the particle size requirement. A notice of intent to install a garbage grinder must be submitted to the Administrator by the property owner at least 30 days prior to installation and include the manufacturers specifications.

J. Stormwater and other Unpolluted Drainage

Pursuant to Texas Water Code § 26.177, the City may designate storm sewers and other watercourses into which unpolluted drainage may be discharged. No new connections shall be made from inflow sources to public sewers nor discharge to public sewers for any of the following:

1. Unpolluted storm water, surface water, groundwater, roof runoff or subsurface drainage.
2. Unpolluted cooling water.
3. Unpolluted industrial process waters.
4. Other unpolluted drainage.

K. Temperature

No person may discharge liquid or vapor having a temperature higher than 120 degrees Fahrenheit (49 degrees centigrade), or any substance which causes the temperature of the total wastewater treatment plant influent to increase at a rate of ten degrees Fahrenheit or more per hour, or a combined total increase of plant influent temperature to 104 degrees Fahrenheit.

L. Radioactive Wastes

1. No person may discharge radioactive wastes or isotopes into public sewers without the permission of the City and the State of Texas.
2. The City may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers.

M. Impairment of Facilities

1. No person may discharge into public sewers any substance capable of causing:
   a) Obstruction to the flow in sewers;
   b) Interference with the operation of treatment processes of facilities; or
   c) Excessive loading of treatment facilities.

2. Discharges prohibited under this section include, but are not limited to materials which exert or cause concentrations of:
   a) Inert suspended solids greater than 180 mg/l including but not limited to:
      i. Fuller's earth;
      ii. Lime slurries; and
      iii. Lime residues.
   b) Dissolved solids greater than 975 mg/l including but not limited to:
      i. Sodium chloride; and
      ii. Sodium sulfate.
   c) Excessive discoloration including but not limited to:
      i. Dye wastes; and
      ii. Vegetable tanning solutions.
   d) B.O.D., C.O.D., suspended solids, or chlorine demand in excess of the City's wastewater treatment plant capacity.

3. No person may discharge any substance into public sewers which:
   a) Is not amenable to treatment or reduction by the processes and facilities employed; or
   b) Is amenable to treatment only to such a degree that the treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

4. The City shall regulate the flow and concentration of slugs discharged to the public sewer when they may:
    a) Impair the treatment process;
    b) Cause damage to wastewater facilities;
    c) Incur treatment costs exceeding those for normal wastewater; or
    d) Render the waste unfit for stream disposal or industrial use.

5. The Administrator may require any user discharging slugs to the public sewer to develop, submit for approval, and implement an accidental discharge or slug control plan.

6. The Administrator may require any person discharging into the public sewer 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 equalization of flow.

7. No person may discharge into public sewers solid or viscous substances which may impair the public sewer or wastewater treatment facilities if present in sufficient quantity or size including but not limited to:
    a) Ashes
    b) Cinders
    c) Sand
    d) Mud
    e) Straw
    f) Shavings
    g) Metal
    h) Glass
    i) Rags
    j) Feathers
    k) Tar
    l) Plastics
    m) Wood
    n) Unground garbage
    o) Whole blood
    p) Paunch manure
    q) Hair
    r) Hoof
    s) Hide
    t) Fleshings
    u) Bone
    v) Entrails
    w) Sludge, screenings, or other residues
    x) Paper products, either whole or ground by garbage grinders
    y) Slops
    z) Chemical residues
    aa) Paint residues

bb) Bulk solids
cc) Diluted pollutants or hazardous wastes
dd) Industrial waste condensate
ee) Swimming pool drainage and debris
ff) Roof runoff
gg) Noncontact cooling water

N. Compliance with Existing Authority

1. Unless exception is granted by the City, the public sewer shall be used by all persons discharging:
   a) Wastewater;
   b) Industrial waste; and
   c) Polluted liquids.

2. Unless authorized by the Texas Commission on Environmental Quality, no person may deposit or discharge any waste included in this section on public or private property in or adjacent to any:
   a) Natural outlet;
   b) Watercourse;
   c) Waters of the State
   d) Storm sewer;
   e) Other area within the jurisdiction of the City.

3. The City shall verify prior to discharge that wastes authorized to be discharged by existing authority will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

O. City Requirements

1. If discharges or proposed discharges to public sewers may: 1) deleteriously affect wastewater facilities, processes, equipment, or receiving waters; 2) create a hazard to life or health; or 3) create a public nuisance, the City shall require:
   a) Pretreatment to an acceptable condition in compliance with this Ordinance for discharge to the public sewers;
   b) Control over quantities and rates of discharge; and
   c) Payment to cover the cost of handling and treating the wastes.

2. The City is entitled to determine whether a discharge is included under this section.

3. The City shall reject wastes when:
   a) It determines that a discharge or proposed discharge is potentially harmful.
   b) The discharger does not meet the requirements of this Section.

P. City Review and Approval

1. If pretreatment or control is required, the City shall review for approval design plans, installation of equipment, and operation procedures prior to the user discharging wastewater to the public sewer. The City shall conduct this review within forty-five (45) days of the receipt of the required pretreatment demonstrations.

2. The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances, other laws, and commonly accepted methods.

3. Any person responsible for discharges requiring pretreatment, flow-equalizing facilities, traps, accessible control manholes, or other facilities shall provide and maintain the facilities in effective operating condition at the owner's expense.

Q. Discharges Requiring Traps

1. Discharges requiring a trap include:
   a) Grease discharges above 100 mg/l;
   b) Grit and inorganic or other solids and semi-solids;
   c) Oil (petroleum based and mineral oil prohibited);
   d) Sand;
   e) Flammable wastes;
   f) Fleshings and bone; and
   g) Other harmful ingredients, as determined by the City to harm the City's wastewater facilities or pose a threat to public health and safety.

2. A person required to pretreat waste or wastewater with a trap/filter must:
   a) Submit complete sealed plans and specifications for the pretreatment system to the Administrator. A plan developed under this Section shall describe the proposed pretreatment method, process, or technology, including products, agents or devices used for pretreatment. The Administrator may waive the requirement for plans to be sealed if the trap/filter is of standard industry design.
   b) The Administrator will engage the City Engineer or outside technical specialist to review the plans. All actual costs of technical fees for review and inspection of the plans will be assessed on the person seeking pretreatment approval. If review fees are anticipated to exceed $1,000.00, the Administrator will notify the Person in advance. A person required to use a trap under this Section must obtain the City's approval prior to discharging wastewater; or constructing, using or modifying a pretreatment facility, method, process or technology. After approval and construction, the City reserves the right to inspect the traps for compliance with this Ordinance and the approval.
   c) Upon review of the plans, pollutants discharged, and volume of discharge the Administrator may determine that additional controls are necessary for pretreatment such as catch basins, interceptors, Hold-Haul tanks, or other controls identified by the Administrator.

3. Any person responsible for discharges requiring a trap/filtration shall at his/her own expense and as required by the City:
   a) Provide equipment and facilities of a type and capacity which is reviewed and approved by the City and is in compliance with the International Building Code.
   b) Clean the traps as often as necessary to ensure that sediment in the discharge does not accumulate to impair the efficiency of the trap; to ensure the discharge is in compliance with local, state and federal discharge limits; and to ensure no visible sediment is observed in discharge. Traps subject to these standards shall be completely evacuated a minimum of every ninety (90) days, or more frequently when:
      i. twenty-five percent (25%) or more of the wetted height of the trap, as measured from the bottom of the device to the invert of the outlet pipe, contains floating materials, sediment, oils, grit or greases; or
      ii. the discharge exceeds BOD, COD, TSS, pH, or other pollutant levels established by the City; or
      iii. if there is a history of non-compliance.
   c) A person cleaning the trap shall dispose of the waste removed in accordance with federal, state, and local regulations.
   d) Locate the trap in a manner that provides ready and easy accessibility for cleaning and inspection.

R. Requirements for Building Sewers

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

1. Install an accessible control manhole.

2. Install meters and other appurtenances to facilitate observation, sampling and measurement of the waste by the City or designated authority.

3. Install safety equipment and facilities (ventilation, steps, etc.).

4. Maintain and clean the equipment and facilities, including control manholes.

S. Wastewater Discharge Permits

1. <u>Wastewater Survey</u>

   When requested by the Administrator, a person discharging or proposing to discharge wastewater to the City's public sewer must submit information on the nature and characteristics of its wastewater by completing a wastewater survey within the time specified by the Administrator. The Administrator is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the user in accordance with State law and shall be considered a violation of this Ordinance.

2. Wastewater Discharge Permit Required
   a) All industrial users or waste haulers shall obtain a wastewater discharge permit from the Administrator before discharging wastewater into the public sewer.
   b) The Administrator may require other persons discharging or proposing to discharge wastewater to the City's public sewer to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
   c) Any violation of the terms and conditions of a wastewater discharge permit shall be considered a violation of this Ordinance and shall be reasonable grounds for terminating service to the user in accordance with State law and for pursuing enforcement and penalties against the user as set forth in this Ordinance.

3. Existing Connections
   Any user required to obtain a wastewater discharge permit who was discharging wastewater to the public sewer prior to the effective date of this Ordinance without a permit and who wishes to continue such discharges, shall apply for a permit within one hundred twenty (120) days after the effective date of this Ordinance on forms supplied by the City and approved by the Administrator. No discharges will be permitted from existing connections to the public sewer after one hundred eighty (180) days after the effective date of this Ordinance except in accordance with a permit issued by the Administrator.

4. New Connections
   Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the public sewer must obtain such permit prior to beginning or recommencing such discharge. An application for the wastewater discharge permit on the form provided by the City, must be filed ninety (90) days prior to the date upon which any discharge is planned to begin or recommence.

5. Application Contents
   All users required to obtain a wastewater discharge permit must file a permit application. For this purpose, the Administrator is authorized to prepare a form consistent with this Ordinance. The Administrator may require the following information, including, but not limited to:
   a) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals stored at the facility which are, or could be, accidentally or intentionally discharged to the public sewer;
   b) Number and type of employees, hours of operation, and proposed or actual hours of operation;
   c) Each product produced by type, amount, process or processes, and production rate;
   d) Type and amount of raw materials processed (average and maximum per day);
   e) 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;
   f) Time and duration of discharge; and,
   g) Any other information as may be deemed necessary by the Administrator to evaluate the permit application.

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

6. Granting the Permit

The city may grant a permit to discharge to users meeting all requirements in this Ordinance. In addition users must also:

a) Secure approval by the City of plans and specifications for the facilities when required; and
b) Comply with all requirements for agreements or arrangements, including but not limited to, provisions for:
    i. Payment of charges;
    ii. Installation and operation of the facilities and of pretreatment facilities, if required;
    iii. Sampling and analysis to determine quantity and strength when directed by the city; and
    iv. Provides a sampling point, when requested by the city, subject to the provisions of this article and approval of the approving authority.

The wastewater discharge permit will include such conditions as are deemed reasonably necessary by the Administrator 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 public sewer.

7. Appeal of Permit Decision

The Administrator must provide notice to the user of issuance, modification or denial of a wastewater discharge permit. The user may petition the Board of Aldermen to reconsider the terms of an issuance, modification or denial within thirty (30) days of notice of the Administrator's initial action. Failure to timely submit the petition for reconsideration will be deemed to be a waiver of the appeal. The petition must include the reason for the objection and the alternative condition, if any, it seeks to include in a permit. The effectiveness of the issuance, modification or denial will not be stayed during the appeals process. At the first regularly scheduled public meeting of the Board of Aldermen within thirty (30) days of receipt of the petition, the Board of Aldermen will consider such factors as preventing pass through or interference, protecting the quality of the water body receiving the treatment plant's effluent, protecting worker health and safety, facilitating sludge management and disposal, and protecting against damage to the public sewer when reviewing the appeal. The Board of Aldermen will respond to the petitioner with an affirmation of the Administrator's decision or a modification of the terms of the permit.

8. Permit Modification

The Administrator may modify the wastewater discharge permit with ten (10) days' notice, except in the event of an emergency notice is not required, for good cause including, but not limited to, the following:

a) To incorporate any new or revised federal, state or local pretreatment standards;
b) To address significant alterations or additions to the user's operation, processes, wastewater volume or character since the time of wastewater discharge permit issuance;
c) A change in the public sewers that requires either a temporary or permanent reduction or elimination of the authorized discharge;
d) Information indicating that the permit discharge poses a threat to the City's public sewer, city personnel, or receiving water;
e) Violation of any terms or conditions of the wastewater discharge permit;
f) Misrepresentation 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; or
h) Administrative items such as changing facility ownership or correcting scrivener's errors.

T. Reporting

1. Each user must notify the Administrator of any planned significant changes to the user's operation or system which might alter the nature, decrease the quality, or increase the volume/flow by at least 25% or greater, or the discharge of new pollutants to its wastewater at least ninety (90) days before the change. The Administrator may require this submission to be completed on forms supplied by the City and approved by the Administrator. The Administrator may require a wastewater discharge permit to be issued or amended for the modification.

2. In the case of any accidental discharge or upset, the user shall immediately telephone the Administrator and report the problem. Within five (5) days, the user must submit to the Administrator a written report detailing the corrective measures taken or to be taken to correct the release.

U. Hauled Waste and Wastewater

1. No waste hauler may discharge any trucked or hauled pollutants, including, but not limited to, industrial waste or wastewater, septic tank waste, chemically-treated human waste, and/or any trap waste into the public sewer without first obtaining a wastewater discharge permit from the Administrator. The Administrator may prohibit the discharge of any such hauled industrial waste. The Administrator also may issue wastewater discharge permits to any generators of hauled industrial waste discharged. The discharge of hauled waste is subject to all other requirements of this Ordinance.

2. Waste haulers may discharge loads only at locations designated by the Administrator. No load may be discharged without prior consent of the Administrator. The Administrator may collect samples of each hauled load to

ensure compliance with applicable standards. The Administrator may require the waste hauler to provide a waste analysis of any load prior to discharge.

3. Industrial waste haulers who discharge any industrial waste or wastewater into the public sewer must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are hazardous wastes as defined by Resource Conservation and Recovery Act, 40 CFR Part 261, as amended. The Administrator may require such waste-tracking forms to be provided by haulers of non-industrial trap waste, septic tank waste, or chemically-treated human waste that is discharged into the public sewer.

V. Sampling and Testing

1. Sampling shall be conducted according to Environmental Protection Agency-approved methods, reflecting the effect of constituents upon the sewage works and determining the existence of hazards to health, life, limb, and property. The particular analysis involved will determine whether a 24-hour composite sample from all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls. Where applicable, 16-hour, 8-hour or some other period may be required. Periodic grab samples are used to determine pH and oil and grease.

2. Examination and analyses of the characteristics of samples shall be:

a) Conducted in accordance with the latest edition of standard methods; and
b) Determined from suitable samples taken at the control manhole provided or other control point authorized by the City.

3. BOD and TSS shall be determined from composite sampling, except to detect unauthorized discharges.

4. The City shall determine which users or classes of users may contribute wastewater which is of greater strength than normal domestic wastewater. All users or classes of users so identified shall be sampled for flow, BOD, TSS and pH, at least annually, at the user's expense. Sampling fees will be the actual cost to the City and shall be consistent with customary and reasonable sampling fees. Sampling may be required of both permitted users (users holding a wastewater discharge permit provided by this Ordinance) and non-permitted users.

5. The City may select an independent firm or laboratory to collect and determine flow, BOD, and suspended solids, if necessary. Flow may alternately be determined by water meter measurements, if no other flow device is available and no other source of raw water is used.

W. User Surcharge

Wastewater containing COD, BOD, or TSS that meets the limits of abnormal industrial wastewater, provided below, may be discharged into the public sewer provided:

1. The waste will not cause damage to the City's public sewer or wastewater facilities;

2. The waste will not impair the City's wastewater treatment process;

3. Sewer connection procedures and requirements shall be in accordance with the International Building Codes;

4. In addition to regular monthly wastewater charges for service, the person discharging such wastewater pays a monthly surcharge to the City utilities division in addition to the usual monthly sewer service charges when the discharge concentration is within the ranges specified below. Discharges exceeding the concentration range are not permitted and the user may be subject to fines and penalties for excess concentrations. Such surcharges shall be based on the following:

Contaminant and Surcharge	Concentration Range (mg/l)
B.O.D.	180 – 200
Surcharge ($/lb)	0.49
C.O.D.	250 - 275
Surcharge ($/lb)	0.23
TSS	180 – 200
Surcharge ($/lb)	0.17

5. Each user will be notified, at least annually, in conjunction with a regular sewer bill, of the rate and that portion of user charges which are attributable to the operation and maintenance of the wastewater treatment facilities.

X. Power to Enter Property: Inspection and Sampling

1. The Industrial waste operator and any duly authorized employees of the City bearing proper credentials and identification are entitled to enter any public or private property at any time for the purpose of enforcing this Ordinance, including but not limited to inspection, sampling, characterizing the waste, setting up and using monitoring equipment, inspecting and copying records, and the performance of any of their duties.

2. A person discharging or proposing to discharge wastewater to the public sewer shall, at the person's sole expense, promptly remove security barriers or other obstacles to access by the Industrial waste operator or any duly authorized employees of the City.

3. Should entry be denied the Industrial waste operator or his/her designee, entry may be obtained by a search warrant issued as provided for by state law.

4. A person who fails to remove an obstruction or unreasonably delays access to the Industrial waste operator and any duly authorized employees of the City to premises discharging to the public sewers commits a violation of this Ordinance.

Y. Authority to Disconnect Service

1. The City may terminate water service, upon agreement with the water utility, and wastewater disposal service and disconnect a customer or user from the wastewater facilities when:
   a) Acids, chemicals, or suspended solids which may damage the sewer lines or treatment process are released to the sewer, potentially causing accelerated deterioration of these structures or interfering with proper conveyance and treatment of wastewater.
   b) A governmental agency informs the City that effluent from the wastewater treatment plant is no longer of a quality permitted for discharge to watercourse or waters of the state; and it is found that the customer or user is delivering wastewater to the City's public sewer that cannot be sufficiently treated, or requires treatment that is not provided by the City as normal domestic treatment.
   c) The customer or user:
      i. Misrepresents or fails to fully disclose all relevant facts in the wastewater discharge permit application.
      ii. Accidentally or Intentionally falsifies self-reporting reports;
      iii. Discharges waste or wastewater that is in violation of the permit issued by the City.
      iv. Tampers with monitoring equipment.
      v. Refuses to allow the City timely access to the facility premises in accordance with this Ordinance.
      vi. Failure to complete a wastewater survey.
      vii. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment facilities.
      viii. Fails to pay monthly public sewer services when due.
      ix. Violation of any pretreatment standard or requirement.
      x. Failure to notify the Administrator of any accidental discharges in accordance with this Ordinance.
      xi. Repeats a discharge of prohibited wastes to public sewers in violation of this Ordinance.

2. If service is discontinued pursuant to this section, the City shall:
   a) Disconnect the customer or user;
   b) Supply the customer or user with the governmental agency's report and provide the customer or user with all pertinent information; and
   c) Continue disconnection until such time as the customer or user provides pretreatment, additional pretreatment or other facilities designed to remove the objectionable characteristics from his wastes.

Z. Fees

The City may adopt fees for the reimbursement of costs of setting up and operating the wastewater discharge permit and pretreatment program, which may include:

a) Fees for wastewater discharge permit applications;
b) Fees for monitoring, inspection, and surveillance procedures, including the cost of collecting and analyzing user's discharge and reviewing monitoring reports;
c) Fees for reviewing and responding to accidental discharge procedures and construction; and
d) Other fees as the City may deem necessary to carry out the requirements in this Ordinance.

AA. Notice

The City shall serve persons discharging in violation of this Ordinance, unless determined an emergency discharge by the Industrial waste operator, with written notice stating the nature of the violation and providing a period of 10 days for satisfactory compliance.

BB. Continued Prohibited Discharges

No person may continue discharging in violation of this article beyond the time limit provided in the notice.

CC. Enforcement

1. Civil & Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

2. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars ($2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this section is a misdemeanor.

3. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law and/or equity including abatement of nuisances.

4. Penalty for Criminal Mischief

The City may pursue all criminal and civil remedies, to which it is entitled under authority for statutes and ordinances, against a person negligently, willfully or maliciously causing loss by tampering with or destroying public sewers or treatment facilities.

4. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

5. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED & APPROVED on the first reading, the 7th day of July, 2016, by a vote of

5 (*ayes*) to 0 (*nays*) to 0 (*abstentions*)

of the Board of Aldermen of the Village of Salado, Texas.

VILLAGE OF SALADO:

Skip Blancett, Mayor

ATTEST:

Mary Ann Ray, Village Secretary