

ORDINANCE NO. 511

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, ESTABLISHING AN INDUSTRIAL COST RECOVERY SYSTEM; DEFINING INDUSTRIAL USERS; APPORTIONING CHARGES TO INDUSTRIAL USERS; PROVIDING FOR PAYMENT OF TESTING AND MEASUREMENT CHARGES; ESTABLISHING THE INDUSTRIAL COST RECOVERY PERIOD; LIMITING EXTENSION OF INDUSTRIAL COST RECOVERY CHARGES; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS:

SECTION 1. In accordance with the requirements of the Environmental Protection Agency, occasioned by the acceptance of the Trinity River Authority of a Federal Grant for a portion of the construction costs of enlarging the Trinity River Authority Central System Wastewater Treatment Plant, a system of Industrial Cost Recovery charges for certain users within Addison is hereby established. Such charges shall be collected by the City of Addison transmitted to the Trinity River Authority in the manner required by regulations of the Environmental Protection Agency and this ordinance.

In addition to the Industrial Cost Recovery charges required by the Trinity River Authority, the city may, at its option, impose such additional charges as may be required for the administration of this ordinance. Such additional charges, if imposed, shall be retained by the City of Addison as a proper operating and maintenance expense.

SECTION 2. Industrial User Defined. An industrial user is any non-governmental user of the City of Addison's waste treatment system, as required by regulations of the Environmental Protection Agency to pay Industrial Cost Recovery charges and who also discharges more than 25,000 gallons of normal strength wastewater per day. Normal strength wastewater is defined as being wastewater having a Biochemical Oxygen Demand (BOD) concentration not greater than 250 milligrams per liter or a Suspended Solids concentration not greater than 250 milligrams per liter. For the purpose of defining an industrial user, wastewater flows having BOD concentration greater than 250 milligrams per liter or Suspended Solids concentrations greater than 250 milligrams per liter shall be converted to equivalent flows of 25,000 gallons per day having a BOD concentration of 250 milligrams per liter and a Suspended Solids concentration of 250 milligrams per liter. In addition, any industrial user may be excluded if it is determined that it will introduce primarily segregated domestic wastes or wastes from sanitary conveniences.

SECTION 3. Apportioning Charges to Industrial Users. It is recognized by the City of Addison and all regulatory agencies that said city has no control over the quality or quantity of all industrial wastes discharged into the Trinity River Authority System. Industrial Cost Recovery charges shall be imposed upon industrial users in Addison only after the Trinity River Authority has furnished to the City, for its review and approval, the total costs and the federal grant funds allocable to industrial users for volume of flow

into the Authority's Central Wastewater Treatment Plant, the total cost and the federal grant funds allocable to industrial users chargeable to BOD discharge for said plant, and the total cost and the federal grant funds allocable to industrial customers chargeable to suspended solids discharged to said plant. No charges shall be paid until all charges are justified by the Trinity River Authority. Failure to justify said charges shall result in the refund of all collected amounts. Such charges shall then be apportioned among the industrial users within Addison in direct proportion to the ratio which their volume, BOD and suspended solids discharge bears to the total discharges of volume, BOD and suspended solids into said wastewater treatment plant by all users subject to Industrial Cost Recovery charges. The total volume, BOD concentration and suspended solids concentration of all such users shall be revised annually. Satisfactory documentation of this revised information shall be an integral part of the justification of charges to be collected by Addison.

SECTION 4. Payment for Testing and Measurement. Industrial users may also be charged an additional amount for the recovery of costs associated with tests and measurements to determine allocation of Industrial Cost Recovery charges. Such charges shall be equitably apportioned among the various industrial users in relation to the actual costs of making such tests and measurements.

SECTION 5. Industrial Cost Recovery Period. The industrial cost recovery period is hereby established as being a period of 30 years beginning with the date of the first payment to the Trinity River Authority for lawfully imposed Industrial Cost Recovery charges. Industrial users, as of the effective date of this

ordinance, shall pay the required Industrial Cost Recovery charges throughout said 30 year period or for such lesser time as may be required by law. Industrial users required to make such payments and whose service by the Addison Sanitary Sewer System begins after the effective date of this ordinance shall pay Industrial Cost Recovery charges beginning with the date services commence and ending with the expiration of said 30 year or lesser period.

SECTION 6. Extension of Industrial Cost Recovery Charges. This ordinance is for the express purpose of establishing those Industrial Cost Recovery charges required by currently approved grants whose lawful conditions require the payment of such charges. Any further Industrial Cost Recovery charges which the Trinity River Authority may seek to collect from the City of Addison shall be payable only after the Authority has obtained approval from the City of the actions which require the collection of such charges.

SECTION 7. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

The fact that there is no ordinance providing for the collection of Industrial Cost Recovery charges within Addison, creates an urgency and an emergency and requires that this ordinance become effective upon the acceptance by the Trinity River Authority of the improvements expanding the Authority's Central Wastewater Treatment Plant to a capacity of 100,000,000 gallons per day and after the publication of the caption of this ordinance as required by law and the Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF ADDISON, TEXAS, this the 12th day of June, 1979.

Jay Kobbly
MAYOR

ATTEST:

Jacque Sharp
CITY SECRETARY